



Shire of
Serpentine
Jarrahdale

Sustainable. Connected. Thriving!

Our ref: SJ1525-02

Electronic ref: OC14/19892

Your ref: Petition No 59

05 December 2014

Hon. Simon O'Brien MLC
Chairman, Standing Committee on
Environmental & Public Affairs,
Parliament House
Western Australia

Dear Hon. Simon O'Brien MLC

Petition No 59 – Bio-Organics

Thank you for the opportunity to consider Petition 59 – Bio-Organics listed above. In response to your request for comments on the terms of the petition and the submissions from the principal petitioner I offer the following general information.

There is a long history of the site and associated land uses. The original development application and approval for a Green Waste Composting facility for what was ATA Construction was around the period 1999 to 2001. Ultimately the development approval was issued under Appeal following a protracted review process. The appeal considered development approval conditions and issued approval with a 10 year time limited approval. A key Planning condition was for 'green waste only' that excluded animal and other noxious wastes because of the proximity of residents and a drinking water aquifer.

More recently, the Shire received a development application from what is now Bio-Organics Pty Ltd which proposed to include poultry manures and liquid wastes including grease trap waste and other 'Controlled Wastes'. This proposal prompted a vigorous response from the community with a large number of complaints received by both the Shire and the Department of Environment Licensing Branch (DER) over a number of months raising concerns primarily about odour, surface and ground water pollution. Further to the environmental and amenity impacts, it was found that the time limited development approval had expired which caused the activity to be unauthorised under the Shires Town Planning Scheme No 2 (TPS 2) and provisions of the Planning and Development Act 2005.

In response to the complaints, the Shire's Environmental Health Officers undertook a comprehensive field odour study over several months which included odour diaries from a number of residents and appointed a hydrologist to undertake preliminary ground and surface water monitoring. The results from the study and the monitoring provided evidence

of significant odour impacts and ground and surface water pollution on lots adjacent to Bio-Organics composting site.

The Shire also wrote to the DER Licensing Branch and Controlled Waste Section providing details and requested licensing information relating to environmental monitoring and the volumes and types of waste the operation was licensed to receive. However even after repeated follow-up requests the Shire has never received a reply and the lack of information has inhibited the Shire's assessment of the environmental risks to adjacent food producers, local residents ground water supply (no scheme water) and the impacts on amenity.

Because of the significance of the issues associated with the unauthorized land use, the level of community concern and the lack of detail or assurance from the licensing authority or branch regulating the controlled waste, the Shire has adopted a precautionary approach and did not approve the development application due primarily to a lack of assurance that the potential environmental, health and amenity issues have or could be adequately managed. The Shire applied the provisions of the Planning and Development Act 2005 and has commenced a planning prosecution for an authorised land use under TPS 2 which is expected to be heard in the Magistrates Court in early 2015. The applicant has requested a review of the Shire's assessment of the development application by the State Administrative Tribunal and the hearing is set for three days in the first week in December 2014.

In the first paragraph of the "*Extract for Submission to Parliamentary Committee on WA State environmental regulation of licensed waste management premise Bio-Organics*" (the Petition), presents questions regarding the ineffectual regulation of trials of controlled waste by the DER. In Bio-Organics case, the Shire has raised this concern with the DER in the past questioning the cumulative impacts and more recently the lack of effect of the long list license amendment conditions.

Within the first paragraphs on pages two and three of the Petition there are references to the level of influence from operators over license conditions and the emphasis from the DER on economic factors over environmental protection. In this case the Shire relates its experience with requesting pivotal development assessment and land use information relating to the volumes and types of controlled waste Bio-Organics was receiving. After written and repeated verbal requests to the DER, the only response has been a verbal reference to confidentiality of commercial activities. The position taken by the DER has significantly hampered the Shires planning development assessment process and constrained the investigation of environmental, health and amenity issues.

By way of conclusion, I refer to the DER's actions to register the site and adjoining lots on the Contaminated Sites register, to withdraw the license to operate as a liquid waste facility, and the issuing of a Closure Notice as evidence of the significance of the issues relating to the Petition and the Bio-Organics operation and I take the opportunity to offer further detail



and/or submission from the Shire and officers closely involved in the assessment of activities to further assist the Standing Committee.

Yours faithfully

Richard Gorbunow
Chief Executive Officer