

## General Purpose standing committee No 5

### Inquiry into the performance of the NSW environment protection authority

#### Question taken on Notice by Ross Salter

Dr MEHREEN FARUQI: A number of submissions to this inquiry have made the point that the EPA is perceived to be too close to industry. What has been your experience? How can this be changed in your view?

Response is as follows

The Comment was made, "A number of submissions to this inquiry have made the point that the EPA is perceived to be too close to industry"

I have an alternate, but not opposed, view on that matter.

A core objective of the EPA is to "reduce the risks to human health". With this being said, we would hope that a high degree of caution would be used when permitting human habitation of sites declared significantly contaminated.

However, instead of this being the case, I believe the EPA is facilitating inappropriate development, potentially by their lack of adequate intervention. I am unsure who they are 'too close' to for this to be the case. I will leave that for the committee to consider. What I can provide is examples of questionable behavior and outcomes from matters that potentially fall within the EPA's responsibilities:

- Suggested sites for investigation
  - o Property development sites
    - Electrolux Site, Off site contamination
    - Bunnings Site, Presence of contaminants
    - 39 Rhodes st, Hillsdale
    - BATA site.

In regards to the Property development sites, my main concern I bring to the inquiry is the willingness of the EPA to accept Site audit statements (SAS), Site audit reports (SAR) and Remediation Action Plans (RAP) that are paid for by land owners / potential developers of the land and those reports then allow for the approval of sites in the botany Hillsdale region for medium to high density residential use or Commercial use.

Having studied Development Applications within the Botany LGA, I have the view that Botany council generally supports the commercial and residential development of the botany Hillsdale region. The council has supported a number of rezoning's from industrial to business or residential and some of the proposals are quote out of character for the area.

Case Study 1 – Electrolux site, see attached word document for a more complete commentary. (Additional material relating to 32 page st.docx) In summary we have:

- Site location 32 page st Banksmeadow

- 2002 the land owner approaches Botany council enquiring about the potential rezoning of the land for residential purposes.
- 2003 Electrolux sell the land to a developer.
- 2003, Site auditor Ok's a RAP for the site to become residential.
- In 2004 Botany council seeks rezoning of land to residential.
- 2005 the site is declared significantly contaminated by the EPA
- 2009 the land is subject to the Three ports SEPP and is therefore unable to be developed for residential
- 2010 Ron Hoenig, Mayor of Botany LGA at the time, personally invites Tony Kelly to 'see for himself' the benefits of rezoning the land
  - o Copy of correspondence attached
    - 2010 – undated letter from Tony Kelly to Ron Hoenig
    - 2010 06 01 in response, Ron Hoenig writes to Tony Kelly.
- Despite the offsite contamination being found from the investigation works carried out, the EPA settle the matter with a commercial party who admit partial liability for the contamination. Yet the offsite contamination remains untouched.
  - See attached map of Chlorinated solvents in shallow groundwater.
- No HHERA has been provided to the neighbours beneath whose property the contamination sits
- No Testing has been publicly released relating to the scale of impact to adjoining properties.

#### Cast study 2 – the Bunnings Site

See attached documents

- o Bunnings site rebound after remediation not resolved
  - This document details the varying reports produced from on-site testing.
- o Bunnings lack of notification to the EPA.
  - This document details the land owner's failure to comply with EPA requirements of notification of contaminated lands.

#### Case Study 3 –British American Tobacco Australia site (BATA), Bunnerong Road, Eastgardens

(Lots 1 & 2 DP.1187426)

The BATA site has been rezoned through the recent LEP from industrial to 14 story residential, in response the owner has lodged a master plan for 18 story residential indicating approximately 2,733 residential units in 12 towers.

This site, without doubt will increase the number of people travelling along nearby roads that are designated dangerous goods routes within the LGA, roads that are adjacent to Major Hazard Facilities. Yet no study of the risk accompanied the Proposal to council.

The idea that people are being placed at risk in regards to their Human Health is a matter that should be reported to the EPA and dealt with accordingly.

At a meeting with the Botany council dangerous goods committee on the 30<sup>th</sup> June 2014, representatives of the Department of planning presented a series of slides. One of which

shows the individual fatality risk contours arising from the transport of dangerous goods on Denison Street. (See attached 2014 06 30 DoP map showing risk contours from TRA – transport risk assessment)

Of Note is that the residential land use limit of 1 (in a million) is clearly shown impinging on approximately 50 homes in the area of Wentworth ave and Smith Street.

I would suggest that the EPA should be notified of this report.

In Summary, I am concerned that the significant amounts of profits that can potentially be made from property development are interfering with the Objectives of the EPA.

In response, I would like to see an investigation into the various reports produced relating to contamination and human health risk at the Sites I have noted above and the full release of all reports and supporting documents to the neighbouring community.

Regards Ross Salter