



Hon. Tim Clifford MLC
Member for East Metropolitan Region

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Hon. Matthew Swinbourn MLC
Committee on Environment and Public Affairs
Legislative Council Committee Office
18-32 Parliament Place
West Perth WA 6005

18 April 2019

Dear Mr Swinbourn

Re: Petition No. 111 – Lots 16 and 32, Great Northern Highway, Upper Swan

I write in support of Petition No. 111, which expresses opposition to proposed Amendment No. 150 (**Amendment 150**) to the City of Swan Local Planning Scheme No 17 (**LPS17**) and seeks an enquiry into the City of Swan's processes relating to the approval of Development Application 774/15 (**DA774/15**).

The petition relates to the site at Lots 16 and 32 Great Northern Highway (**Site**), which is currently being used by bitumen processing company, Bitutek Pty Ltd, to store and transfer hot bitumen between trucks and storage tanks.

My office has been contacted by numerous Upper Swan residents living in the vicinity of the Site who are affected by the acrid odour that is emitted from the Site when hot bitumen is stored and transferred. The odour prevents residents from going outside or leaving their windows open, and some residents are concerned about the potential health impacts of the emissions. I understand that the petition was signed by 156 people, the majority of whom are local residents and are directly affected by the acrid odour.

Some of these residents live within just 50m of the Site as there is no buffer zone between the Site and residential areas. I understand that a development of approximately 1,400 residences is planned for the land west of Orange Ave (less than 1km from the Premises) and that these new residences could also be impacted by odours emanating from the Site.

1. Opposition to Proposed Amendment No. 150

The first part of the petition expresses opposition to Amendment 150, which seeks to replace the existing Additional Use No. 36 with 'D' Industry – General to allow bitumen processing on the Site. As noted above, there is no buffer zone between the Site and the surrounding residences. Residents are already suffering from being

exposed to acrid and harmful odours, which will only become more severe and more frequent if Amendment 150 is passed.

I share the concerns of the petitioners about Amendment 150, and I believe that allowing a rezoning to 'Industry – General' would permit the Site to be used in a way that is grossly incompatible with the Upper Swan residential area. The City of Swan has historically refused to permit General Industry uses on the Site for this exact reason and I cannot see any justification for why this should be changed now.

2. City of Swan approval of DA 774/15

The second part of the petition asks for an enquiry into the City of Swan's process leading up to and following the approval of DA774/15, which allowed Additions to Transport Depot (Workshop and Storage Tanks).

Since DA774/15 was approved, I understand that Bitutek has breached several of the DA conditions and has been issued with a formal Letter of Warning by the Department of Water and Environment Regulation for failing to obtain a works approval and licence before beginning operations. I also understand that Bitutek has continued to store and transfer hot bitumen on the site, despite a condition prohibiting it from heating any bitumen products.

It has been asserted by residents that, by approving DA774/15 and allowing the storage and transfer of hot bitumen on the Site, the City has facilitated the creation of circumstances in which Bitutek has been conducting activities beyond the scope of the current permitted land use, and that the City is now attempting to pass Amendment 150 in order to make those activities permissible.

In my view, there is some cause for concern over the City's approval of DA774/15. The use of 'Transport Depot' was first approved by the City in November 1997 on the grounds that there would be no adverse impact on local amenity. It appears that the City has since disregarded its own decision as it is evident that the approval of DA774/15 has indeed caused significant adverse impact to local residents. I therefore support the petitioners' request for an enquiry.

Please do not hesitate to contact my office if you require any further information.

Yours sincerely,



Hon. Tim Clifford MLC
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