

Submission by 'Coolbellup Concerned Residents'

Environment and Communications References Committee Senate Enquiry into the continuation of construction of the Perth Freight Link in the face of significant environmental breaches

Public Hearing: Thursday 23 February 2017

Introduction

Background to formation of residents' group

A group of residents has formed in order to respond as a group to common concerns that have arisen from works on the Roe 8 development site. Concerns have ranged from excessive dust; asbestos and most recently; alleged inadequate noise modeling. Residents have met formally regularly to discuss concerns and formulate appropriate responses to attempt to maintain and ensure the future health and wellbeing of community now and into the future. Actions have included formally requesting a response from relevant government agencies; providing statements of impact to agencies regarding impact of dust; and most recently, the group have sought advice from a barrister to prepare for a civil suit on the basis of concerns around the impact on resident's health and wellbeing as a result of inadequate noise modeling.

The group has a broad membership of residents across the suburbs bordering the Roe 8 construction including Bibra Lake, NorthLake, Coolbellup, St Paul's and Hamilton Hill. There are 146 members of the broad group. Four formal meetings have been held and attendance has ranged from 30 through to around 60. More than 40 households have written to relevant government agencies and contractors to advise them of their intention to sue should they contract asbestosis later in life because of Roe 8 works. A group of 27 have committed financially to secure services of a Barrister to investigate viability of legal action regarding the noise issue.

Overview of impacts of construction on residents

Since early December, residents from Coolbellup and surrounding suburbs have been constantly confronted with disruptions to our daily

life, affecting our ability to experience quiet enjoyment of our homes. Disruptions have ranged from expected consequences of construction such as machinery noise but has included:

- unacceptable dust levels;
- unabated fear of exposure to asbestos;
- exposure to light pollution from flood lights lighting machinery at night;
- constant presence of security guards who question resident's movements in public areas, residents have experienced security defecating and urinating in neighborhood before provision of toilet facilities;
- high levels of police inhibiting ability to move around suburb and frequent patrols creating a sense of fear and unease in community;
- anxiety and concern about the adequacy of the design of the road and specifically the future impact of noise on residents negatively affecting health and value of properties;

These impacts, coupled with the unexpected and quite sudden destruction of the environment that had been regularly and consistently accessed and used by residents for leisure purposes has had a negative consequence on some residents' mental health and wellbeing. I

Residents were not provided with any advance warning of construction and have not been consulted nor informed of construction works since it's inception. This lack of information and consultation has exacerbated the effects described above.

Summary of Concerns, Responses and Outcomes

In early December clearing of the Coolbellup Woodlands bordered by North Lake Road, Tait Place, Moenich Ct, Malvolio Rd, Coolbellup Ave and various roads in St Paul's Estate commenced.

Local residents, aware of the extensive fly tipping and subsequent suspected asbestos materials in that area consistently raised concerns with various government agencies. In addition, a number of formal actions were taken including two comprehensive complaints to Worksafe and the submission of a suspected contaminated site form to Department of Environment and Regulation.

A WorkSafe complaint (Enquiry Number 560190) made on 14 December as dismissed, with the WorkSafe Investigator stating that they were satisfied that the contractor was following correct procedures. Within days of receiving feedback, residents reported seeing further evidence of suspected asbestos materials within the fenced areas, near the gate of the fenced areas. Work vehicles were seen driving across materials. Materials that were identified as asbestos were covered and fenced but covering was not secure.

Following this complaint, residents observed bulldozing in the Western end of Malvolio Rd and then (after the bulldozer has cleared swathes of bush land) a section of the bush fenced off due to the identification of suspected asbestos materials.

In the words of a resident, “several witnesses noticed asbestos removalists taking away asbestos in an area that was bulldozed YESTERDAY, this means the area was not properly assessed thoroughly for risk of this despite the warning. How much asbestos was mulched yesterday and previous days? How many people have been put at risk? The answer is thousands. And this is unacceptable. Too many policies are being ignored, too much has been rushed through which has meant corners have been cut, and this is NOT ok.” (, Mother of two, 15 January 2017)

It appears that contractors are still not surveying areas appropriately despite having been provided with GPS locations of suspected asbestos material. As recently as 17 February, bulldozing occurred, with no water truck, excessive dust and after having bulldozed, suspected asbestos material was identified. The concern residents have is – how much material has been missed, pushed up with the vegetation and subsequently mulched. The ability of a bulldozer driver to see buried or covered asbestos material has to be questioned.

DATE Save Beelias Wetlands and local community members collaborated to conduct a survey of asbestos across the entire Roe 8 worksite. Over 100 individual samples were identified and were provided to Main Roads WA with GPS locations. Of these, 48 samples were tested by a NATA accredited laboratory (Envirolabs) and 42 returned positive for asbestos.

A second WorkSafe complaint was made on 11 January which called for an immediate stop to the works based on the perceived level of risk made clear by the amount of asbestos across the site. The complaint included test results, a map showing locations of found samples and summary of concerns. On 31 January, Minister Marmion responded stating that WorkSafe inspected the site on 17 January and “are satisfied that the processes outline in the construction Environment Management Plan are being undertaken.” (Letter Ref: 42-85614)

A suspected contaminated site report was initiated on 16 December and the investigation into the status of the site continued throughout the entire time the area was being cleared, while vegetation possibly contaminated with asbestos was being mulched and while dust suppression was inadequate. The final conclusion of the investigation was that following a ‘screening risk assessment ...indicated ...low density and isolated nature of substances’. It seem unacceptable, that the investigation should occur after clearing when it would be difficult to test the large quantity of mulch produced through clearing activities.

As well as numerous contacts made by phone and email by many residents, a formal email was sent to Main Roads WA, Cockburn Council, Minister for Environment and Minister for Health on behalf of Coolbellup Concerned Residents on 11 January highlighting concerns about asbestos and noted the seeming lack of accountability and cooperation across agencies.

A response from the Ministers was not received until 31 January – a full 20 days later. By then, significant clearing had occurred and dust issues had only been intermittently addressed. Residents including young children have complained and sought medical assistance for respiratory conditions during this period. Other residents report levels of anxiety and depression resulting from worry and concern relating to clearing and the lack of information. The City of Cockburn Manager for Environmental Health continuously advised that residents were not at risk from asbestos, however this information appeared to be lacking in basis (provided without evidence produced relating to air or dust monitoring) as he was unable to take action to carry out any investigations.

The overwhelming experience by residents has been negative and disturbing at the best and potentially damaging to the health of a local community at worst:

- Residents have experienced health issues because of the lack of dust control.
- Residents have experienced anxiety and concern regarding the seemingly inadequate dealing of fly tipped asbestos.
- Difficulty in finding a government agency that can practically support and respond to concerns and very little cooperation across government.
- Whereas residents have been reassured that Contractors are following correct processes, this is not being borne out by actions being witnessed on the ground.
- There has seemed to be a lack of transparency and accountability shown by government agencies. Whereas concerns were raised in early December about asbestos, residents have still not been provided with results from air monitoring supposedly carried out by contractors. This has created high levels of frustration, worry and anxiety for local residents.
- The project appears to have been managed poorly without consideration of the local community. This may be the only road in this State that cuts entirely through a suburb and is within metres of peoples' front doors. There is an expectation that a project of this scale would have adequate resources allocated to community information and consultation. There has been neither information nor consultation provided to local residents concerning impending works.
- Residents have experienced disruption and views of destruction in their neighborhood and homes, there is a high level of grief in the community and there has been no appreciation of this – on the contrary, the more common experience for a local resident is to be questioned by security or police when undertaking normal everyday activities like going for a walk.