



Minister for Planning; Culture & the Arts; Science & Innovation
Government of Western Australia

Our Ref: 33-17302
Your Ref: Petition 150

Hon Brian Ellis MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr Ellis

PETITION NO. 150 - KWINANA INDUSTRY AIR BUFFER ZONE (MUNSTER)

Thank you for your letter of 17 May 2012 regarding the above petition.

You have asked for comments on the terms of the petition and the submissions from the principal petitioner and tabling Member. I have considered these documents and they have been taken into account in my comments which follow.

It is acknowledged that the principal petitioner and other residents have been living in the buffer area for many years, and that they wish to have the buffer reduced and the urban-deferred zoning over their properties lifted so that they may realise the benefits associated with an urban zoning.

The Woodman Point Waste Water Treatment Plant (WPWWTP) serves a large portion of the metropolitan region, and the *Review of the Kwinana Air Quality Buffer – Position Paper 2008* (the 2008 Review) highlighted the fact that the plant is likely to increase its capacity as growth and development extends southwards.

The 2008 Review identified the potential need for a 750 metre buffer encompassing urban deferred land (private land) east of Lake Coogee, as well as the public purposes reserve north of the plant.

The urban deferred land was rezoned by Metropolitan Region Scheme Amendment 939/33A in 1997, and in determining the amendment the then Minister for Planning noted that *“the land within the urban deferred zone should not be considered as being suitable for future residential development. Rather, future use is to be compatible with the location of land within the wastewater treatment plant buffer zone or the Minister for Environment’s conditions of development.”* It follows from this that residents of the area should not have had any expectations of their land being zoned urban in the future, and statements regarding the devaluation of their properties and requests for compensation therefore need to be carefully evaluated.

Odour is acknowledged to be the key issue associated with the plant. The Water Corporation is responsible for the operation of the plant and it must operate the plant in terms of the requirements stipulated by the Department of Environment and Conservation (DEC).

The Water Corporation implements an Odour Improvement Plan in order to reduce the impacts of the plant's operations. The Stage 1 odour control upgrade works at the plant were completed in July 2009, with the objective of achieving a 50% odour reduction.

The Water Corporation prepared a report *Results of the Odour Monitoring and Modelling Program (2010)*, which was released for comment. The Water Corporation has now finalised its report in order to assess the success of the Stage 1 odour control upgrade works, and this was issued to the DEC to close out the works approval for the upgrade.

In a letter from the Water Corporation dated 15 March 2012, the Western Australian Planning Commission (WAPC) was advised that the Water Corporation had finalised its odour monitoring and modelling report, and that it recommends the retention of the existing 750 metre odour buffer.

The Water Corporation has noted that its Odour Improvement Plan has resulted in a reduction of odour. However, despite this reduction, it cannot guarantee that there will not be odours from the plant. The report indicates that there will still be an odour impact extending to roughly the eastern edge of the urban deferred land and accordingly the current buffer should be retained.

Now that the report has been finalised, it will be necessary for officers of the Department of Planning to submit a recommendation on the extent of the buffer to the WAPC, after consideration by the Western Trade Coast Industries Committee. In addition, the Water Corporation's advice, together with the advice of the DEC, Department of Health, and the City of Cockburn will be taken into account when the WAPC considers a request submitted by the principal petitioner to lift the urban deferred zone over the subject land.

The tabling Member has asserted that an application to change the zoning of the area from urban-deferred to urban was rejected on the basis of the proposed buffer. My department is not aware of this application. The application made by the principal petitioner, Ms Robyn O'Brien, dated 5 December 2011 was considered and referred back to her on 12 December 2011 for additional information. Two subsequent reminders dated 24 February and 16 May 2012 were also sent; however, the requested information has still not been provided.

I am aware that concern has been expressed by a number of stakeholders and members of the public at the length of time taken to finalise the buffer in this area. However, it should be emphasised that the determination of the need for, and extent of, the buffer could only be completed once the odour monitoring and modelling report was finalised. Until this is done, a precautionary approach will be followed in regard to any land use planning in the area.

I trust that this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Day". The signature is fluid and cursive, with a prominent initial "J".

**JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS;
SCIENCE AND INNOVATION**

21 JUN 2012

PUBLIC