

COMPOSTING FACILITY — OAKFORD

Grievance

MR C.J. TALLENTIRE (Gosnells) [9.11 am]: My grievance is to the Minister for Environment. Before beginning I want to acknowledge the presence in the public gallery of members of the Oakford community. In Oakford, there is a problem with a site at lots 35 and 36 Abernethy Road. The problem lies with some people's impression that if they pay enough, they can dump just about anything there, resulting in this site becoming the location for all kinds of liquid-waste dumping.

Originally, the company involved, Bio-Organics Pty Ltd, applied for a composting facility; it received approval back in 2001. It then emerged that many other types of waste were being dumped at the site—namely, large amounts of liquid waste. I have some records here, including logs of the number of trucks going there as well as the volumes the trucks are carrying. Just to give members an idea, trucks are capable of carrying up to 18 000 litres. Thirty trucks each depositing that amount totals up to 540 000 litres just in one day. It is a huge amount of liquid waste. It is not entirely clear what is in that waste or where it has come from; some people say from BP; some say from CSBP; some say that it is nitrogenous waste—all sorts of things. We should bear in mind that this facility is only 250 metres away from the Jandakot Mound area and that this waste can drain into a tributary of the Serpentine River, eventually entering the Peel–Harvey estuary; it is incredibly serious stuff.

The local residents have tried to do the right thing by raising their concerns. They have used the processes available to us all—namely, by approaching the Shire of Serpentine–Jarrahdale and raising it at an ordinary council meeting. However, their thanks for that was a letter from well-known Perth defamation lawyer, Mr Martin Bennett, warning them off. It is a frightening letter daring them to say another word on the issue—all because they raised their concerns at a council meeting. The tone and intimidatory nature of the letter is anti-democratic in the extreme. It is totally wrong that people should be silenced in this fashion by a letter from a St Georges Terrace lawyer who specialises in defamation cases.

The people have raised legitimate concerns. They are suffering the consequences of extremely malodorous winds that blow across their properties, which indicates the nature of the waste. There are sewerage-type smells that are so acute that people are woken up in the middle of night once the dumping starts to take place. They are also worried about the huge number of truck movements bringing in this waste. I refer the minister to a previous consideration of the Environmental Protection Authority, in which the Department of Health advised that for this sort of facility—this was back when it was just a composting facility—there should be at least a 1 000-metre buffer. That has been well and truly breached. We have residences much closer than that distance.

The issue has been taken by the Shire of Serpentine–Jarrahdale to the courts, which is a matter of public record as well. The shire is not prepared to reissue a licence at the moment; however, the Department of Environment Regulation has issued a licence until 2016. There is a terrible inconsistency when the local shire says that a licence should not be issued, and then the minister's department comes in and issues a licence. Something is dramatically wrong in his agency. It is something the minister must investigate and resolve. The composting facility was supposed to be located on a hard stand; I understand it is not. It is just on gravel. That would be a requirement for any other composting facility around town. If we consider the volumes involved as well as the nature of the waste, I totally share the concerns raised by those people, some of whom are with us here in the public gallery. It is an issue when people have taken their concerns to their local member, the member for Darling Range, and are left wondering whose side he is on with this issue. That raises another aspect to this whole issue. The people involved have had no satisfactory response from the proponent itself. We would think that a proponent would want to liaise with the community and communicate effectively. Instead, its action was to engage Mr Martin Bennett as its defamation lawyer, frightening these people off.

Some of the concerns that have been raised with me include the prevailing winds blowing potentially dangerous dusts onto their roofs. People do not have scheme water in this area and are reliant on either the groundwater, which has been contaminated, or water catchment from their roof containing potentially toxic dust. Not having a clean reliable water supply is a frightening situation to be in when they once had one. It has been taken away from them. That seems incredibly unfair. There is an issue around the super-saturation of the site with these volumes of waste coming in. It appears that the site is not being properly regulated at all, nor has it gone through a proper approvals process. Admittedly, the composting licence was approved, but we are talking about much more than composting here. Some of the other issues concern the flow through to the Peel Inlet, as well as Department of Environment Regulation's failure to acknowledge the proximity to the Jandakot Mound and the Harvey Estuary.

It just leaves me amazed that the department has not looked into that issue at all. The questions are there for the minister to answer. One key question is, why has the Department of Environment Regulation been unable to enforce conditions on the Bio-Organics' current licence by working with the Shire of Serpentine–Jarrahdale to

avoid a potential environmental disaster on this site? It is something the minister will need to deal with, perhaps through contaminated sites legislation. However, in the first instance, the minister should make sure that his department is undertaking a thorough investigation. It should not be issuing licences when the local government authority is not prepared to.

MR A.P. JACOB (Ocean Reef — Minister for Environment) [9.18 am]: From the outset, this is a matter that the local member, the member for Darling Range, has raised with me on a number of occasions. He has made very good representations in this space and this is probably —

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah!

Mr A.P. JACOB: It is probably a good opportunity, member for Mandurah, to update the house by providing a bit of the history of it all, to state where we are at and what will be done in the coming weeks on this matter. As was said, Bio-Organics operates a composting facility at 945 Abernethy Road in Oakford. This facility is licensed by the Department of Environment Regulation as a prescribed premises under the Environmental Protection Act 1986. It is also classified under the Environmental Protection Regulations of 1987 as category 67A for compost, manufacturing and soil blending. This licence includes provisions for the acceptance of biological activators, and has been approved by DER as such. Two such activators were approved under the licence, one of those being grease trap waste and another being a sludge known as “Joe White Maltings”, which I believe is a beer-making by-product.

These activators are generally in liquid form and they are commonly delivered by waste carriers in tankers to the Bio-Organics site. Since early 2013, DER has indeed received an increasing number of odour complaints from nearby residents and businesses. Numerous complaints have also been received regarding the potential contamination of groundwater, which I will address, as well as truck movements into and out of the site and along nearby roads. This inquiry has come to me from a number of ends. DER cannot control the number of trucks that may come to a site or use the surrounding roads.

Mr C.J. Tallentire: The minister can control the volume of trucks, though.

Mr A.P. JACOB: I will get to that, member. I am talking about truck movements because that has come up in a few issues, but it is really a matter for the Department of Transport or in this case the Shire of Serpentine–Jarrahdale. It is also important to note that Bio-Organics is required to have environmental licensing as well as shire planning approval. I believe that the Shire of Serpentine–Jarrahdale has launched legal action in regard to the planning approval, but I cannot comment on that as it is a legal matter between the shire and the proponent. The Department of Environment Regulation has certainly not been sitting on its hands when it comes to complaints about this facility.

Mr C.J. Tallentire: But it has been handing out a licence.

The SPEAKER: Member for Gosnells, I am not going to allow you to shout out again!

Mr A.P. JACOB: Thank you, Mr Speaker.

In response to the odour complaints, officers from the Department of Environment Regulation and the Shire of Serpentine–Jarrahdale have conducted odour surveys in the area surrounding the Bio-Organics facility. These were done over five days between January and March this year. The survey confirmed the presence of distinct strong odours of compost and grease trap waste around the compost facility site. The odours were a particular problem during southerly and south easterly winds. The DER-controlled waste tracking system shows that there has been a large increase in the amount of liquid waste being delivered to the Bio-Organics Abernethy Road site. This increase in both controlled liquid waste and solid waste streams received at the site is considered to be the main cause of the increased odour problem at the site.

DER officers have also inspected the Bio-Organics Abernethy Road facility on numerous occasions over the past months to review composting and waste management practices and to assess the potential for groundwater contamination. It is important to note that at this stage DER has not been able to substantiate any allegations of groundwater contamination, but will continue to make inquiries about this matter. On 24 June this year, the then Department of Environment and Conservation sent Bio-Organics a letter that outlined the findings of the odour surveys. All complainants were also provided with a letter dated 26 June 2013 outlining the findings of the odour survey and the actions required by Bio-Organics, as well as information on how the department will manage odour complaints relating to these premises.

A discharge of liquid waste from a storage pond occurred at the Bio-Organics site on 2 August 2013. The Department of Environment Regulation is continuing to investigate this. On 30 August this year, DER again sent Bio-Organics a letter advising that it intended to amend its licence to remove conditions relating to the use of

biological activators at the premises. The letter also outlined how Bio-Organics could apply for a licence amendment if it wished to accept other certain waste streams at its facility. The Department of Environment Regulation then met with Bio-Organics on 5 September this year, when the company agreed to continue accepting liquid waste; however, this is only until the Department of Environment Regulation completes its review and its amendment of the licence.

I am pleased to report that the Department of Environment Regulation has given this matter its highest priority. The department is liaising with Bio-Organics on the proposed amendments and it is likely to finalise the licence review by mid-November.

Mr C.J. Tallentire: You should be shutting them down until that investigation is completed, minister!

The SPEAKER: The member for Gosnells should stop shouting out! I call you to order for the first time.

Mr A.P. JACOB: It is only two weeks until the licence review will be finalised. I expect that these amendments will ensure that appropriate controls are applied to the composting operation so that unreasonable odours do not impact on adjacent residents. Importantly, I am happy to report to the house that these amendments will include limits on the amount and type of waste accepted at the facility. The DER will advertise the licence amendments for public comment before they are approved, and advertise again after the licence is amended. Community consultation will also be a part of this process, including those community members who have lodged complaints regarding this facility. The amendments will also be subject to the standard appeals process. This will all come out in the coming weeks. The Department of Environment Regulation will continue to undertake regular audit and compliance inspections at this site to ensure that the odours are appropriately managed and that the licensee is complying with all of its conditions.

It is important to point out that licence amendments, enforcement and prosecution are more appropriately matters for the department and the director general. There are very clear lines of separation in this regard and it is not appropriate for me as minister, or for that matter any member of Parliament, to intervene or become directly involved in any licence amendment, enforcement or prosecution action by the department.

Mr C.J. Tallentire interjected.

The SPEAKER: Member for Gosnells, I call you to order for the second time.