

Endorsed Minutes

14 April 2016

Meeting:	Williamtown Contamination Investigation Community Reference Group (CRG)	Date: 14 April 2016
Location:	Newcastle Airport Board Room	Time: 4.00 to 6:30pm
Number:	1606	
Chairperson:	Jodie Calvert Asst Regional Coordinator Department of Premier and Cabinet (DPC)	
Secretariat:	Cheryl Clarke Regional Liaison Officer DPC	
Attendees:	Adam Gilligan Manager Hunter Region Environment Protection Authority (EPA)	
	Jeremy Hillman Senior Stakeholder & Communications Officer EPA	
	Prof David Durrheim Director Health Protection Hunter New England Local Health District	
	Air Commodore Craig Heap Department of Defence	
	James McLachlan Department of Defence	
	Sarah Davis Department of Defence	
	Wayne Wallis General Manager Port Stephens Council	
	Justin Hamilton Fullerton Cove Action Group & Williamtown Salt Ash Flood Group	
	Robert Gauta Manager, Commercial Fisherman's Coop	
	Phil Blanch Community Member and Fisher's Representative	
	Don Burgoyne NSW Farmer's Association Community Member & Oyster Farmer	
	Lyndsay Clout Fullerton Cove Resident	
	Julie Bailey Salt Ash Community First	
Apologies	Air Vice Marshal Greg Evans Department of Defence	
	Scot MacDonald Parliamentary Secretary for Hunter & Central Coast	
	Glenda Briggs Regional Manager Department of Primary Industries	
	Cain Gorfine President, Williamtown and Surrounds Residents Action Group	
	Cornelius Disselkoen Maria's Vegetable Farm Community Member	

Gavin Smith | President, Salt Ash Community First

Andrew Smith | CEO Worimi Local Aboriginal Land Council | Community Member

Mark Salm | NSW Farmer's Association | Community Member & Oyster Farmer

Number	Action Item	Responsible	Due Date
1606-1	CRG to provide feedback to Defence on community brochure	All	21.4.16
1606-2	Defence to provide advice on whether Enviropacific thermal absorption plate technology has been considered	Defence	11.5.16
1606-3	DPC to seek advice from Hunter Water on timelines for the reticulation program	DPC	completed
1606-4	Defence to confirm, in writing, that a submission for one claim in respect of a loss does not stop an individual submitting other claims for other losses.	Defence	11.5.16
1606-5	Lindsay to forward the email with feedback on the drop-in event to Jodie and Craig	Lindsay	11.5.16
1606-6	EPA to clarify the water modelling calculations used to determine the boundary line	EPA	11.5.16
1606-7	DPC to forward a copy of an email from DPC to Defence with arguments to support a review of the temporary financial assistance package to Rob, Phil and Don, for information	DPC	29.4.16
1606-8	Julie to email DPC details of the requested social well-being program with ballpark costs	Julie	29.4.16
1606-9	EPA to advise the CRG when the website has been uploaded with test results information	EPA	11.5.16
1606-10	DPC to request Hunter Water to attend the next meeting on 11 May to provide updated information on program and price guidance for residents outside the investigation zone	DPC	completed
1606-11	Defence to provide additional details to DPC in order to finalise the CRG Roadmap.	Defence	5.5.16

Number	Action Item	Responsible	Due Date
1606-12	DPI to respond to the request for further prawn sampling inside/outside	DPI	29.4.16
1606-13	DPC to circulate link to Love Seafood Love Port Stephens campaign	DPC	completed
1606-14	PSC to present the Love Seafood Love Port Stephens campaign to the CRG	PSC	11.5.16

Meeting minutes

Item / Issue	Response	Decision
2. Endorsement of Minutes	Endorsed	Minutes to be circulated
3. Actions List	<p>31 Business surveys have been received by PSC. Report to be provided at next CRG meeting.</p> <p>Defence Facts Sheets have been cleared and will be uploaded to the Defence website on 15.4.16.</p> <p>Defence has prepared a draft community brochure for feedback from the CRG. Defence will letter-box drop to local residents when completed. Information on remediation options to be trialled cannot be released as details are commercial-in-confidence at this stage. It is anticipated that the next brochure will have more information on the trials being conducted using emerging technologies.</p> <p>Lindsay noted that previously Defence advised that there is no technology that will address Williamtown contamination. However, Enviropacific services have built and managed absorption plate technology and achieved 99% reduction in another environmental cleanup site. Information on why this technology, already available, has not been used by Defence is sought by the community. Defence noted that technology is being considered in the context of the Williamtown site (in particular aquifer and scalability) and will advise on whether the company and its technology have been considered. CRG members noted that the general public has no visibility of the process used by Defence and what is being considered. Defence noted that these are mainly emerging technologies which are commercial-in-confidence.</p> <p>The community reinforced that they are seeking a formal response from the Assistant Minister for Defence to their submissions on 7.4.16. DPC noted that the Parliamentary Secretary also met with two advisers to the Assistant Minister and reinforced community concerns around several issues including the temporary financial assistance package and lending by the banks.</p> <p>The request for Defence to fund residents' plumbing costs to connect to reticulated water is currently with Defence Legal for consideration. Lindsay requested Defence provide a contact point</p>	<p>CRG to provide feedback to Defence on community brochure</p> <p>Defence to provide advice on whether Enviropacific thermal absorption plate technology has been considered</p> <p>DPC to seek advice from Hunter Water on</p>

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	<p>for plumbers to seek costs directly from Defence. There was discussion on strategies Defence could employ to coincide with Hunter Water's reticulation program. Information to be sought from Hunter Water on installation timelines and Defence will look at accelerating works to coincide with the program, if approved.</p> <p>1605-4 Phil advised that Doug Ferrell has sought advice from the Expert Panel around fishing arrangements below the Hexham Bridge.</p> <p>A meeting between fishers and Defence Legal has been completed. Defence has advised that no decision has been made around whether there will be compensation but indicated that where an individual can demonstrate a loss as a consequence of an action by the Commonwealth, the individual can submit a claim against the Commonwealth.</p> <p>Phil noted that there is a cost to fishers to obtain legal advice and they are reluctant to put in claims with Defence. CRG noted several avenues open to fishers including free first consultation with Co-op's solicitors, O'Brien Winter Partners, free consultation with NSW Farmers Association solicitor for oyster growers and Rural Financial Counsellors can also help fishers and growers to prepare a claim. Rob noted that there was verbal agreement at the meeting that there could be two phases to the compensation and is awaiting written confirmation from Defence. Defence Legal had advised that an interim claim does not preclude future claims.</p> <p>CRG noted that persons who participate in the class action are not precluded from submitting individual claims. Defence is advising that where an individual has a loss as a consequence of Defence they should be considering lodging an individual claim.</p> <p>The temporary financial assistance package is an income subsidy and will not address total loss of income.</p> <p>1605-6 EPA noted that Jeremy and Cheryl had undertaken the resilience training and found it useful. The option for the community to undertake the training remains available.</p>	<p>timelines for the reticulation program</p> <p>Defence to confirm, in writing, that a submission for one claim in respect of a loss does not stop an individual submitting other claims for other losses.</p>
4. Community Drop-In Event	<p>Defence apologised to the CRG for the late distribution of the Drop-In event flyers by the sub-contractor.</p> <p>Defence advised that around 150 people attended, 50 surveys were completed and around 20 complimentary emails received. Community members gave feedback on the event including:</p> <ul style="list-style-type: none"> - Julie only had time to go to 2 tables. She recommended that the event go longer into the evening or perhaps two sessions of 3.30-5.30pm and 6-8pm. - Lindsay noted feedback he had received from residents included many questions were not answered or they were diverted elsewhere. He noted that this left residents feeling angry and frustrated. 	<p>Lindsay to forward the feedback email to Jodie and Craig</p>

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	<p>There was discussion around other options that could be considered including appointments in advance (similar to school app).</p> <p>Justin noted that there is still no answer around whether the hydrogeology water modelling calculated extraction out of the aquifer which draws further south.</p> <p>DPC noted that Defence will need to be clear around the purpose of the next drop-in event i.e. will it be for persons who were unable to attend the previous event or will it be held in conjunction with the release of new information.</p>	<p>EPA to clarify the water modelling calculations used to determine the boundary line</p>
5. Community feedback and issues (by exception)	<p>Community concerns</p> <p>(a) Email from Cain Gorfine re: messaging from Defence Legal</p> <p>Deferred to next meeting. However, DPC advised that as Chair of the CRG Jodie has expressed concerns with Defence around messaging by Defence Legal but has not yet received a formal response.</p> <p>(b) Temporary financial assistance package</p> <p>DPC advised that this has been an ongoing problem and DPC has been attempting to increase the level of financial support. DPC and DPI put forward a solid argument to Defence and is awaiting their decision. Don reinforced that farming was not the issue for Oyster Farmers but rather brand damage which prevents the sale of goods.</p> <p>(c) Banks/Insurance</p> <p>Justin Hamilton thanked DPC for listening and acting on the community concerns around lending by banks and for hosting a teleconference with the Parliamentary Secretary for the Hunter and Central Coast. DPC has now met with one bank to ascertain their issues and what might be required from Defence or any other organisation to alleviate their concerns. DPC will shortly meet with Defence to discuss ideas around engaging with valuers and banking representatives. It is anticipated action will be undertaken prior to the next CRG meeting.</p> <p>Justin noted that the area from Mayfield to Williamtown had been an urban growth area with a 100% spike in property values in 2015. There is concern that the inclusion of a warning in the S149 certificate will 'warn off' buyers. EPA noted that the council notifications were only for properties in the investigation area and are not a declaration of contamination. It is an appropriate level of warning and should act as a trigger for banks/valuers to obtain information. Justin considers that</p>	<p>DPC to forward a copy of an email from DPC to Defence with arguments to support a review of the temporary financial assistance package to Rob, Phil and Don, for information</p>

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	<p>the potential for brand damage for properties in the area is rising.</p> <p>Justin noted he had received information that insurance might now be affected. For example, a resident received advice that if their house burned down they would not be allowed to rebuild on the site. Justin will forward any evidence based information from community members to the CRG chair.</p> <p>(d) Compensation</p> <p>Community members are unsure whether a class action and compensation are mutually exclusive. CRG noted that this is not the case but class actions are known to be lengthy. Community members could consider doing both. Defence advised that individual claims can be submitted for any type of loss incurred.</p> <p>(e) Remediation Technologies</p> <p>Defence noted previous discussions and emphasised that they will work on a way to share information with the community on this topic.</p> <p>(f) Salt Ash Public School vegetable garden</p> <p>Julie sought clarification on whether the vegetable garden at the school can be relocated to a different area within the school. EPA advised that it can and suggests using a tarpaulin as cover. However, a different situation would ensue if it was being moved to landfill. Defence is still waiting on test results for this site.</p> <p>(g) Funding social programs</p> <p>Julie and Jeremy have had separate discussions with Sarah Green about the value of providing social relief programs to the community e.g. night out/night off. Julie requested that consideration be given to extending the program to a day and night and include yoga and relaxation techniques and include child supervision costs.</p> <p>(h) Test results post flood</p> <p>Julie sought information on test results post flood. EPA advised that results from testing of surface drains along Cabbage Tree Road post flood showed a lower concentration but recognised that the total pollutant load could be higher given the overall volume of floodwater involved. Levels at Salt Ash were slightly higher but not significantly so. As this was only two snapshots in time, there was not enough information to draw any conclusion or change the precautions. The results and new figures will be uploaded to the website shortly.</p>	<p>Julie to email DPC details of the requested social well-being program with ballpark costs</p> <p>EPA to advise the CRG when the website has been uploaded with test results information</p>

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	<p>(i) Water connection</p> <p>Lindsay noted that he was contacted by a resident who is seeking connection to water reticulation from a property adjacent to the investigation zone. She received a telephone call from Defence advising that it's not a matter for them. DPC noted that Hunter Water has been asked to provide price guidance for persons outside the investigation area at the next meeting.</p>	<p>DPC to request Hunter Water to attend the next meeting on 11 May to provide updated information on program and price guidance for residents outside the investigation zone</p>
<p>6. CRG Roadmap</p>	<p>DPC noted that there are still information gaps in the draft roadmap principally around Defence timelines and community communication strategies.</p> <p>Defence advised that a Tankered Water program is expected to be in place by May 2016. It will involve a 50 days process covering tank assessment (to see if suitable for cleaning), cleaning, re-filling with potable water and re- testing.</p> <p>There was discussion around community confusion arising from persons residing outside of the investigation area receiving bottled water from Defence. Defence considered that this assisted in relieving anxiety but now recognises that there is confusion around messaging. Defence will review its policy on eligibility for bottled water.</p> <p>DPC encouraged the community to provide feedback on any omissions or other information they wish included in the roadmap document.</p>	<p>Defence to provide additional details to DPC in order to finalise the CRG Roadmap.</p>
<p>7. Agency Reports (by exception)</p>	<p>Defence</p> <p>Defence continues to undertake its sampling and quality program. As at 14 April 2016, Defence has taken 46 biota samples. There have been 212 bores sampled with 32 detections, 161 rainwater tanks with 2 detections, 21 swimming pools sampled with 2 detections. There are 63 properties receiving water assistance and 116 monitoring wells installed.</p> <p>Defence will continue to accept surveys up until 27 April 2016.</p> <p>Defence has offered to host a CRG meeting on-site at the RAAF Base at Williamstown and offer a tour of the base to CRG members once the trial of technology has been completed.</p> <p>Environmental Protection Authority</p> <p>There is no update from the Expert Panel.</p> <p>NSW Health</p> <p>Health noted that EnHealth has made recommendations but they need to be endorsed by the Australian Health Protection Principal Committee.</p>	

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	<p>Department of Primary Industries</p> <p>Fishers are again requesting that any decisions regarding the river for prawning not be made on old sampling and to conduct further sampling inside and outside. EPA noted that the guidelines will provide a new benchmark and further sampling can be undertaken before decisions are made.</p> <p>DPI has free passes for affected fishers to attend Tocal Field Days on either 29, 30 April or 1 May. The initial priority will be those fishers who applied for fee waivers.</p> <p>Marine Radio Training was held for 9 fishers and all passed. DPI is currently seeking EOI from any other fishes who need to complete this pre-requisite course before starting the significantly more challenging coxswain training course.</p> <p>Love Seafood Love Port Stephens is now live. PSC is making arrangements for the campaign to be shown to the CRG.</p>	<p>DPI to respond to the request for further prawn sampling inside/outside the river</p> <p>DPC to circulate link to Love Seafood Love Port Stephens campaign</p> <p>PSC to present the Love Seafood Love Port Stephens campaign to the CRG</p>
8. Other business	<p>Salt Ash Community First Webpage</p> <p>Jeremy noted the negative information about him that had been posted on the SACF Facebook page. Jeremy assured the group that his role is community engagement and he has been working hard to help affected residents and businesses. These deliberate efforts to make his engagement role more difficult ultimately end up hurting the community and he urged the SACF group to consider their actions. The chair reinforced the inappropriateness of the posting and referenced the consequences that can result from cyber bullying.</p>	
9. Future meetings	<p>The next meeting will be Wednesday 11 May 2016, 4.00 – 6.00pm, Newcastle Airport Boardroom.</p>	
<p>Meeting closed 6.30pm</p> <p>Next meeting 4.00-6.00pm Wednesday 11 May at Newcastle Airport Boardroom.</p>		