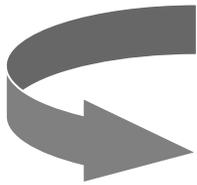


COMMUNITY ALLIANCE FOR



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State Industrial Buffer Policy
Western Australia Planning Commission
469 Wellington Street
Perth WA 6000

12th September 2009

Dear Sir/Madam

Draft State Planning Policy 4.1. State Industrial Buffer Policy

We would like to have the following comments on the Draft State Planning Policy 4.1 State Industrial Buffer Policy considered in the preparation of the final policy.

2.Introduction:

Government bodies are always at pains to highlight the importance of industry to the state economy and prosperity. The wording here strikes as if it is assumed that people encroach on industry but not the other way around (Who is impacting on whom?). This is in stark contrast to the experience of many communities in WA, which are suffering health, environmental, and other impacts by industry. Also the term 'sensitive land use' trivialises key issues such as community health and wellbeing. Community rights to a clean and productive environment should be in the foreground in policy documents such as this. This is the crux of most industry-community conflicts.

We agree that industry and essential infrastructure are important to the State, as they provide goods and services crucial to the social and economic wellbeing of the community.

However, the notion that buffers are to provide protection to existing industry from incompatible development that could restrict future operations is incorrect. If an industry is allowed to be situated in an area where expansion cannot take place, without impact on the health and amenity of its neighbouring communities, no further expansion should be allowed.

The most important consideration for the planning of any industrial facility must be the protection of the community and environment first, and business and government interests second. The residents, most of whom are employees, taxpayers and voters, are

Yarloop
Waroona
Hamel
Harvey
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Wagerup
Other Impacted Areas

the lifeblood of every State and its communities. The wellbeing of these residents must be given high priority in making decisions for the future of the State. It is their inalienable right to have a safe place to work and live.

3. Application of the Policy:

As the provisions of this policy do not apply retrospectively, existing industry should not be allowed to expand and/or increase their production if such expansion requires changes in the buffer due to increased impacts of noise, smoke, fumes, dust, odour, vibration, light or risk on the community or environment. Whether it be through increased emissions or the demands of a new buffer, the existing residents will be impacted negatively.

4. Objectives:

Overall the objectives are sound, yet they fail to mention the protection of community health and wellbeing. This should be a key objective ranking as highly as, if not higher than, the protection of industry. Otherwise the question arises as to what is the Government's key concern; people or industry?

5.1 Land use Conflict:

What assessment mechanisms are in place for a thorough investigation in case of land use conflicts and what decision-rules applied following such an investigation? How are community and industry interests brought to balance if in conflict? Does this become merely a question of GDP or employment significance or do other values enter the equation?

Where existing industries need to acquire appropriate buffer areas to mitigate off-site impacts, it should be forced to relocate to another site which can facilitate growth while not compromising the amenity of current or future land uses.

5.2 Technical analysis:

Imperfect science and knowledge gaps are acknowledged in the document. Yet nothing is stated concern in the application of the precautionary principle in the face of risk and uncertainty. What risks are deemed acceptable/manageable and by whom? The EPA or Department of Environment and Conservation? Once again detail is needed on decision-making processes as well as decision- making criteria and provisions for appeal.

5.3.1 Requirements of technical analysis:

The technical analysis should be undertaken by an independent consultant appointed by the government and paid for by the proponent. In no way should the proponent be involved in any issues in regard to the setting of any buffer, as this is open to manipulation, and should be open and transparent.

5.3.2 Applicable criteria:

The use of existing guidelines (e.g., Environmental Protection Noise Regulations) is cited. How adequate are existing guidelines in light of ongoing industry-community conflicts concerning emissions allegedly in line with current guidelines, to the satisfaction of statutory bodies. Again, the precautionary approach needed, as well as a detailed description of process.

5.3.3 Consultation:

While this is a critical component of the draft policy, it receives very little detail in this document. Of what nature is the consultation? Are community members merely informed about proposals? Are their views merely considered, or do they have decision-making power? Which guidelines are applied for stakeholder consultation? These points need to be made explicit, leaving no grey areas.

The precautionary principle should be used where there is any contention about adverse impacts. To this day, our scientific understanding of emissions and their complex chemical chain reactions in the atmosphere remains limited.

Time and time again, regulations change in light of new data emerging. In this context, policy approaches to industrial emissions and buffers should err on the side of caution, preventing potential harm to public health.

It is wiser to give local people's views and experiences of adverse impacts the benefit of the doubt and apply the precautionary principle, as well as to recognise the existing scientific proof of harm arising from air, water and/or noise pollution from industry.

There is no such thing as best practice when dealing with imperfect knowledge. Communities are the pollution radars on the ground and their lived experiences should be treated seriously and not be belittled on grounds of lacking scientific credibility. Therefore people affected by industry operations should be included in discussions and decisions which may influence their safety, quality of life and choices, by the setting of a buffer.

6.3 Statutory mechanisms:

Mandatory, appropriately designated buffer zones must be set for each type of industry, considering its potential for impact and for the protection of residents' health and the environment. The buffer should be set by government, not the industries themselves, as industry could underestimate the distance required or overestimate the costs, in order to gain concessions.

These mandatory buffer zones should be set to contain emissions of all kinds, both individually and combined, with no special exemptions, i.e. noise over the prescribed limit should not be allowed.

