



## EcoNetwork Port Stephens Inc.

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3 December 2023

### Submission to the Independent Review of land uses around key Defence bases impacted by PFAS contamination (Independent PFAS Review)

#### About EcoNetwork Port Stephens

EcoNetwork Port Stephens ('EcoNetwork') is an 'umbrella' community environmental group, with both individual and more than 25 affiliated Group members, which has been active in Port Stephens for 30 years. We are non party-political and do not donate to political parties.

Our representatives have been involved in the issue of PFAS contamination at Williamtown since the problem became publicly known in 2015.

#### Introduction

EcoNetwork welcomes the Independent PFAS Review ('the Review'), although like most of the affected local residents, is understandably cynical and pessimistic about the likelihood of positive outcomes, given the 8 year experience of delay, obfuscation and broken promises by both Federal and State Governments.

We nevertheless have to remain hopeful that the Review might provide at least a limited breakthrough in achieving practical responses to the continuing impact both on the environment and on the residents of the affected area.

We also acknowledge that the terms of reference for the Review limit it primarily to land use issues, and that it will presumably not be able to stray too far into other major areas of concern such as health impacts of the contamination, and treatment and remediation of contaminated soil water and air. Nevertheless, we hope that wherever possible the Review draws attention to related issues and makes recommendations for other actions that could help to address them.

Our submission relates specifically to the affected area at Williamtown. While we have no knowledge of the circumstances at Tindal and Oakey, it may be that some of our comments and suggestions have wider applicability.

#### Aboriginal input

We do not know if any of the land in the affected area is owned by Aboriginal representative bodies, or what specific consultation there has been with such bodies about the PFAS contamination problem since 2015.

It is essential that the Review obtains the views of the local aboriginal community given their historic connection with all of the land in the area. Their views may present both constraints (e.g. on

aboriginal heritage sites and artefacts) and opportunities (e.g. traditional land management practices and business opportunities).

The fact that the PFAS contamination has been caused by recent ‘industrial’ activity doesn’t mean that the knowledge and wisdom of traditional custodians of the land can’t make an important contribution to just and equitable solutions.

### **The affected area boundaries**

One of the most significant outcomes that would assist affected residents would be if the Review could assist in having the boundaries of the Management Area changed to better reflect the cumulative findings of tests and local knowledge. It seems apparent that the area actually directly affected by potentially harmful PFAS contamination, in ground water, flood water and airborne, is much smaller than is currently designated.

Any reduction in the geographical area subject to actual or perceived restrictions would reduce the area for which alternative land uses need to be considered, although issues of compensation for economic loss since 2015 would remain an issue.

### **Inter-agency and cross government co-operation**

Another major contribution which the Review could make is to recommend ways of increasing the level of co-operation and co-ordination between Federal and State government agencies in particular.

Port Stephens Council appears willing to do whatever it can to assist in any land use changes, but is constrained by very limited resources and by State planning laws and policies. It should be noted however that Council may have conflicts of interest as a major landowner within the affected area, including of a major sand mine on Cabbage Tree Road, and as a joint partner with Newcastle City Council in the civilian airport and joint ventures owning and developing adjacent development land. Potential conflicts with its role as the planning consent authority for the area will need to be very carefully managed, perhaps by ensuring that any land use decisions and DA determinations are made by the independent Joint Regional Planning Panel.

There is a widespread feeling in the local community that the NSW Environmental Protection Agency (EPA) has not been as helpful or pro-active as it should have been in the 8 years since the problem became publicly known – it would seem for example that any change in the boundaries of the Management Area (see comments above) will need to involve the EPA.

There is also a common opinion in the community that ‘heads need to be knocked together’ to provide solutions to the multi-faceted contamination problem. We hope that the Review will identify specific matters on which this needs to happen, and make appropriate recommendations.

The fact that the Department of Defence is responsible for the Commonwealth land in the area, and that it is not subject to many State laws, compounds the difficulties of co-operation and co-ordination, but this should not be accepted as an excuse. We hope that where appropriate, the Review could recommend voluntary compliance by the Commonwealth with State and Local Government requirements.

## **Constraints**

There are clearly some major constraints on the affected land that may limit the potential land uses.

These include:

### **The difficulty, cost, and environmental effects of developing flood prone land.**

Much of the area is already flood prone and will become more so with sea level rise and increased frequency and intensity of rain events leading to flooding and inundation.

### **Operational issues arising from activity at the RAAF Base and civil airport.**

There are apparently already some major existing constraints, and we note that the Department of Defence has recently been consulting publicly on a revised Defence Aviation Area covering land within a 15km radius of the RAAF Base, which encompasses the entire PFAS Management Area.

We fear that these considerations may limit the potential for renewable energy generation (solar panels and wind turbines), although we submit that any superficially plausible objection to such infrastructure on operational grounds be rigorously tested and if necessary challenged. We note that Dept of Defence objections to housing on the northern approach flight path several years ago were not successful, so it should not be assumed that Commonwealth government suggestions of constraints are necessarily conclusive.

## **Uncertain health impacts**

It seems that after 8 years of investigation, there is still significant uncertainty about the long term health impacts of PFAS contamination on human health, for individuals both living and working in the affected area. This clearly affects what land uses might be acceptable, to the extent that they involve individuals spending variable amounts of time in the area, which presumably correlates with their exposure to PFAS and consequent risk.

## **Opportunities**

We submit that there is a range of potential land uses which might be suitable for at least some of the contaminated land. These include:

### **Tree planting**

There may be potential for a range of different planting or vegetation options for some of affected land:

- koala feed trees (subject to confirmation that feed from trees on contaminated soil would not be harmful to koalas). Koalas are an endangered species in NSW
- commercial plantation timber
- regeneration of native vegetation, which could provide a ‘carbon sink’ which would be both ecologically valuable, including as wildlife habitat and also potentially earn carbon credits.
- consolidation of the mangrove forest on the shores of Fullerton Cove
- possible regeneration of littoral rainforest

### **Renewable energy infrastructure**

This could include both generation equipment (solar panels and/or wind turbines) and electricity storage (batteries).

We note that there have already been DAs approved for at least two small solar farms at 393 and 495 Cabbage Tree Road but we are not aware of either having gone ahead.

There are also proposals for Battery storage – one at a site at 103 Cabbage Tree Road that is in the primary management zone, and a larger proposed system at Tomago, just outside the management area, on which AGL are currently consulting.

In a recent submission on a related battery storage DA, EcoNetwork commented:

‘The other site is at 103 Cabbage Tree Road, Williamtown. We have not made a submission on that BESS (DA 2023-470) as it is proposed for cleared land and has few neighbouring residences likely to be adversely affected by noise. It would seem to be a good land use for PFAS contaminated land at Williamtown.’

By extension, we submit that there may be many more sites within the affected area that might be eminently suitable for battery storage.

We submit that the Review could recommend active promotion of the potential for renewable energy infrastructure within the affected area. This could tie in with the current State Government initiative for a Hunter-Central Coast Renewable Energy Zone (REZ), which includes the PFAS contaminated area at Williamtown.

### **Recreational uses**

Consideration should be given to a wide range of recreational facilities and uses, subject to confirmation that short term ‘visits’ to the affected land would not result in harmful levels of exposure to PFAS. We understand that the major concerns about health effects relate to individuals who either live or work in the area and are therefore subject to prolonged exposure. It may be that short stay recreational use would not involve any health risk and that such uses may therefore be suitable alternative land uses.

### **Business, industrial and commercial uses**

Rezoning or re-purposing rural and low-density residential land in the area for business uses is obviously an attractive ‘first thought’, as it could increase the value of at least some of the affected land. Industrial use, particularly for defence industry, is specifically mentioned in the Review’s terms of reference.

It might however result in a greater number of individuals spending prolonged periods of the working day on the land, and as flagged above, it may be that not enough is known about the long term health effects of exposure to PFAS contaminated land, water and air to make permanent employment generating land uses a sensible option, given the importance of ‘the precautionary principle’ and the need to avoid any further long term liability.

The abandonment by the NSW Government of the proposed Special Activation Precinct (SAP) adjacent to the airport also suggests that employment-generating land uses may not be a viable

option for the flood prone parts of the area. We understand that the costs and environmental management issues were what led to the abandonment of the SAP, and these difficulties are likely to face any significant industrial or commercial development.

### **Land ownership**

Any consideration of alternative land uses should include both uses which could be enjoyed by existing landowners, and uses which would be more appropriately undertaken by a buyer of the land, which could be either private or a public authority. We would envisage that a solution to the contamination issues affecting landowners in the area would comprise a mixture of 'buy-outs', with other uses in mind, and re-purposing of the land by existing landowners.

The local community has since the outset emphasised the importance of 'customised' solutions for different members of the affected community, rather than any 'one-size fits all' assumptions.

### **Conclusion**

EcoNetwork hopes that the Review will be able to identify both a range of suitable alternative land uses for the contaminated area, and also practical ways in which a transition to these uses might be achieved for different landowners, including the actions that would need to be taken by different levels of government and different agencies.

Based on our 8 year involvement in this issue, we cannot overestimate the trauma that the PFAS contamination has inflicted on hundreds of families in the affected areas. They deserve practical solutions that meet their varied needs. The Review must be more than yet another tokenistic bureaucratic response to this serious ongoing problem.

We have no objection to this submission being published in full and unredacted.

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### **EcoNetwork - affiliated groups & eco-businesses**

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National Parks Association (Hunter Branch) Inc.  
 Native Animal Trust Fund Inc.  
 Port Stephens Park Residents Association Inc.  
 Myall Koala & Envir. Support Group Inc.  
 Pindimar/Bundabah Community Association Inc.  
 Shoal Bay Community Association Inc.  
 Soldiers Point Community Group Inc.  
 South Tomaree Community Association Inc.  
 Mambo-Wanda Wetlands Conservation Group  
 Salamander Recycling Inc.  
 Destination Port Stephens Inc.  
 Tomaree Bird Watchers  
 Port Stephens Native Flora Gardens  
 Tomaree Museum Association

Port Stephens Koalas Inc.  
 Tilligerry Habitat Inc.  
 Soldiers Point/Salamander Bay Tidy Towns Inc.  
 Mambo Wanda Wetlands Reserves C'tee Inc.  
 Ocean & Coastal Care Initiatives (OCCI) Inc.  
 North Arm Cove Residents Association Inc.  
 Port Stephens Marine Park Association Inc.  
 Boomerang Park Preservation Group Inc  
 Wanderers Retreat  
 Tomaree Ratepayers and Residents Assn. Inc.  
 Irukandji Shark & Ray Encounters  
 Williamtown Residents Action Group Inc.  
 Marine Parks Association Inc.  
 Hunter Botanic Gardens