

SUSTAINABILITY SPEAKING

No 5. SUMMER 2011/2012

2012 YEAR OF THE FARMER



A Local Environmental Plan (LEP) is the main legal instrument used by local governments to determine how land is used and activities conducted. Randwick City Council is currently updating their LEP and the Draft is on exhibition from 21 February to 2 April 2012. Documents are on the website at www.yoursayrandwick.com.au/LEP and at local libraries. There are also drop-in sessions including **Prince Henry Centre Wednesday 4-7pm 14th March.**

One proposal by Council is to rezone the Market Gardens in Phillip Bay from Residential to Rural (Rural Small Lot). The 7ha floodplain Gardens (for further information see www.laperousemarketgardens.wordpress.com) have been farmed for over a 100 years and were only zoned residential post-WW2. This was a period when Councils throughout the Eastern States were trying to meet high growth targets as a result of the 'baby boom'. The consequences of inappropriate residential zoning was evident after the 1974 Brisbane Floods. In May the same year Frenchman's Bay and Yarra Bay were ravaged by storms. The jetty and Paragon restaurant at La Perouse were destroyed and construction equipment, on what is now the DP terminal, was also swept away.



The Market Gardens will be the only land in the Eastern Suburbs zoned for agricultural purposes and Council's initiative reflects a growing recognition of the importance of local food production be it in small lots such as this, in backyards, in community gardens at workplaces or on nature strips. The State Government has also been active in this area and in November created the Office of Agricultural Sustainability and Food Security under Minister Katrina Hodgkinson who also has responsibility for Crown Lands.



LOCAL SITES FOR 4th March

Bare Island: 8am – 12pm Meet at Gates to Bare Island – for divers.

Cape Banks: 10am – 12pm Meet at the Helicopter Base

Congwong Beach: 9am – 11am Meet at Cann Park

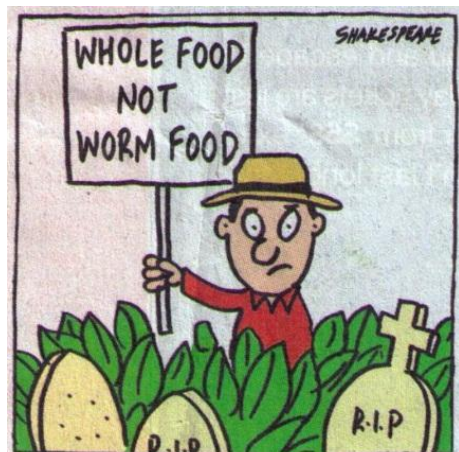
Malabar Headland: 9am – 12pm Meet at Thompson Avenue, fence end

The Market Gardens are owned by the Crown and leased to farmers. Shortly before the State election in March 2011, the then Minister for Lands and Minister for Planning, Mr Tony Kelly, gave approval to the Botany Cemetery Trust to submit an application under Part 3A of the Environmental Planning and Assessment Act 1979 to develop 60% of the Gardens for

gravesites. Part 3A was an amendment to the Planning Act introduced in 2005 to deal with Major Developments. The incoming Planning Minister, Mr Brad Hazzard, suspended the process but the Cemetery Trust is still keen to acquire the land for gravesites and recently enlisted the support of talkback radio host Alan Jones.

It is acknowledged that there will be a shortfall in cemetery space in the Sydney Basin and in 2008 Crown Lands produced a Sustainable Burials Issues Paper. They noted that the greatest pressure was on the Rookwood and Liverpool cemeteries and also suggested strategies such as limited tenure.

There are 8 Crown Land Trust Cemeteries in Sydney, including Botany, and 57 managed by Local Municipalities. There is also a growing interest in Green Burials. Advocates for Green Burials propose using land unsuitable for residences and agriculture. They argue that we can't afford to use food producing land for burials and that there are benefits for local communities when sites requiring remediation are converted into Green Burial Parkland rich in native flora and fauna.



SOUTHLANDS SUSTAINABLE CEMETERY?

In 2009 Orica submitted a development application for its Southlands site in Banksmeadow. This 18ha parcel of land is the



site of the primary containment line for Orica's Botany Aquifer contamination. Orica's intention has been to fill the site and concrete for warehousing. The heavy traffic generated by warehousing and the potential flooding

problems have been the main reasons why the Department of Planning as yet has been unable to provide a determination. It would be better to leave the land as a buffer, revegetated with plant species that in time would 'phytoremediate' the soil and water of contaminants. But Orica, in the interests of its shareholders, is determined to develop and sell off as soon as possible.

There are two reasons why a creative alternative should be considered. Firstly, there is an environmental and community debt to pay. ICI/Orica were responsible for the biggest chemical spill in Australia and according to their experts the Botany Aquifer is likely to remain contaminated for hundreds of years. The water that is currently being pumped from the Aquifer by Orica is sold after it has been treated while residents in the area have been banned from using their bores.

Secondly, the current land use zoning is not appropriate. At first glance it might appear sensible to locate warehouses near ports

and this can work if the ports are small or remote and have an appropriate road network servicing them. This is not the case at Botany. The area is only 10km from the CBD while the population centre of Sydney is at Ermington near Parramatta. The bigger population growth areas are in the west, north west and south west. Residents are travelling east for work, study and recreation, eg. beaches, universities. Heavy vehicles associated with local warehousing compete with domestic travellers and with large container vehicles. 85% of containers are transported by road to and from Port Botany. The target of 40% by rail which was used for modelling in the traffic study for the expansion of Port Botany, has been lowered to 28%. The current throughput at the Port is 2million containers a year. It is obvious that the cap of 3.2million containers will be raised adding to pressure on local roads and major arteries like the M5 and General Holmes Drive. Warehousing needs to be distributed throughout the Sydney Basin, clustered around the intermodal terminals as recommended in the Brereton 'Railing Port Botany Containers Report' of 2005.

Studies by Crown Lands and the Cemetery Trusts have confirmed a need for burial space in the Eastern Suburbs. Instead of proposing the use of 5ha of food producing land why not 15ha in Banksmeadow. Southlands could be transformed into a peaceful bushland haven and buffer zone and Orica could provide a positive development for the area and potentially realise higher returns. Public transport could be made available for visitors and be an added bonus for workers at neighbouring sites.

SYDNEY PORTS TURNS THE FIRST SOD OF THE TRUCK MARSHALLING YARD



In January work commenced on the 50 place Truck Marshalling Yard at the corner of Bumborah Point Road and Military Road. While this is long overdue the site chosen is a compromise. Sydney Ports preferred the area near the third runway just west of the terminals. This couldn't progress because of

the construction of the Hale Street exit opposite. Twelve sites were looked at including one in McPherson Street opposite Orica's Southlands. The Bumborah Point site impacts operations at the Bus Depot, Customs and the Cemetery and brings trucks east of their destination. We have ended up with this compromise because of lack of planning for the region. The yard was needed as part of the Port Botany expansion and should have been included then. It was a mistake to allow a build up of warehousing in Hale Street leading to the inevitable demand for access off Foreshore Road with consequential impacts on the flow of port and all other traffic along this major artery.

During the fauna survey of the yard one Beaded Dragon (*Pogona barbata*) was discovered and relocated to Yarra Bay. Perhaps an omen as this is the Chinese Year of the Dragon (water dragon).

ORICA SPILL AT KOORAGANG PRESENTS OPPORTUNITIES TO BETTER SERVE THE PUBLIC INTEREST



The Orica spill at Kooragang Island in August 2011 has been the trigger for making improvements to the regulation of pollution. Premier Barry O'Farrell speaking at the subsequent Parliamentary Inquiry into Orica 21 November 2011 was adamant that public interest must be put first and foremost.

*we are determined to set some clear goals and to have our bureaucracy work to those goals, and of course, focus on outcomes. One of the issues that I think Mr O'Reilly correctly has elevated is one that has always concerned me, which is **making sure that the public interest is front and centre of all they do....there are always going to be fine judgements here, but the culture does need change. A culture that in the past did not have public statements made about serious spills needs to be overturned.***

Reference was made to events under the previous government and he quoted the Huntsman spill October 2009. Huntsman is located on Denison Street opposite residents in Hillsdale: *the Huntsman Corporation had a massive leak into the atmosphere 685 kilograms of ethylene oxide, a toxic gas..... No notification was made to the public.*

..... *Ultimately, we in Government are in pursuit of public need. Ultimately, it is about public interests.....*

The Kooragang spill not only highlighted failure by Industry but failures by the key government agencies.

Although the intentions behind the recently introduced amendment to the Act are in the public interest, at the first of a series of Public Meetings, held to inform EPA Licence Holders and other stakeholders, it was clear that the changes are likely to cause more confusion than already existed. We are unlikely to get the 'WHOLE OF GOVERNMENT' coordination that is needed.

1. Rather than notify 1 agency which then coordinates with other government agencies, industry is expected to notify 5 (EPA, Local Council, Health, Workcover, Fire Brigade (but not Police although they are responsible for evacuations). Each agency will communicate messages differently. Some will have bigger roles to play than others. It will not be clear which one to call, or which website to look at, to obtain time critical information. It would be far better if the EPA coordinated and provided information on websites, and used Facebook and Twitter. A major priority should be to establish a state of the art website. At present the EPA material is buried amongst advertising for National Parks.

2. Industry are still required to notify the public during an emergency event when what the public require is advice provided by a trusted source, such as NSW Health. They also require ongoing advice from Health and the EPA on the hazards in their neighbourhoods and what measures are in place to minimise risks.

3. Industry are expected to post monitoring data on their websites but only those with site specific websites will be required to do this. License holders without websites are only required to produce information when asked. That doesn't provide a level playing field. It would be far better for the administration fee on the licence to be increased a small amount to cover reporting to the EPA and for a team within the EPA to handle communication with the public. This would make it easier for the public to access meaningful data that was communicated in the same language for all of the 2,500 licences. It should be as easy as entering a postcode and finding everything about all the different industries in the area - the licences

and details about monitoring National Pollutant Inventory (NPI) data, and all presented by an expert communications team in the EPA. Industry could interact with neighbours by holding annual, or more regular information/open days, but they shouldn't be handed a blank PR cheque and be allowed to control communication processes.

4. The requirement to publish emergency plans on websites is another recommendation that wasn't thought through. Those license holders without websites are again exempt and there can be sensitive information contained in the plan that doesn't need to be widely available. A summary published by the EPA along with the licence, monitoring results and other relevant and reader friendly information is the way to go.

REPORTING POLLUTION CONGWONG BAY



On 8th November this plume was observed and then reported to the EPA. After investigations the EPA couldn't establish who was directly responsible but did advise on 16th December that sediment and erosion controls in place by Randwick Council around Endeavour Avenue were inadequate. All pollution events should be reported to the EPA Hotline: 131555. Followup is advised. The Protection of the Environment Legislation Amendment Act 2011 is intended to improve the way pollution incidents are reported and managed.

ENVIRONMENT DAY



Little Bay Scouts and Cubs learning about Whales, Fishcare and Weeds at Cape Banks.

MAJOR DEVELOPMENTS NEAR EASTGARDENS

After completing one of its remediation projects Orica plans to develop part of its landholdings opposite Eastgardens into 20 industrial lots. On the opposite side of Denison Street Bunnings plan a super retail outlet. Denison Street is a designated Truck Route which is also used by Orica's chlorine tankers. The cumulative transport risk for this route is possibly unacceptable but this won't be confirmed until a full study is undertaken.



Although both developments impact residents in Randwick's South Ward and are major developments deserving of review by the Department of Planning, the consent authority is Botany Bay Council. It appears that a strategy of this Council is to push traffic generating developments to the borders of its municipality.

CHIEF SCIENTIST SAYS ORICA'S HCB STOCKPILE IS AN UNACCEPTABLE RISK

"As previously concluded by the Independent Review Panel (2006), long-term



storage of this waste represents an unacceptable level of risk given mixed land use containing residential and commercial operations at Botany,"

(Professor Chubb

in a letter to Peter Garrett dated December 5, 2011).

Lynda Newnam February 2012