



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

Our Ref: 33-16346
Your Ref: Petition 136

Hon Brian Ellis MLC
Chair, Standing Committee on Environment and Public Affairs
Legislative Council of Western Australia
Parliament House
PERTH WA 6000

Dear Mr Ellis

**PETITION NO. 136 - KWINANA AIR QUALITY BUFFER ZONE EXTENSION
(MANDOGALUP)**

Thank you for your letter of 13 March 2012 regarding the above matter.

I note you have requested comment on matters of both a general and specific nature.

Firstly, you have asked for comment on the issues raised by a number of documents enclosed with your letter. Your letter does not specify what issues you require comment on, but given the extent of the documentation and the range of issues identified and discussed, the content of these documents is noted. Notwithstanding, the four specific questions you have asked appear to cover the issues under consideration. My response to these is as follows:

1. Delay in conveying WAPC decision The review of the buffer to the north, north-east and east of Alcoa's Mandogalup Residue Disposal Area (RDA) was finalised by the Western Australian Planning Commission (WAPC) in September 2010. This occurred after the WAPC considered technical advice from the Department of Health (DoH) and Department of Environment and Conservation (DEC), which in turn had considered a dust monitoring and modelling report commissioned by Alcoa based on standards and advice provided by DEC, and other matters it considered relevant and important. Landowners were advised of the extension of the buffer by the WAPC Chairman on 4 October 2011.

There were several reasons for the delay in conveying the WAPC's decision. Following the decision, consultation was commenced with the State Solicitor's Office and Alcoa to determine whether the WAPC could release Alcoa's information to stakeholders. Further, consideration was given to a timeframe for a review of the buffer area and a review of the information relating to the original decision. Those matters were then reported to the WAPC in May 2011. Following this, preparation commenced on an information letter with a 'Frequently Asked Questions' attachment in consultation with DoH, DEC and relevant Local Governments, resulting in the letter being released on 4 October 2011.

PUBLIC

2. Land uses within the RDA buffer Following the extension of the buffer, it was intended that a list of land uses, appropriate for inclusion in the Alcoa RDA buffer, would be defined. This would be done in consultation with the affected Local Governments, as well as DoH and DEC. The list of land uses is not yet available, largely due to the implications of the State Administrative Tribunal (SAT) decision delivered on 10 October 2011.

The SAT decision followed a WAPC decision to refuse an application to subdivide urban zoned land for residential purposes north-east of the edge of Alcoa's land within the expanded RDA buffer. On review, SAT did not support the residential subdivision, citing the need to undertake further adequate air quality monitoring and assessment over at least a 12 month period. This would determine the extent and nature of the health and amenity impacts of dust, in order to conclude whether the one kilometre RDA buffer and 0.5 kilometre non-residential transition zone should be confirmed or varied. This assessment will be undertaken by the developer, Qube Property Group Pty Ltd. Although the Department of Planning (DoP), along with other stakeholders, is continuing its work on identifying appropriate land uses, including the alignment of provisions in each of the affected Local Governments' town planning schemes, this work can only be concluded following consideration of the outcomes of the monitoring program.

3. Air quality monitoring and assessment of the RDA buffer In terms of the SAT decision, air quality monitoring and assessment is required. This work will be undertaken by the developer in accordance with requirements stipulated by DoH and DEC. At this stage, it is therefore not considered necessary for the Government to allocate resources for this work.

The developer has liaised with DoH and DEC in order to agree on a process to monitor air quality and obtained the support of DoH and DEC to the scope and content of the required monitoring program and subsequent reporting of the results. The DoP notes this approval and expects that the monitoring will be undertaken in strict accordance with the requirements of DoH and DEC. The developer has also been encouraged to work closely with DEC and DoH and, as per DEC advice, to consider providing monthly reporting of the monitoring results to both agencies, so that any deficiencies can be identified and rectified at an early stage. While it is not known whether the developer has agreed to provide monthly reporting, it has been encouraged to do so. At the completion of the minimum 12 month monitoring period, the developer will provide to the DoH, DEC, and DoP a consolidated report detailing the results and recommendations of the monitoring program. Following receipt of the advice of the DoH and DEC in respect of the monitoring program, the DoP will provide its advice to the WAPC to assist future strategic and statutory decision making for the land and locality.

4. Zoning and structure planning amendments
 - a. There are no statutory structure plans relating to rural land within the RDA buffer, and therefore no structure planning amendments required to protect rural land. Existing zoning and planning policy provisions are considered adequate to protect rural land within the buffer.

PUBLIC

- b. The WAPC's actions in this matter do not trigger compensation under planning legislation.
- c. The WAPC's actions in this matter do not trigger provision of assistance to landowners if they wish to relocate.

I trust this information addresses your inquiries on this matter.

Yours sincerely



JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS;
SCIENCE AND INNOVATION
20 APR 2012

PUBLIC