

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

**Organisation:** Hillsdale and Eastgarden Residents Action Group  
**Date received:** 15/09/2014

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Parliament of New South Wales  
Parliament House, Macquarie Street Sydney NSW, 2000 Australia

Dear Chris,

Hillsdale and Eastgarden Residents Action Group, (HERAG) would like to comment on two issues relating to the NSW EPA's performance and its role in Healthy Environment, Healthy Community and Healthy Business.

**The first issue relates to No.1 part (b) (1) land contaminated issues at Botany and Hillsdale.**

We as a group do not believe that the EPA has given due consideration and diligence to the contamination issues in Botany and Hillsdale.

- The work continuing by Orica on the issues of HCB's and Ground Water contamination appears to be progressing well.
- That being said there are serious issues surrounding Mercury contamination which has been downplayed by the EPA. Here I refer to Mr Buffier's remarks in the Parliamentary Estimates Committee, where he disingenuously denied the Mercury issues in the local area were of any import.
- As a group within the environmental local framework and privy to the work by Dr Andrew Phelps, Mr Buffier's disparaging remarks about Dr Phelps's review helped no one in our local area and indeed not only confused the issues but also led to uncertainty in a number of local families.

***"Controversy flared earlier this year when concerned residents engaged their own expert, Andrew Helps, from Hg Recoveries, a company that is part of the United Nations Environment Programme's Global Mercury Partnership, to carry out some testing for potential off-site contamination around the Orica chemical company's Botany site. Mr Helps reported significant levels of a man-made organochlorine and heavy metals, including mercury, sparking a flurry of testing by the EPA on the front verges of homes on Denison Street, the back fence lines of homes that abut a Hillsdale park and into the park area that adjoins***

**Grace Campbell reserve.**

***The EPA did not release the full results and told residents they were below the residential health investigation levels. But residents obtained a copy, which was given to Mr Helps and the National Toxics Network, and their assessments disagreed with the EPA.” (Sydney Morning Herald)***

- Mr Buffier’s public remarks in a local park as part of Botany Council’s Open Day also triggered unrest and without doubt obfuscated the real issues. (ie: How much Mercury was in the area and what could it do to harm residents)
- The reports released in public forum and in private meetings with personnel of the EPA (Mark Gifford et al) on the contamination at Bunnings was again not conclusive for the local community as we were not given access to the raw data that related to the testing on the Bunnings Site (corner of Denison St and Smith St Hillsdale)
- We were promised this data on a number of occasions and yet following meetings and numerous emails it is still not forthcoming. This gives us a sense of no confidence in the EPA.
- It appears that from some of our material divulged during GIPPA searches show a toxic atmosphere at the EPA, where instructions from above determine results not research.

***“The NSW government laboratory used by the Environment Protection Authority to test the levels of toxic chemicals and metals around a Hillsdale park area, made a series of embarrassing bungles that skewed the official results.” (Sydney Morning Herald)***

***“Despite putting out a statement in May saying the results were below residential health investigation levels, the EPA has since said the testing was done on "recreational" land. Documents obtained by Fairfax Media under freedom of information laws revealed the trail of laboratory errors, as well as emails that also showed the authority suddenly switched the health investigation levels it was using to compare the soil results. The most stringent residential level was dropped in favour of the weaker recreational level after senior managers were told the toxic metals exceeding the residential levels would then mostly "disappear".(Sydney***

***Morning Herald)***

***"EPA chairman Barry Buffier was asked at an August parliamentary estimates committee by opposition environmental spokesman Luke Foley if the authority had applied a "lower standard - that is, recreational C rather than residential A - so that you could deliver the news that everything is hunky-dory?"***

***Mr Buffier said, "absolutely not".***

***Mr Foley said it "appears that Mr Buffier has misled the committee and I think he should be recalled in the light of this new evidence.".(Sydney Morning Herald)***

**The second issue relates to No.1 part (c) any other related issues.**

The related issue concerning us is that there is no facet within the EPA to control the proliferation of pollution and spiraling adverse risk contours occurring in the vicinity of the Botany/Randwick industrial area through increased traffic movements along routes that carry significant volumes of dangerous goods traffic.

The NSW Department of Planning has developed and implemented a comprehensive approach to land use safety planning based on the assessment and management of risk. This approach is applicable to transportation of hazardous materials as well as to fixed sites.

In 2001, the Department of Planning published Botany/Randwick Industrial Land Use Safety Study. The Study identified Denison St as a major Dangerous Goods Route.

Risk impacts of dangerous goods traffic around the industrial area were not included in the scope of the 2001 Study. However, the Study strongly recommended impacts of dangerous goods traffic in Denison St to be taken into account in the assessment of any development in the Botany/Randwick area.

About 3 years ago, an application was made to Botany Council for Bunnings Warehouse in Denison St.

The DPE undertook a Quantitate Risk Assessment (QRA) (2014) specifically around the proposed Bunnings DA on Smith and Denison to produce enough information to inform the Joint Regional Planning Panel in their decision making process.

This is the first time that the DPE has publically released a quantitative transport risk assessment for Denison St.

Attached is a copy of the QRA transport risk contours.

The QRA shows large residential areas in Denison St and parts of Wentworth Ave that will now be affected by planning strategies and controls contained in the 2001 Botany/Randwick Industrial Land Use Safety Study.

If a full comprehensive risk assessment was undertaken for the Botany/Randwick industrial area, including transport routes known to carry significant of dangerous goods traffic, it can be assumed that Wentworth Ave to the east of Denison St and Bunnerong Rd to the north of Wentworth Ave would also have residential zones that would be affected by planning strategies and controls contained in the 2001 Study.

Planning controls applicable to a prescribed risk zone are not being applied in known risk zones.

The EPA should have a process to ensure that land is not developed if there is inappropriate risk from transport routes carrying significant volumes of dangerous goods and normal traffic that place the lives of residents in danger from either pollution or accident.

We ask this because it is clear that current controls through State Planning, RMS, Independent Consultants and the Council is inadequate.

Yours sincerely,

Hywel Lewis-Jones  
President  
HERAG