



# Alliance for a Clean Environment

Promoting Community Right to Know and Environmental Health and Justice in WA

## **Submission to the City of Swan – re Development Application 200402 6493 DA Report, Cleanaway Materials recovery Facility, Hynes road, South Guildford.**

As a resident of Bassendean (a fire impacted community) and on behalf of the Alliance for a Clean Environment I make the following submission.

### **1.2.1 Previous Approvals**

#### **Inadequate assessment.**

This facility has not been assessed adequately as a *prescribed premises*, that stockpiles large volumes of flammable material (ie plastic and paper/cardboard). The delegated officers risk assessment of potential fire impacts in the original works approval was insufficient and excluded any conditions relating to fire and their impacts.

#### **Emission Description**

*Emission: Wastes stored at the Premises provide a source of flammable material. In the event of a fire at the Premises smoke may be emitted.*

*Impact: Smoke may cause amenity and public health impacts for workers in nearby industrial properties, and the inhalation of particulate matter can cause respiratory distress. Due to the proximity of the Premises to Perth Airport and flight paths, smoke emissions may also cause disruption to flights, which is considered to be an amenity impact.*

*Controls: The applicant has implemented security measures at the premises (fencing and vehicle recognition) to prevent unauthorised access. The Premises contains fire hydrants, hose reels and extinguishers at multiple points within the building, and fire extinguishers are carried on mobile equipment. All waste acceptance and handling occurs with large enclosed warehouses.*

#### **Risk Assessment**

*Consequence: Minor*

*Likelihood: Rare*

*Risk Rating: Low*

#### **Regulatory Controls**

*Conditions relating to fire and resulting smoke emissions will not be included in the licence as the risk rating is 'Low' and the Delegated Officer has determined that the provisions of Section 49 of the Environmental Protection Act 1986 are sufficient to regulate smoke emissions during operation of the MRF.*

#### **Residual Risk**

*Consequence: Minor*

*Likelihood: Rare*  
*Risk Rating: Low*

The officers classification that the likelihood of a fire at the facility was “rare” may have been correct at the time but to suggest that the consequence of such a fire would be “minor” is incorrect and has been spectacularly demonstrated by this HAZMAT event in November 2019 and should have been given a higher priority given the existing regulatory, parliamentary and independent scientific material available to these officers related to the known impact of waste fires in WA and Australia.

Further the delegated officer states that as a result of this risk rating, no licence conditions will be applied because the provisions under Section 49 of the EP Act will be sufficient to regulate smoke emissions during the operation of the MRF, in effect ignoring the risk described entirely. It is not the operations of the MRF that is the risk being referred to here, but the potential and obvious impacts resulting from a fire at the premises that has the capacity to involve up to 1 million tonnes of flammable waste and would likely involve the uncontrolled combustion of oil based, petrochemical plastic waste materials. The uncontrolled combustion of such material is well documented and well known to involve the generation of highly toxic pollution including persistent organic pollutants, which pose significant public health risks. In addition, relying on section 49 of the EP Act as a response to this risk in the development of an industry licence is not supported as it assumes the “regulatory controls” will be applied after the event – in this case a fire - and through a prosecution. This is an absurd suggestion.

**Therefore, as this facility has not been assessed adequately by the State Government originally, the development application cannot be supported. We request that this project be immediately referred for a full Environmental Impact Assessment to the WA EPA.**

**In addition, given the original DA was approved by the EM JDAP and noting that the majority of the closest residential areas to the facility are located in Bassendean, which does not fall under the City of Swan or the State electorate boundaries of Belmont, there is insufficient recognition or representation for the most affected and relevant community. It is untenable to continue with an approvals process following a major HAZMAT event that severely impacted the Town of Bassendean and the City of Bayswater, including sections of the Swan river, within their boundaries.**

### **1.2.2 November Fire event**

#### **Lack of transparency and accountability to the public.**

The Development Application refers to an assessment - *An assessment following the fire event identified a number of key lessons which have been incorporated into the proposed redevelopment design.*

It is unclear which agency or authority has undertaken this assessment or exactly what the outcome was of this assessment and yet Cleanaway will develop their **own controls**. This is unacceptable and a highly dubious way to regulate an industry following a significant HAZMAT event. The public, especially the fire impacted community, can have no confidence in this industry self-regulation response. It is offensive to the community for an industry that has had five fires at the same premises, and numerous fires at their other premises in WA and around Australia, many of which have caused significant environmental harm, to simply be allowed to develop their own controls without any details provided by the company themselves or the local and state regulators.

While it is reassuring that the DFES, NSW and Vic agencies have provided advice to Cleanaway on how to improve the fire safety of their facility, it is impossible for the public to know whether Cleanaway will in fact follow this advice or comply with it. There appears to be no onus on Cleanaway to provide these assurances nor such information to the public and yet the City of Swan and state government appear willing to accept this and still request submissions from the public to this DA without it.

It is premature for the City of Swan and the state government to approve another development application for this company without full disclosure to the public on the cause of the fire and its full impact to the environment, public and worker health.

The absence of any agency reports available to the public is untenable and leaves the public in the dark about the impact of the fire and what the company and regulators will do to ensure it does not happen again. Asking the host community (and only a small section of the host community) to endorse a DA without access to this information is unjust and cannot be supported.

**Therefore, this DA cannot be supported until all available data and reports related to the fire are publicly available.**

### **1.2.3 Meeting with the City of Swan**

The City of Swan in a meeting with the proponent requested Cleanaway to provide community engagement and consultation. To date the only notification of the DA has been on the City of Swan website. Yet the fire impacted community included the Town of Bassendean and City of Bayswater and indeed a large section of the entire Perth region as the fire smoke plume extended right out to Rottneest. Therefore, the advertisement, community engagement and consultation must go beyond the City of Swan boundary and include those residential areas that were severely impacted such as Bassendean and Bayswater where some residents were relocated by Cleanaway for their health and safety as a result of the smoke pollution.

In addition, the Swan river was impacted by at least 200 000l of fire impacted water. The true volume of fire impacted water and the adverse impact on the Swan river remains unknown. The Swan river is a state asset and significant cultural value to the traditional owners. Therefore, the limited advertising of this DA on the City of Swan website is insufficient.

**Therefore, this DA cannot be supported until full engagement with the affected community, including the Town of Bassendean and City of Bayswater specifically, the broader perth community and the WA traditional owners have all been adequately consulted and engaged on this DA.**

### **4.3.2 SPP4.1 State Industrial Buffer Policy**

The DA refers to the State Industrial Buffer Zone policy, specifically the Environmental Protection Agency's (EPA) Guidance Statement No.3 *Separation Distances between Industrial and Sensitive Land Uses* and describes the facility as a **waste depot** as does the DWER licence.

However, the proponent openly advertises its business as a Material Recovery Facility and indeed this DA describes the project as such. Yet when it comes to the most important aspect of the licence and DA – the separation distances between the facility and residential areas, the project is referred to as a waste depot and not a resource recovery facility.

This is a fatal flaw in the DA and the licence. This facility is a Material Recovery Facility, and the largest and most advanced technology in the southern hemisphere apparently. The recommended distance for a resource recovery facility should be made on a case by case basis according to the EPA's buffer zone guide.

Affording this facility mere 200m buffer zone by classifying the project as a waste depot solely, cannot be supported.

It is clear that the location of this facility is too close to residential areas and the sensitive Swan river environment. 200m is insufficient to protect human health and the environment should a HAZMAT event occur at the facility.

Other land uses awarded a 'case by case' classification include class 5 landfills. This is to reflect the potential impacts of the facilities operations such as leaks, fires and accidents and not the daily normal operations. As such this facility requires a larger buffer zone to reflect the potential adverse impacts of a HAZMAT event.

**Therefore, this DA cannot be supported as the buffer zone referred to and used to justify the location and LGA support for the project, is incorrect. This project requires a much larger buffer <500m at least. The project should be required to relocate to a more appropriate site with adequate buffer zones.**

**Finally, the proponent's claims in this DA are not supported.**

*The proposal is consistent with the requirements of the planning framework and warrants approval for the following reasons:*

- *The proposed works are generally consistent with that previously approved, with only minor changes proposed to improve operational efficiency and fire safety arrangements.*

**These are not minor changes. They are significant changes and represent critical public health and environmental protection requirements as part of their licence. The previous incorrect classification of risk which formed the basis of the original works approval and lack of an EIA, warrants a full reconsideration given the life-threatening and irreversible impacts of the fire on the DFES, surrounding community and environment.**

- *The proposal is consistent with the relevant provisions of the MRS, LPS17, state and local planning policies.*

**The incorrect classification of the project as a waste depot and not as a resource recovery facility demonstrates that the wrong buffer zone has been applied and that the City of Swan and State Government must urgently revisit this issue and apply a buffer zone that reflects the full magnitude of any potential fire risk and its likely impacts.**

- *The proposal has incorporated additional fire mitigation measures to ensure the likelihood of potential future fire events are minimised, as well as appropriate and efficient response measures.*

**These claims remain unverified and the associated information unavailable to the public.**

- *The proposal is supported by expert reporting including a Transport Impact Statement, Fire Mitigation Strategy and Bushfire Management Plan.*

**Neither the Bushfire Management Plan nor the Fire Mitigation Strategy are available to the public either directly from Cleanaway or on the City of Swan's website advertising this development. As such the public do not have access to the necessary information to be able to adequately engage with the City of Swan or State Government in relation to this project.**

**This project cannot be supported until there is full disclosure to the public about the cause, impact and resolution of the HAZMAT event including previous fires at the site. The public has a right to know and access all state government agency emergency and regulatory reports in relation to this facility and the fires that have occurred there. It is simply offensive to seek any kind of social licence for this facility to operate without this information.**

**Therefore, this DA is entirely rejected until such information is forthcoming.**

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Australia.  
15/5/20**