

**INQUIRY INTO PERFORMANCE OF THE NSW  
ENVIRONMENT PROTECTION AUTHORITY**

**Organisation:** Nelson Parade Action Group

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PO Box 40  
Hunters Hill NSW 2110  
9.8.14

The Director,  
General Purpose Standing Committee No. 5  
Parliament House  
Macquarie St  
Sydney NSW 2000

Dear Sir,

This submission is on behalf of the Nelson Parade Action Group. This group was formed in 2008 to facilitate communication amongst residents, and with other groups in the community including government bodies.

The group's goal is that the government fulfil its commitment made to Parliament following the NSW Parliamentary Enquiry Report No. 28, September 2008, "The former uranium smelter at Hunters Hill delivered by the General Purpose Standing Committee No. 5," and remove the contamination in Nelson Parade by a safe and thorough process.

Government Property NSW (GPNSW) owns land at 7-11 Nelson Parade, Hunters Hill that was used by the former Radium Hill Company from 1911 – 1914 for processing uranium ore to produce radium bromide.

The site now contains soils that are contaminated with radioactive compounds, petroleum hydrocarbons and heavy metals.

On August 9 2007, the EPA (then part of DECCW) declared the foreshore land adjacent to 7,9 and 11 Nelson Parade to be a remediation site under the Contaminated Lands Management Act 1997.

On 30 April 2013, the EPA approved a Voluntary Management Proposal submitted by GPNSW. Under this Proposal, the contamination was to be transported to an appropriately licensed waste management facility at Kemps Creek, or to an alternative facility depending on the classification of the waste.

An Environment Assessment (EA) submission was completed by GPNSW and exhibited for public feedback by the Department of Planning from November 2012 to February 2013. The proposal confirmed that the EPA had determined the classification of the contaminated waste and that the waste could be safely and legally disposed in the Kemps Creek facility. It also clearly articulated a plan to remediate the site, which was fully supported by the EPA. Of the roughly 4,000 submissions received, almost all focused on objecting to the use of Kemps Creek for disposal, but not one of these objections was substantiated by any technical or regulatory justification.

Since February 2013, the NSW Government (as proponent) has actively suspended any further progress with the remediation plan, because of its concerns over the number of objections despite the fact that the EPA does not support any of the objections and clearly supports the remediation plan without any reservations.

The Government announced that the suspension of the project is to allow the Minister for Finance and Services to consider other disposal options. However, the EA incorporates a detailed analysis of all possible disposal options and concludes that the use of Kemps Creek is, by far, the best option. This conclusion was supported by the EPA.

There seems no government concern about the very real health, social and environmental concerns of the Hunters Hill community living within metres of the contamination, which is daily impacting on our lives.

Meanwhile, the planning approval decision-making function has been delegated by the Planning Minister to the independent members of the Planning and Assessment Commission, which is awaiting GPNSW's response to public submissions, before it can consider the application.

The Hunters Hill community are growing increasingly agitated about the failure of the government to act, and the regulatory role of the EPA in this issue.

The deadline for completion of the cleanup specified in the approved Voluntary Management Proposal was March 2014, but 5 months after that date the Proposal is still on hold.

The community have a number of questions that need to be answered.

1. What can be done to protect the community and environment from the government's failure to act? There is a clearly articulated clean-up plan, which is fully supported by the EPA, and an appropriately licensed disposal site, yet the government still does not act. The government took 6 years after the site was declared to actually submit the Voluntary Management Proposal, and it is still not complying 18 months after the Proposal was approved.
2. Does the EPA need greater regulatory powers and independence so that it can pressure a government department without political interference?

We believe the EPA is failing to exercise its duties as regulator in this case, because the Government has a vested interest in suspending the remediation plan. The EPA needs to be able to use its regulatory powers outlined under the Act, without being gagged by the Government when the Government is the proponent.

We would be interested to know whether the EPA has served a Management Order on GPNSW in this case, as it would if the proponent were a non-government entity.

3. There has been unanimous agreement amongst independent experts that the contaminated material is appropriately classified as restricted solid waste, and overwhelming agreement that disposal at the appropriately licensed SITA landfill at Kemps Creek is the most pragmatic, and cost effective solution.

Even C M Jewell who was contracted by the Penrith Council (which opposes the remediation plan), reported that "In my opinion, the SITA landfill at Kemps Creek is a well-managed facility that is capable of safely receiving and disposing of the Restricted Solid Waste from the Hunters Hill site, as it is licensed to do." (pg 33 Environmental Assessment prepared by CM Jewell & Associates Feb 2013).

All options have been carefully considered by the experts, yet political interference is preventing the implementation of the logical solution to the issue.

4. This is a community health and wellbeing issue, as well as a major environmental issue. The leaching of these contaminants into the Parramatta River continues unabated, as does the leaking of radon gas into family homes.

We need to remove politics from the powers of the EPA so that it can force governments to comply.

Mrs Philippa Clark  
Co-ordinator Nelson Parade Action Group

Please forward any correspondence by email to