

# *Moverly Precinct Committee*

PO Box 31, Maroubra NSW 2035

---

Ref: 03/013  
25 March 2003

The Secretary  
Parliamentary Standing Committee on Public Works  
Parliament House  
CANBERRA ACT 2600

## **SUBMISSION RE: SITE REMEDIATION AND CONSTRUCTION OF INFRASTRUCTURE FOR THE DEFENCE SITE AT RANDWICK BARRACKS, SYDNEY NSW**

Dear Ms Courto

I refer again to the Statement of Evidence and Supporting Plans for Presentation to the Parliamentary Standing Committee on Public Works for the abovementioned proposal. At its meeting of 4 March 2003 the Moverly Precinct Committee unanimously resolved to lodge a submission to the Committee. This submission follows the submission of 16 March 2003.

### **THE NEED**

There is a need for the land to be decontaminated. There is no need for that work to be conducted by Defence. The same argument applies to the construction of the infrastructure. The residents would argue that it is undesirable for that work to be done by Defence.

Australia has three levels of government, each with its own area of expertise and responsibility. The Commonwealth functions and expertise are focussed on the national and international level. The State has responsibility and expertise for planning at the state level. Local government is responsible for planning at the detailed local level.

As the Department of Finance said in its evidence to the Senate Committee on Foreign Affairs, Defence and Trade References Inquiry into the Disposal of Defence properties, Defence is neither qualified nor competent to be acting as a developer (see attachment at the end of this document). Its expertise is in the defence of the nation. It is neither appropriate nor sensible for Defence to be planning whole suburbs within existing local government areas. Even a superficial view of the planned development demonstrates this.

This development is on an operational defence facility and no public access is possible. Defence has taken the position that there is no right of access or supervision by State authorities which would normally be involved in these development processes. Similarly with the Council and the Unions. Indeed court orders were required during the court case so that Council's experts could prepare reports. Of course some access has been granted but it is subject to delay by the consultant. In general access could be described as too little too late and too infrequent.

From the residents' point of view our experience of the process over the past seven years has been completely unsatisfactory. Firstly, there is the 'paper chase'. Council has been subjected to a stream of Development Applications dealing with parts of the process of site preparation in various spots across the site. Council has no control over this. Residents who oppose an application must register their objections in writing within a statutory period. Access to the application is at the Council only within business hours. There were over a thousand objections to this development but the process has become so arduous and complex that residents are unable to cope. Residents feel that they cannot keep writing the same thing over and over.

Secondly, the execution of the work to date reveals seriously deficient methodology. Residents find that when they inquire about a particular site activity that they receive inconsistent and sometimes contradictory information as to what is happening, whether the work is being performed under the Commonwealth NOI or under a Council DA and who is supervising it. It is apparent that neither the consultant nor the Council have an accurate daily picture of what is happening and who is responsible. Inquiries of relevant Commonwealth bodies indicates that neither do they. It is apparent that there is no regular inspection regime by the Department of Health, Environment Australia etc. On the other hand, State authorities insist that the site comes under Commonwealth law and supervision. Does the Commonwealth have the staff and facilities to be supervising the environmental, health and safety aspects of huge urban developments across Australia?

## **OPTIONS**

In its Statement of Evidence, Defence poses three options for meeting the need for the work:

Option 1 – do nothing; leave the site as is

Option 2 – Dispose of the land without value adding

Option 3 – Dispose of the land after value adding

### *Option 1*

Most residents would have been more than happy with this option.

### *Option 2*

The disposal and remediation of the site without site 'enhancements' is preferable to option 3, but not favoured by residents because of the ongoing dissatisfaction with the process as described.

### *Option 3*

The disposal, remediation and site 'enhancements' is the worst option from the residents' point of view. The site 'enhancements' include construction of trunk infrastructure, roads, cycleways, drains, fencing etc. within the Environmental Protection Zone. We regard these site 'enhancements' as misconceived and anti-environmental.

## **OPTION 4**

Contrary to the Statement of Evidence there is a fourth option which has not been considered. The fourth option would allow the Commonwealth to sell the land as is, with attached local government planning and development approvals. The development approvals have a deferred commencement conditional on satisfactory remediation which could be completed by the developer under appropriate State and Local Government law and supervision. This would enable immediate realisation of revenue instead of option 3 which proposes to sell each stage to pay for the remediation and infrastructure of the next stage, taking many years and posing problems of accountability and supervision. Resident dissatisfaction will increase as the work does. More importantly there will be substantial ongoing Commonwealth expenditure.

Residents believe that developing this large tract of land in this piecemeal way will be detrimental to the final outcome. Residents are now of the impression that the reason behind splitting the site into small projects is to camouflage what will essentially be a planning disaster.

## **COMMENTS ON THE STATEMENT OF EVIDENCE BY DEFENCE**

### **Remediation**

The residents have been involved in the site since 1996. Shortly after that Defence presented a number of reports describing the site as severely contaminated. There were not only asbestos fibres and fragments but other materials and chemicals that pose serious risk to human health such as heavy metals, petroleum hydrocarbons, polycyclic hydrocarbons and metallic wastes. In excess of 30 000 cubic metres of contaminated material including asbestos fibres and fragments in the soil throughout the site was reported. The groundwater was also contaminated. (Contamination Assessment, Randwick Naval Stores Depot, April 1995).

A colour map by Egis Consulting of 16 May 2000 "Approximate Extent of Contamination" shows the contamination to be widely distributed across the site.

Even those findings were based on limited material. The author stated at page 10:

*A request was made to Corporate Services at the Navy facilities (who manage RNSD) for all relevant information on Navy's operations and use of the RNSD site (including old and recent site plans; plans of site services; old and recent site photographs; lists of wastes and waste disposal methods; discharges; details of known spills or leaks of chemicals; any other relevant information). However very little information was available.*

Residents' requests for the Naval store manifests have been similarly unsuccessful over the past seven years.

The Land and Environment Court ruled that the decontamination standard for asbestos on this site was to be zero. Talbot J concluded:

*Common sense dictates that it (the Council) should take the precaution of requiring that the soil be asbestos free. Para 86.*

The remediation task is indeed a huge one. To date, the residents have received no documentary proof of progress in this matter.

Over past seven years, residents have observed repeated instances of the following:

- . demolition of asbestos sheds without appropriate precautions for workers or residents;
- . people working around the site picking up pieces of asbestos without any personal protective equipment;
- . lawnmowers and other heavy equipment moving over areas that Defence acknowledged had not been remediated;
- . earth work generating clouds of dust in high winds billowing over nearby residences and the local preschool, continuing to this day;

The site is exposed to severe winds coming across Botany Bay from the Blue Mountains. Repeated requests have been made over several years for wind limits to be set. The residents are unconvinced that

the Department's consultants are capable of completing the task without further serious risk to both workers and residents on and around the site.

## **Environmental**

### The wetland

Defence insists on referring to the wetland as a detention basin and all its plans and activities are directed to treating it as such. The wetland on the site precedes white settlement. At the entrance to the Prince of Wales Hospital is a metal commemorative plaque of a map of 1831 from the Atlas k puteshestviuu Kapitane Bellingsgauzena...St Petersburg, showing wetlands in that area used as aboriginal campsites. Also the early explorers describe coming over the ridge from the coast to a low-lying area of swamps and sandhills. The wetlands are described and mapped in "Taken for Granted" by Drs Doug Benson & Jocelyn Howell published in association with the Royal Botanic Gardens.

The wetland is an important ecosystem which supports a broad range of fish, amphibians, reptiles, birds and plants. Its distinctive quality is that it is an ephemeral wetland. The water level rises and falls depending on a hydrological balance between the surface drainage and the groundwater. From time to time it is dry. The flora and fauna there depend on that.

Defence proposes to dredge the basin so as to make it a permanent water feature and limit its site coverage. The sediment to be removed will have an impact on seedlings which in turn will impact on all other species inhabiting the site. The work will have an impact on fauna, particularly migrating and nesting birds and frogs also.

Dr Mahoney in his Statement of Evidence to the Land and Environment Court stated:

*...that no other sites in the eastern suburbs of Sydney possess such a high ecological diversity of amphibians.*

Whilst there has been massive movement of earth around the site, no wildlife rescue plan has been revealed.

### Vegetation

The site also contains the Eastern Suburbs Banksia Scrub (ESBS) which is an endangered ecological community under both the Environment Protection and Biodiversity Conservation Act (EPBC Act) and the Threatened Species Conservation Act (TSCA Act). The Acacia Terminalis (subsp. Terminalis) is an endangered species.

Defence continues a pattern of denial of the existence and extent of endangered flora on the site. In particular, the existence of the Eastern Suburbs Banksia Scrub (ESBS) communities is denied and the existence of the Acacia Terminalis ssp terminalis is down played. Residents believe that this is part of the continuing attempt to avoid the protection provided by the legislation under which these flora are classified. At the same time, Defence is progressively stripping the site of vegetation. A map prepared by Randwick City Council in 1996 demonstrates that the whole of the eastern end of the site contained remnant bushland. Residents invite the Committee members to view the site today and compare it with the map and photographs of that time.

Currently there are huge mountains of loose soil and crushed concrete immediately adjacent to the wetland and the few remnants of ESBS. Natives are particularly sensitive to alterations in drainage and nutrients.

## **LACK OF CONSULTATION**

It has been apparent to the Precinct for a number of years that the Department has had a strict and rigid plan for the development of this site. We have found that our representations have been to no avail. Mr Fitzsimmons has been engaged in selling that plan. He has not been engaged in consultation and this committee resents the repeated public assertions that it has been a party to consultations. It misleads the community into thinking that the precinct approves the plans.

The Report of the Senate Inquiry into the Disposal and Management of Surplus Defence Land points out that the DOD must consult the community with a view to being prepared to change its position. The Senate Inquiry reported at par 6.52:

*There is enough evidence to suggest that the Council's role was influenced by local politics and that the DEO [the Department's Defence Estate Organisation] sought to gain maximum revenue from the sale of the land without sufficient consideration being given to community interests. It pursued its applications through the Court despite a thousand objections being lodged against it from the community.*

And at par. 6.54

*The Bundock project made it clear to the Committee that despite the wording of the disposal policy and the assertion of DEO that 'revenue is not more important than consultation', that the contrary was true, that revenue is more important than consultation.*

And at par. 4.22

*As there had been no community consultation since 1997, this meant that the local community did not have any further opportunity for input into the development of the plans for the site. Although DEO [the Department's Defence Estate Organisation] started the consultation process in the right way, it did not finish it. (Page 24).*

The situation is unchanged.

## **ARCHAEOLOGICAL**

The 1996 archaeological assessment conducted for the site was unable to consider the areas under the concrete slabs. It was acknowledged by the Department that those areas were the most likely to contain aboriginal archaeological sites. An undertaking was given to community representatives that archaeological assessment would be done on any areas where the concrete slabs were to be removed. The Prince of Wales Hospital site was found to be rich in very old aboriginal archaeological sites when old buildings were demolished. Residents have received no archaeological survey report since the lifting of the slabs.

Yours faithfully

Felicia Harris  
**Secretary**

## Attachment

COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

**Reference: Disposal of Defence properties**

MONDAY, 26 FEBRUARY 2001

CANBERRA

BY AUTHORITY OF THE SENATE

Monday, 26 February 2001 SENATE—*References* FAD&T 487

**BARTOS, Mr Stephen, General Manager, Budget Group, Department of Finance and Administration**

**Mr Bartos**—Our view is that Defence should not be a land developer.

**Senator LIGHTFOOT**—But it is, is it not, unquestionably?

**Mr Bartos**—At the moment it is getting into some land development activities and the problem with that is that it is not a land developer. In relation to the idea that Defence will be a better land developer when the Defence objective is the prevention or defeat of armed force against Australia, the idea that it will be a better land developer than a lame developer just seems to us to not make sense.

**CHAIR**—So do you see your role as being a land developer?

**Mr Bartos**—We do not see ourselves as being a land developer either. In terms of land development, one of the key differences between the Commonwealth department and a commercial land developer is the treatment of risks. There are big risks associated with land development that land developers adopt. There are also returns. They make returns to their shareholders and they pay dividends, or if they are a private company they make good returns to their owners. In the case of Defence, we do not see the Commonwealth as owner receiving dividend cheques from Defence. It is a very different situation. The idea that a Commonwealth department is best set up to be a land developer we think is not actually the case.

**Senator LIGHTFOOT**—It is mind blowing. Mr Bartos, at what stage should Defence get out of disposal of assets, having discharged its obligation to optimise the return to the stakeholders—that is, the Australian public—with respect to land and other assets that it is disposing of? Let us take land. Let us not complicate the issue. Should it get out at the time of zoning? Should it put in access roads? Should it put in facilities? Should it merely dispose of its land having obtained a zoning that would allow the optimum return without actually being classified as a developer?

**Mr Bartos**—Our view is that it should dispose of the land before undertaking any of those sorts of development activities that you have talked about. As you obviously know, and it is worth getting it on the record, the costs of that development are borne by the taxpayers. It seems to us that the price that Defence will get for a piece of land before development will build in the FAD&T 488 SENATE—*References* Monday, 26 February 2001 developer's expectations of what they can do with that land, and Defence does not therefore bear the risk of having to undertake that development itself. That will be capitalised into the value of the land, whatever potential future value a developer can see from it. I suppose our view is that Defence is actually likely to get a better return through disposing earlier because the potential developers will have a better idea of what potential they can generate from that land.

As I said earlier, Defence is not set up to be a developer. I know the committee knows that, but it is worth getting that view on the record.

<http://www.aph.gov.au/hansard/senate/commtee/s4611.pdf>

