

TRANSCRIPT

SELECT COMMITTEE ON THE 2026 COMMONWEALTH GAMES BID

Inquiry into the 2026 Commonwealth Games Bid

Melbourne – Friday 13 October 2023

MEMBERS

David Limbrick – Chair

Joe McCracken – Deputy Chair

Melina Bath

David Davis

Jacinta Ermacora

Michael Galea

Sarah Mansfield

Tom McIntosh

Rikkie-Lee Tyrrell

WITNESSES

Lee Miezis, Chief Executive Officer,

Con Lolis, Director, Permissioning and Development, and

Suzy Neilan, Executive Director, Strategy, Environment Protection Authority.

The CHAIR: Good afternoon. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, can you please state your name and the organisation that you are appearing on behalf of.

Lee MIEZIS: Lee Miezis, Chief Executive Officer at Environment Protection Authority Victoria.

Suzy NEILAN: Suzy Neilan, Executive Director, Strategy, at Environment Protection Authority Victoria.

Con LOLIS: Con Lolis, Director, Permissioning and Development, Environment Protection Authority.

The CHAIR: Thank you. I will just briefly introduce the committee. I am David Limbrick, the Chair, South-Eastern Metro Region.

Rikkie-Lee TYRRELL: Rikkie-Lee Tyrrell, a Member for Northern Victoria Region.

Melina BATH: Good afternoon. Melina Bath, Eastern Victoria.

David DAVIS: David Davis.

Michael GALEA: Good afternoon. Michael Galea, South-Eastern Metropolitan Region.

Tom McINTOSH: Tom McIntosh, Eastern Victoria Region.

Sarah MANSFIELD: Sarah Mansfield, Western Victoria Region.

Joe McCRACKEN: Joe McCracken, Western Victoria Region.

Jacinta ERMACORA: Good afternoon. Jacinta Ermacora, Western Victoria Region.

The CHAIR: Thank you. We welcome you to make your opening statements and ask that they be kept to a maximum of 10 minutes to ensure we have got time for questions. Please go ahead.

Lee MIEZIS: Thank you, Chair, and thank you, members, for the invitation to appear before you this afternoon. I do have a short presentation, really just to provide an overview of EPA's role more generally and then how that relates to our role in relation to the Commonwealth Games.

Visual presentation.

Lee MIEZIS: If we could just go to the next slide. EPA was established in 1971. We are the state's independent environmental regulator, so we are a statutory authority. We have a governing board appointed by the Governor in Council on the recommendation of the Minister for Environment. We are responsible for preventing the harmful effects of waste on Victorian communities and the environment. In fulfilling that role, we draw on our scientific and our regulatory expertise and we work with communities, with governments, with businesses and with industry.

We work under a number of key pieces of legislation – first and foremost, the *Environment Protection Act 2017* and the associated Environment Protection Regulations 2021. This Act really sets out the legislative framework for the protection of human health and the environment from pollution and central to which is the general environmental duty. The Act also has enabled the continuation of EPA, including its objective governance and regulatory operations.

We also operate under the *Climate Change Act 2017*. Under section 17 of the *Climate Change Act*, EPA has a duty to consider climate change in its regulatory decisions. So when deciding to issue a licence or permit under the *Environment Protection Act*, we must consider the potential impact of climate change and the potential contribution to the state's greenhouse gas emissions in our decision-making.

Other legislation that we work under is the *Planning and Environment Act 1987*. So EPA's role under the *Planning and Environment Act* is to provide strategic planning and strategic planning advice to land use planning decision-makers. We also provide advice on infrastructure planning and environment effects statement processes.

Other legislation are the *Pollution of Waters by Oils and Noxious Substances Act 1986* – I will not go into the detail of that Act – and also the *National Environment Protection Council (Victoria) Act 1995*.

If we move to the next slide, please. Our purpose, as defined in our strategic plan of 2022–27, is to protect the health of our communities and our environment, and we have defined three strategic outcomes that we want to see by 2027. As you will see on this slide, they are that our environment is cleaner and that our communities are healthier, that all Victorians reduce their environmental risks and that as an organisation we have impact and influence. In achieving these outcomes, EPA delivers a number of functions under section 358 of the *Environment Protection Act*. Those functions are to monitor and assess environmental quality, to identify –

David DAVIS: Chair, I think we want an introductory presentation. This is about the Commonwealth Games inquiry. This is all very useful general information, but MPs are pretty much familiar with this, I think.

The CHAIR: On the point of order, I will allow you to continue as you see fit, and we can ask questions in a moment.

A member: I think it is helpful. Thank you.

Lee MIEZIS: It does provide context – identify, assess and monitor risks of harm to human health and the environment, to respond to harm and risks of harm to human health and the environment, to identify and respond to opportunities to eliminate or reduce risks of harm to human health and the environment and to improve environmental quality. We provide advice and recommendations to the minister in relation to human health and the environment, including but not limited to the making of subordinate legislation and environmental reference standards. We liaise and we collaborate with the Commonwealth, state, territory and local governments for the purposes of achieving the objectives of EPA. We provide information and education to the Victorian community in relation to environmental quality, risks of harm to human health and the environment, and environmental best practice and improvements. We promote the prevention of harm and the elimination or reduction of risks of harm to human health and the environment from pollution and waste. We administer the provisions of the Act and the regulations relating to permissions – that is, licences, permits and registrations. We administer the provisions of the Act relating to waste and pursue objectives to minimise litter and waste disposal by encouraging the management of waste in accordance with the waste management hierarchy. We promote waste reduction, resource recovery and resource efficiency.

David DAVIS: On a point of order, Chair, we are now almost 8 minutes into this, and we are still on high-level generalities that MPs know. Maybe the Chief Executive could just make that available to the committee.

Michael GALEA: On the point of order, Chair, the committee invited the EPA to attend, having already previously received a questionnaire response from them, and the committee would well know based on that questionnaire response that there is a very limited scope that the EPA has over the Commonwealth Games, so I do not think that Mr Miezis is being irrelevant to what we are here for today, if this is what the committee has sought to have the EPA attend and present to us.

The CHAIR: Thank you. On the point of order, I will allow the witness to continue as they see fit.

Lee MIEZIS: I am nearly finished, and I am happy to move to the next slide: EPA's role in relation to the Commonwealth Games. In the context of what I have just spoken about, there was engagement with EPA by Development Victoria and the Office of the Commonwealth Games. As part of the breadth of our regulatory activities, we use our regulatory, scientific and planning expertise to provide advice on particular types of development proposals to planning decision-makers, typically as a statutory referral authority under the *Planning and Environment Act*. Our advice generally highlights the risks to the environment and human health due to pollution and waste and the requirements of the *Environment Protection Act*.

It is important to make the point that EPA did not have a statutory approval role under the *Planning and Environment Act* or the *Environment Protection Act* for the development of the proposed Commonwealth Games sites. Although the planning approval pathway that was sought for the Commonwealth Games villages did not trigger a statutory referral to EPA, the planning scheme still required Development Victoria as the proponent to consult with EPA as a relevant public authority. The consultation process and the provision of advice was similar to the statutory referral process, so Development Victoria sought advice from EPA on specific aspects of its development proposals, and through this consultation again EPA's primary role was to provide environment protection advice, including to highlight the risks to environment and human health due to pollution and waste for all sites in early works in the construction phase, and would have been during the Commonwealth Games if there were any proposed legacy or ongoing uses of those sites. Thank you, Chair.

The CHAIR: Thank you very much. I will start with a couple of questions. You were presented with a number of proposed development sites, is that correct?

Lee MIEZIS: We were presented with information –

The CHAIR: Or consulted on them.

Lee MIEZIS: Yes, that is right.

The CHAIR: And with any of those sites that you were presented with, would the developments proposed have been subject to environmental effects statements?

Lee MIEZIS: Con might want to add to that, but under the planning approach taken, no.

Con LOLIS: Not with respect to the obligations under the *Environment Effects Act*. The issues were dealt with under the planning scheme and the *Planning and Environment Act*.

The CHAIR: Okay. Also with regard to those development proposals, would any of those have been subject to cultural heritage management plans?

Lee MIEZIS: Probably outside of my scope to be able to answer that, Chair.

The CHAIR: Okay. All right. I know that others are going to be talking a lot about the Ballarat site for the village. My understanding is it was fairly contaminated. Could you explain what some of the potential problems were with that site at Ballarat?

Lee MIEZIS: Yes. More generally I would say it was and is known as a contaminated land site, and EPA certainly works with proponents in government and in the private sector to remediate contaminated land and former industrial sites to put them back into beneficial use. The dealings we had in relation to the Ballarat site were no different to other contaminated land sites that we work with right across the state. In specific relation to the Ballarat site, it was primarily used as a livestock saleyard, as would be known, and included associated storage areas for animals prior to and after sales. The site also included a train corridor along the northern boundary and in the western portion, and like much of Ballarat, there is a possibility that the site had also had some kind of historical mining activity. These previous uses were suggestive of some potential sources of contamination, including the storage and use of herbicides and pesticides, storage and use of hydrocarbons from particularly the operation of machinery, organic waste potentially from the disposal and storage of cattle and potentially the use of heavy metals in legacy mining operations. The site also had adjacent industrial uses that also needed to be addressed in terms of potential for odour, noise and dust.

The CHAIR: Thank you. How detailed was the analysis of that site – like, how well do we know what is actually contaminated there?

Lee MIEZIS: Development Victoria had commenced, as it is required to, a detailed environmental audit using an EPA-accredited environmental auditor. That process was underway, and it was through that audit process that details would be provided. The information I just provided was our assessment based on those historical uses, but this audit would be the process for identifying the particular issues and the approach that could be taken to reduce those risks and ultimately enable that site to be put back into beneficial use.

The CHAIR: Was that audit completed?

Lee MIEZIS: It was underway.

The CHAIR: But it is not completed.

Lee MIEZIS: It is not completed is my understanding.

The CHAIR: Has that been cancelled now?

Lee MIEZIS: It was commissioned by Development Victoria, so they would be best positioned to provide details around the progress of that audit.

The CHAIR: Right. So that audit is not run by the EPA?

Lee MIEZIS: No, it is not run by the EPA. It uses an auditor that is appointed by the EPA, but under the environmental audit scheme it is the proponent that ultimately engages the auditor and provides the report.

The CHAIR: Understood. And from your experience – I am assuming that you have had experience with sites that have had similar sorts of contamination in the past – what sorts of time frames are you typically looking at for decontamination so that it is ready for uses such as residential use? Are we talking months, years?

Lee MIEZIS: Con might want to comment more generally. It is not necessarily remediation. What we are interested in is how the risks can be reduced at a site. There could be elements of remediation or there could be elements, for example, of capping the site. Really what we are interested in is where the sensitive receptors are, and what the –

The CHAIR: When you say ‘capping’, are you saying isolating the contaminated stuff, so putting plastic or something on it?

Lee MIEZIS: It could be soil. It could be a hard surface such as concrete. There are different forms of capping that are used. It depends on the outcomes of the environmental audit and the specific risks that are identified, as to what the appropriate next steps are in terms of, again, returning that site to beneficial use. Depending on what those next steps are, it is variable in terms of time frames.

The CHAIR: Okay. Thank you. To avoid cutting his lunch, I will go to Mr McCracken next. Thank you.

Joe McCracken: Thank you. Look, a lot of my questions are about the Ballarat site as well, given I live in Ballarat. So just quickly, do you have any reports to do with the site at this point in time?

Lee MIEZIS: Did you want to take that one, Con?

Con LOLIS: Yes, we do.

Joe McCracken: Are you able to provide them to the committee?

Lee MIEZIS: They are Development Victoria reports, so if I can just take that on notice, we will confirm that we are able to provide them or whether that question is best considered by Development Victoria as the commissioner of those reports.

Joe McCracken: Okay. Do you know how much they cost – those reports?

Lee MIEZIS: No.

Joe McCracken: You did the reports, but you do not know how much they cost?

Lee MIEZIS: Sorry, to be clear, we did not do the reports. Under our scheme the proponent is required to do those reports, so Development Victoria would have commissioned those reports.

Joe McCRACKEN: Okay. So what was your role?

Lee MIEZIS: We assess the reports, and we provide advice on the findings of those reports.

Joe McCRACKEN: Okay. So what advice did you provide on the suitability of the saleyards as an appropriate site for a village?

Lee MIEZIS: If I step through this, there were two elements that we looked at: the use of the site for a period of time as a village, so for the duration of the games, and then we also looked at the legacy or ongoing use of that site for residential use. Regarding the land use during the games period, EPA advised that it was generally supportive of temporary accommodation for athletes and officials due to the limited duration of the games. Risks from odour, noise and dust could be mitigated through design and through entering into agreements or arrangements with surrounding industry.

Joe McCRACKEN: Is that on the basis that the accommodation there was also temporary or portable?

Lee MIEZIS: It was on the basis of a limited duration of use. There are two elements. We looked at this matter through the use of the site as an athletes village for the duration of the games, so for that period, and we were generally supportive of that. With respect to legacy or ongoing residential uses of that site, we were provided a proposal that we did not support or were not prepared, based on the information we had available to us at that time, to support ongoing residential use of the site. We advised Development Victoria that further assessment work was required to really work through the odour and noise risks from those surrounding industrial activities. So it was not that we could not have supported that; we could only assess the information that was before us at the time, and based on that information, we could not support that proposal.

Joe McCRACKEN: Just to be clear, you were supportive of the temporary village based on the fact that there were going to be portable options there but not anything ongoing for a longer period of time. Is that a fair thing to say?

Lee MIEZIS: We were supportive of the village on the basis that risks to human health and the environment could be managed for that period of time based on the information we had. But based on the information we had, we did not believe that those risks could be managed in terms of the ongoing or long-term use of that site for residential purposes.

Joe McCRACKEN: Okay. So you gave that information or that advice just to Development Victoria, or were there others involved as well?

Lee MIEZIS: No, Development Victoria was a proponent and that is who we provide our advice to.

Joe McCRACKEN: No-one else, just Development Victoria?

Lee MIEZIS: Development Victoria.

Joe McCRACKEN: Okay. I guess on the decision about the portable nature of the accommodation, we know that the accommodation for the village was all portable. Was the EPA supportive of that as well?

Lee MIEZIS: Of the type and nature of the accommodation?

Joe McCRACKEN: Yes, particularly the fact that it was portable.

Lee MIEZIS: We did not particularly focus on the type of building per se. We focused on the duration of use and the potential exposures to those using the site and over what duration. So whether it was, for example, a portable building or a permanent structure, what we were looking at was the level of exposure of people using the site and the ability to mitigate or reduce those exposures to an acceptable level. We determined that for the duration of the games those risks could be reduced to an acceptable level. But based on the information we had, any ongoing use of the site – so legacy, ongoing use for residential purposes – we were not able to support at that time.

Joe McCracken: Okay. That advice – has that changed since then? Or have you still got the same information so that is still your stance at the moment?

Lee Miezis: That is our position, yes. We have not had any further information since we provided that advice.

Joe McCracken: Okay. What was the estimated cost of the decontamination of the site?

Lee Miezis: We do not have an estimated cost of contamination. That is determined by the proponent – the persons undertaking the activity – not by EPA.

Joe McCracken: So I guess I would ask the same about the remediation of the site – you guys do not have a costing for that either?

Lee Miezis: No, and it would depend on the risks and the approach that was determined to be taken by the proponent. That is what we would assess and provide advice on.

Joe McCracken: Okay. Were you asked to give advice on any other locations in and around the Ballarat area, aside from the saleyard site location, in terms of assessing whether they were appropriate sites for villages?

Lee Miezis: Not specific sites. We had early meetings and talked sort of generally around the requirements of the *Environment Protection Act*, but the only specific site we provided advice on was the Ballarat village site that is known to people.

Joe McCracken: I am not really clear on that answer – so, you sort of were but were not?

Lee Miezis: Let me step back: we early on provided general advice in conversations with Development Victoria and the Office of the Commonwealth Games about the *Environment Protection Act*, similar to the presentation I gave to you at the start of this: here are the requirements of the *Environment Protection Act* and here are the things that you will need to consider as you move forward. We then provided detailed advice in response to specific proposals that were given to us by Development Victoria, and the only specific proposal we received on Ballarat was for the former cattle yard site.

Joe McCracken: Okay, so nowhere else were you asked to do any sort of work – just that site. I just want to be really clear: that was the only site that were you asked to do any sort of work on?

Lee Miezis: In Ballarat, yes.

Joe McCracken: Okay. We were told in Parliament that construction is on track to commence later this year. The geotech work had already actually occurred. Did the EPA analyse the geotech work for the athletes village?

Lee Miezis: Not that I am aware of, no.

Joe McCracken: Were you aware of any geotech work that had been initiated?

Lee Miezis: No, and we would not necessarily in normal circumstances either. It is not unusual that that work would be undertaken on issues like geotech without reference to EPA. We do not have a formal approval process in this case.

Joe McCracken: I mean, for a site that is –

The Chair: Your time has expired, Mr McCracken. We might get a chance to come back to you, though.

Joe McCracken: Sure. I hope so. Thank you.

The Chair: Mr Galea.

Michael Galea: Thank you, Chair. Thank you for joining us this afternoon. I want to talk about the role which the EPA has played, to the extent that the EPA has played a role, in giving advice to Development

Victoria. Development Victoria was the sole agency you provided advice to pertinent to what we are talking about today – is that right?

Lee MIEZIS: They were the proponent of the development proposals, so they are who we respond to. As I mentioned before, we did have general conversations, including with the Office of Commonwealth Games, and equally with transport and planning at a much more general rather than site-specific level.

Michael GALEA: You mentioned, I think, as well – when you were not being interrupted in your presentation – that you did not have a statutory role at any point during this process but you did provide advice and that was as per your requirements under the *Planning and Environment Act* and the *Environmental Protection Act*. Is that correct?

Lee MIEZIS: Yes.

Michael GALEA: What was your criteria for evaluation when you were asked to do something and what, if anything, were you particularly looking for in those sites?

Lee MIEZIS: Thanks. And Con's team does the detailed assessment here so he can provide any further detail. What we look at is really risk to human health and the environment, be that from soil or land contamination as well as air, noise, odour and water – potential water contamination issues. So our objective really is to understand what is proposed, what is the level of risk, and what is the action that is taken to reduce that risk to an acceptable level or is proposed to be taken to reduce that risk to an acceptable level. So that is the standard approach. We will provide advice where we believe more needs to be done, and we will provide advice or acknowledge where we think the approach taken is adequate in mitigating any risks.

Michael GALEA: Thank you. Would you like to answer that?

Con LOLIS: Member, the only other thing I would add is that EPA has a comprehensive applied sciences division, so we not only scrutinised the materials that were provided to us by Development Victoria but we applied our own independent scientific rigour to the assessment of those materials.

Michael GALEA: Thank you. And as we have talked about, we have established that EPA did provide technical advice to Development Victoria and DJSIR, as outlined in your questionnaire as well. And just to confirm, you had not had any other separate expenditure from your agency on the Commonwealth Games – it was all done as part of your regular work, I assume.

Lee MIEZIS: That is correct.

Michael GALEA: You do not have any grant outputs greater than \$2.5 million, and you would not have any details of them. You also did not have any other additional funding required that you had to pitch for as part of your budgetary process?

Lee MIEZIS: That is correct.

Michael GALEA: Yes. You did not have any internal performance measures because this was not a separate entitlement, I assume. Would I also be correct in saying that you did not require to recruit any specialised staff for this role?

Lee MIEZIS: Correct.

Michael GALEA: You did not therefore have to provide any termination payments to any staff as a result of the cancellation?

Lee MIEZIS: That is correct.

Michael GALEA: You do not have a separate organisational structure that was relevant to the Commonwealth Games that you had to put into place. Did you identify any gaps in your department's capability to deliver?

Lee MIEZIS: No, this was really treated as a routine development assessment process that we conduct many times a year for many different types of proposals, so it was dealt with within our business-as-usual processes without any additional funding or, if you like, structural mechanisms needing to be put in place.

Michael GALEA: I could go on. There are many more things on the questionnaire which you have already clearly outlined. You did have a peripheral role too so I think it is, as I say, important to clarify the role that you did have but also the role that you did not have in this process, and I think there are perhaps questions that would be more relevant for Development Victoria. As they say, they are the proponent.

In terms of the methodology for the advice – perhaps this might be a question for you again, Mr Lolis – the methodology that you used to provide this advice, whether it is strictly for this proposal or more general terms: what sort of site investigations and analysis would you do and is there any other methodology that you think we should be aware of?

Con LOLIS: Thank you, Member. So EPA's role was to evaluate and assess the really comprehensive and detailed information provided by Development Victoria. So we looked at how they had identified, assessed and controlled risks around odour, noise and so forth. In doing so, we ensured that our internal scientists were able to assess the methods by which the reports had been conducted to ensure that sampling protocols, for example, were appropriate and fit for purpose. We undertook quite a critical evaluation of the materials that were put to us. Having done so, we then undertook our task, which was to look at the human health and environment impacts quite closely, noting the sensitive uses proposed. And so we used that method across all of the requests for information, and that method proved to strike a balance between ensuring that the proponent's obligations were met and also that the EPA was independently assessing the information before it. Our view was that the information provided was rigorous and robustly compiled by Development Victoria's experts.

Michael GALEA: Thank you. And in terms of that methodology that you used, how does that compare to similar organisations in other jurisdictions?

Con LOLIS: I would assume, Member, that other EPAs would follow a similar methodology. I can say that EPA adopts this methodology for all of its planning advice work, and as Mr Miezis indicated, it is a common feature of EPA's work to provide planning advice in circumstances where there is a really important land use proposal at play.

Lee MIEZIS: The only thing I would add is, probably different to many other EPAs, EPA Victoria has a much larger internal science capability, so we are able to do a lot more rigorous assessment internally of these matters, which we did in this case. As Mr Lolis said, we were satisfied with the approach taken by Development Victoria.

Michael GALEA: And obviously not to disparage any other authorities or agencies elsewhere, but would it be fair to say that you have to outsource less of your work as a result of having that expertise?

Lee MIEZIS: That is correct. We have much greater internal scientific expertise than other organisations.

Michael GALEA: And in addition to the *Environment Protection Act* of course and the *Planning and Environment Act*, you mentioned in your presentation the *Climate Change Act*. Does that add any other specific functions in terms of how you do your site analysis as well?

Lee MIEZIS: Not specifically in relation to this. Section 17 of the *Climate Change Act* gets triggered when we do have a regulatory decision, so we are an approver. For example, if we are issuing a licence, then we are required to do that.

Michael GALEA: When you do have that statutory role.

Lee MIEZIS: Yes, and in this case, because we were not a decision-maker or we were not an approver, we did not specifically have to apply an assessment, if you like, around climate change as we would normally under the *Climate Change Act*.

Michael GALEA: I see. Thank you. And I believe my time is up.

The CHAIR: Thank you, Mr Galea. Mr Davis.

David DAVIS: I have got a series of questions for you here, sir, and the first is: in the preparation for today's hearings, did you or any of your staff at the EPA have discussions with the Premier's private office, any minister or ministerial office or anyone external to the agency?

Lee MIEZIS: No.

David DAVIS: Thank you. You have indicated that advice was provided by the EPA, and I understand how the machinery works here. But you have indicated that Development Victoria as the proponent sought information. There was, if I am putting a word in here, an iterative process almost, with DV in terms of your advice. With the Office of the Commonwealth Games you had some earlier discussions. You mentioned Transport and Planning, and also I think in the questionnaire you mentioned the department of jobs, skills and industry, which I think you mean is actually –

Lee MIEZIS: Office of the Commonwealth Games.

David DAVIS: Yes, that is the bit of the Commonwealth Games part, is it? So it is three agencies. Were there others that you provided advice to?

Lee MIEZIS: No.

David DAVIS: No. So will you provide a copy of those for the committee, the various advice to those three groups?

Lee MIEZIS: Yes, we will take that on notice and make sure that there are no issues with doing so.

David DAVIS: Thank you, and that would include the release of the scientific assessments. I accept your point made over here a moment ago that you do have a greater scientific capacity and you did assess the matters around some of these sites, so I would like to see the release of those scientific assessments. That would be helpful.

Lee MIEZIS: That would be within the advice we have provided, so again I will take that on notice and just confirm that there are no issues with us providing that.

David DAVIS: Confirm what you have provided, and a list of that by date would be helpful as well. Were there any environmental concerns at any other sites? We have had a lot of focus on Ballarat, but you did provide advice. Can you provide a list of those sites too and equivalent information on advice you may have provided on any of those?

Lee MIEZIS: Yes, happy to take that now. If I start with the Morwell village site, again based on the information provided and the specific advice sought by Development Victoria, the main environmental risk associated with the site in Morwell related to really air quality or dust as a result of the proximity to the Yallourn open-cut mine. Other environmental risks were unlikely, given the site is within a predominantly residential area. EPA provided advice to Development Victoria and its consultant on the methodology for the risk assessments that it was undertaking in relation to those issues. The risk assessments commissioned showed that air quality risks to Morwell during the games period and for any legacy or ongoing residential uses were acceptable.

I am happy to move to Geelong. Development Victoria provided us with general information on the Geelong village and formally consulted on an early works package but did not seek advice on any specific matter. The site appeared to be subject to ordinary environmental risks really associated with any conventional greenfield development. I should say the one thing we did highlight with Development Victoria in relation to the Geelong site was that there was an existing industrial use approximately 1.5 kilometres west of the site, which was the Boral Concrete plant or quarry. In acknowledging Development Victoria's advice to us, the intention really for this land was to transition to residential use post the Commonwealth Games, and the advice we received was that expansion of the Boral operation was unlikely. What we did do was encourage Development Victoria to contact the relevant authority, which in relation to a quarry is the Earth Resources Regulator, to understand how the Boral operations may or may not impact on the site during the games and ongoing.

In relation to the Bendigo village, again we were provided general information on the Bendigo village site and were formally consulted on an early works package, but Development Victoria did not seek advice on any

specific matter. The main risk we recognised to be land contamination, and Development Victoria was already committed to an environmental audit for the site to appropriately manage this risk. Other environmental risks were unlikely at this site given again it was surrounded by a built-up residential area. I should say the risk we identified in relation to land contamination is a general risk you find in Bendigo given its mining history and legacy.

David DAVIS: Right. Again it would be helpful for the committee to have copies of those assessments and materials, preliminary though some of them may be.

Lee MIEZIS: Again I will take that on notice.

David DAVIS: Finally, I just want to move to the so-called legacy and the Big Housing Build more generally. Did you provide advice on any of the Big Housing Build sites?

Lee MIEZIS: That were not –

David DAVIS: Well, that are either connected with the Commonwealth Games or tangentially connected with the Commonwealth Games or perhaps part of the package that has been announced to flow through following the cancellation of the games.

Lee MIEZIS: In relation to the Commonwealth Games sites themselves, yes, we did provide advice, as I have mentioned, in relation to ongoing, but I am not aware of advice that has been sought from EPA or has been provided by EPA in relation to the Big Housing Build program more generally.

David DAVIS: And the Big Housing Build more generally, has that advice –

Lee MIEZIS: Not that I am aware of at this time.

David DAVIS: Not that you are aware of at this time. Just coming back, were the costs of these advices and so forth absorbed by the EPA as part of its normal activities, or were there user or fee-for-service type charges applied?

Lee MIEZIS: No. We treated this as a business as usual activity, and the approach we took is the same approach we would take for any proponent for a proposal.

David DAVIS: And did you do any internal costings of the advice, or could you?

Lee MIEZIS: No. We do not identify it project by project. You would appreciate we deal with many, many thousands of these a year.

David DAVIS: Yes, I get that. But here is a particular stream. It has obviously got a series of steps and legs, as it were, and I just thought that that would be something you might have done. In terms of the scientific assessments, you sought no external advice. That was done by the proponents, as it were, in those cases. Did you cite those studies by the proponents?

Lee MIEZIS: Yes. As per the normal process, a proponent will engage experts to prepare a report. The report is provided to us, and then our internal scientists and our permissions or approvals team will look at those, assess them and provide advice.

David DAVIS: Can you provide a list of those external assessments that you have received to the committee as well?

Lee MIEZIS: It would be, I am expecting, in the responses we provided, but again, I will take that on notice.

The CHAIR: Thank you, Mr Davis. Ms Ermacora.

Jacinta ERMACORA: Thank you, Chair, and hello, EPA reps. Just on the Ballarat saleyards – but before we do, I am from regional Victoria, in Warrnambool. The history of saleyards there is probably the same as everywhere else in Victoria. The first saleyards in Warrnambool were right next door to the town hall, which is opposite the Civic Green now. A few years ago there was a renovation of the theatre that sits on top of that site,

and again there were some works done to check to make sure it was safe, but all good. The second saleyard was up on the highway in Warrnambool, on Raglan Parade, which now involves a park and playground and a kinder – again, another assessment. Currently the Warrnambool saleyards are closed down and looking to take a journey as well. I am sure you cannot comment on where you are with that, and that is okay, but presumably the EPA will play a role in that space and there will be effective use of that land. Would you say that that is a reasonable story for saleyards in regional Victoria over time?

Lee MIEZIS: Look, I think it is a reasonable story for saleyards, and I think it is a reasonable story for any former industrial site right across the state. There are a number of sites that do have long histories of industrial use and as a result can have some legacy contamination. EPA encourages and commonly works with proponents about returning that contaminated land back to beneficial use, and appropriate beneficial use. It is not just an issue that we deal with in Victoria; it is an issue that is dealt with worldwide. Certainly we have successfully here in Victoria seen very contaminated former industrial sites returned to very productive use. I think Docklands is a great example of that, as is largely the whole South Wharf area here in Melbourne. We can do it, and in fact I think as we see our population growth and the want for public open space or for further housing or for increased and more industrial use, we expect as an organisation to see more proponents come forward with proposals to remediate contaminated land and to put that contaminated land to appropriate beneficial use for the community.

Jacinta ERMACORA: I guess the moves from industry, heading further out, reflect the changing value of land. Originally the community's value of the saleyards in Warrnambool right next to what is the middle of town was all about farming, which is what it was about in the middle of Warrnambool back 150, 200 years ago. So the same would be predicted, I presume, for the Ballarat saleyards?

Lee MIEZIS: Yes. Well, the Ballarat saleyards have now been relocated out to Miners Rest, so out of the centre of town. I should say that I know the site well. I live about a kilometre from the Ballarat saleyards, so I know the site and the area well. It is increasingly, if you like, urbanising. As a result we have seen the saleyards move out of town to where there are less, if you like, incompatible neighbouring land uses, and we will increasingly see that right across the state.

Jacinta ERMACORA: Yes. With the Ballarat saleyards, I do not want to sort of ask you to pre-empt your outcome – it is still underway – but presumably you will hopefully be in a position to put in place regulations that guide how a residential transition would occur for that area.

Lee MIEZIS: What we would need to do is assess a proposal that came forward to us to make sure that the proposal was an appropriate land use, given whatever risks or residual risks may exist after a series of steps have been put in place. A proponent would come forward. They would say, 'This is what we're proposing to do at the site. Here's our assessment of the risks of the site. Here's what we are doing to mitigate those risks.' Our assessment would look at: have those risks been mitigated to an acceptable level, i.e., that it does not present unacceptable risks to human health or to the environment.

Jacinta ERMACORA: The audit or the review that you are doing for that site is still underway, you mentioned earlier.

Lee MIEZIS: Development Victoria commissioned that audit, using an EPA-accredited auditor. You would have to confirm with Development Victoria whether that audit is still underway.

Jacinta ERMACORA: Right. Okay. Thank you. Presumably eventually, that area being so close to the middle of Ballarat, it would logically be a housing area if it can be.

Lee MIEZIS: Well, look, there are multiple options. I would not want pre-empt. It could potentially be housing, if those issues that we had identified in our earlier advice were able to be appropriately addressed. It could be many, many different uses. There are different options there. What we would look for is: the market, if you like, or the community will determine what it thinks is the appropriate use, and then we would assess any risks that accompany that use.

Jacinta ERMACORA: The next step, once that is resolved, is for the 'developer' to then lodge an application with you.

Lee MIEZIS: It would be through the planning system as opposed to EPA.

Jacinta ERMACORA: Right. Yes, and it would be a section 55 referral.

Lee MIEZIS: Yes.

Jacinta ERMACORA: Do you anticipate any issues with that?

Lee MIEZIS: Did you want to –

Con LOLIS: Member, it is difficult to say, given the environmental audit is in some state of completion. We will wait until the results of the audit are known. Those results will help the developer understand which set of sensitive uses may be appropriate.

Jacinta ERMACORA: Thank you.

The CHAIR: Thank you, Ms Ermacora. Dr Mansfield, did you have any questions?

Sarah MANSFIELD: Thank you. I have got a couple. I was interested before in your comments about the role of the EPA in, I guess, considering climate impacts in your decisions. Was that something that featured in any of the contributions you made to any of these processes with the Comm Games?

Lee MIEZIS: The formal requirement under section 17 of the *Climate Change Act* gets triggered when we are making a regulatory decision. We were not making a regulatory decision in this case. What we were providing was technical, if you like, advice or referral advice on the project.

Sarah MANSFIELD: Okay. And you did not have any other input with respect to climate impacts of the games at all in any of the planning or processes?

Lee MIEZIS: No, EPA did not.

Sarah MANSFIELD: Okay. That is all. Thank you.

The CHAIR: Thank you, Dr Mansfield. I will go to Mr McIntosh.

Tom McINTOSH: Thank you, Chair. Thank you all for attending. Thanks for giving us a background to the EPA at the start of your presentation as well. I just wanted to go further on Ms Ermacora's questions, and the previous question as well, around when your work normally occurs and the process. I just want to figure out how long that process normally would take to execute. I understand it might not be you delivering that work, but how long would that body of work normally take?

Lee MIEZIS: There are a number of variables. I guess I could say it could go from months through to years, depending on the nature of the issue and the work. There can be issues with availability of appropriate experts, but what we had seen in this case was that Development Victoria had engaged a good team of experts around it. But in normal circumstances – did you want to comment?

Con LOLIS: Member, it is really difficult to say. Our role is to provide advice into a pretty complex process, and the time which the process takes is really out of the EPA's hands. We do our best to provide advice as quickly as possible, just to ensure that there is certainty for proponents. But in terms of answering your questions specifically, other than saying it depends and it is difficult to say, I am afraid I cannot really answer it.

Tom McINTOSH: Sure. I mean, my colleagues probably get sick of me saying this, but to me, sustainability is so crucially important. So if we are talking about environment or the extension of that, our climate as our broader climate – and you talked in your presentation earlier about the benefits or the importance of that environmental protection – then also I think what perhaps sometimes gets lost are the important benefits to us as humans. So can you just speak to why this work is important and then to the outcomes, the protections and the health outcomes for people and the why behind this work. We sort of talked about the process to get there, who does it, and the time frames taken. I am just interested in closing off around what the outcomes of that work are – just on sites in general when you are assessing them.

Lee MIEZIS: Yes – so the important role that EPA can play. I think there are a couple of things. Under our *Environment Protection Act* – and I mentioned before the general environmental duty – what we really want to do is prevent legacy contamination issues happening in the first place. We work a lot with proponents on making sure that appropriate risk controls are in place right up front. So when we look at a new industry, we often license them and put conditions in place, and that is really designed to avoid harm to communities and to the environment. We do, though, like almost all countries in the world, have legacy contamination issues, so it is important that any development on those sites is cognisant of that legacy contamination and that appropriate steps are taken to avoid exposing sensitive uses to that legacy contamination, and by sensitive uses, it could be people or it could be the environment. We see ourselves as playing a really key role in that, and as I mentioned before, we do encourage remediation of land. We do encourage former contaminated land to be put into beneficial use for the community. Our role is to make sure that in that process there are no unacceptable risks to human health and their environment, and there are many examples where people are exposed to contamination through inappropriate, if you like, development or inappropriate controls being put in place. Having just recently been in the United States looking at some of the issues with contaminated groundwater and how that has ultimately resulted in leukaemia and other diseases in children, it is an important role we play. We do not have that level of issue here, and we do not want to see that level of issue occur here in the future. So that is what we see as our important role.

Tom McINTOSH: Yes, so you want to unlock that economic value but not at the expense of people's health.

Lee MIEZIS: Exactly. And we are required to under our Act. One of the principles of the *Environment Protection Act* is that we need to consider the economic, social and environmental, so we do have consideration of those as we work through these issues.

Tom McINTOSH: I mean, you make the point that other states and nations have historical contamination. What I often have concern about is the fact that these other states or nations do not have the regulatory compliance enforcement that we have here. I think it is something that we can never, ever take our eye off and must really value too, particularly in some of those situations where you see children playing in tailings or living in those situations.

Lee MIEZIS: Exactly, and I think we should be proud. We do have a general environmental duty in the *Environment Protection Act 2017*. It is the only criminally enforceable general environmental duty that exists. It is the envy of other environmental protection regulators. So with the introduction of the Act, or the commencement of the *Environment Protection Act 2017* on 1 July 2021, EPA certainly got a greater suite of powers, more sanctions and higher penalties, and as I said, most importantly the ability to really prevent these issues from happening in the first place, not just deal with the legacies when they occur.

Tom McINTOSH: All right. I might have some further questions later on, but before I get misty-eyed talking about the Ballarat markets on school holidays, playing around there on a Tuesday and whatnot on the back of cattle trucks, I will pass on to the next questioner.

The CHAIR: Thank you. Ms Bath.

Melina BATH: Thank you very much. Just again mopping up a couple of questions, in relation to the EPA and the geotechnical work on the Ballarat construction site, what did the EPA identify as part of that geotechnical work? Can you just explain what EPA's involvement was with it?

Lee MIEZIS: With the geotechnical work? Did you want to take that?

Con LOLIS: Member, I will do my best to answer this question, if I may. We have not been involved in the geotechnical work. Our involvement has been in relation to the works to sample, investigate and assess contaminants before the geotech works commenced, so our focus had been on that question.

Melina BATH: So you have not seen that geotechnical report, or you have?

Con LOLIS: To my knowledge, we have not.

Melina BATH: No-one in the EPA has?

Con LOLIS: No, not to my knowledge.

Melina BATH: Right. Okay.

Con LOLIS: I would know, Member. It would have been sent to me.

Melina BATH: Right. Okay.

Lee MIEZIS: Just to be clear, our work and our advice was in the lead-up to the geotechnical work being commissioned by Development Victoria.

Melina BATH: So you told them of the need, is that correct?

Lee MIEZIS: We provided advice that then informed their approach on the geotechnical.

Melina BATH: Okay. Fine. Fantastic. In relation to the EPA, were you part of this now-defunct Commonwealth Games interdepartmental committee? Were you on that committee, or did you have any involvement with that committee?

Lee MIEZIS: Not that I am aware, no. I did at my level meet with Development Victoria, particularly the Office of the Commonwealth Games around those, as I mentioned before, but EPA was not involved in any interdepartmental committee in relation to this. As you would expect, we have a regulatory role, so we do not tend to get involved in those types of things.

Melina BATH: Sure. But you had communications between the OCG and updating them or them updating you?

Lee MIEZIS: As we do with any proponent, we encourage people to engage with us early in a process because we can start then to understand what it is they want to do, and then we can start steering them and providing some of that general information around the *Environment Protection Act*, as I mentioned before. Again, this was no different to a private or any other proponent that comes forward.

Melina BATH: Sure. What was the time frame for those interactions and discussions? The reason I ask that is because I am trying to get my head around this. The community were told that there would be a variety of accommodation villages, and then the community was told from the Latrobe Valley aspect that there was not much detail. Then we were told that they were potentially going to be villages that could be temporary, without kitchens and garages, and then there would be an update in terms of permanent buildings. How do you advise on the environmental impact when it is really a revolving door of discussion around what these villages would look like? I am seeking to understand: how could you put a meaningful impact when to my mind the government or OCG or DV or any other proponent really had not made a decision? That must compromise your work, and I do not mean that negatively. How do you advise correctly when the pieces are moving and changing?

Lee MIEZIS: Just to be clear, we provide the general advice, as I have said we have done, and it will talk about the *Environment Protection Act* and the requirements. But what we received from Development Victoria were quite specific proposals, and they are what we responded to. So whilst there may have been movement that we are not necessarily aware of, we respond –

Melina BATH: To those proposals.

Lee MIEZIS: to specific proposals that are provided to us. And as we mentioned before, we received detailed proposals from DV on the sites.

Melina BATH: On, for example, the English site in Morwell being temporary accommodation?

Lee MIEZIS: The –

Melina BATH: English Street, which was the proposed site for the Morwell games village.

Lee MIEZIS: The village site?

Melina BATH: Yes.

Lee MIEZIS: Let me check.

Melina BATH: Do you see what I am saying? You have got to adjudicate or provide some regulatory advice, and at which point do you understand that it is a temporary accommodation as opposed to a permanent site?

Con LOLIS: Member, if I may, it is commonplace for proponents to have some uncertainty with their proposals. In providing advice the EPA assists proponents –

Melina BATH: General advice.

Con LOLIS: That is right. It assists proponents to get more certain. From EPA's perspective the question was not really whether the accommodation is permanent or not. We looked at the question of risk, and the question of risk arises to the duration of exposure, and our focus was on that question.

Melina BATH: It is interesting because there are people that have lived their whole lives down there and are very valued members of the community, and then there is increased development, for example, and industry about the lead acid battery recycling plant. This is in 2026 these buildings are going to be and across the state, but I am giving an example of the Latrobe Valley. How do you factor, I am going to say, increased risk into your advice?

Lee MIEZIS: Through time? Do you want to take that one?

Melina BATH: General – I guess you are going to give us a general one.

Con LOLIS: I mean, Member, your questions are very difficult to answer specifically. Look, in general terms – and if I take the Latrobe Valley as an example – when EPA makes decisions, it looks at the human health and environmental impacts across a region and tries to make determinations that are region specific based on the best available evidence. Of course we have difficulties in making that calculus when industry retires and sites that were operating –

Melina BATH: Fluctuations.

Con LOLIS: That is right. And so to go to your same point about uncertainty, Member, we operate in some ambiguity, and our task is to make as much sense of the ambiguity as we possibly can and provide as definitive advice as possible.

Melina BATH: Thank you. I appreciate your answers. The other thing I just wanted to touch on is in 2026 there would have been an influx of human population – visitors and athletes coming in, and they talk in the thousands. Now, were you asked by proponents to give any advice on – I am going to use an interesting topic here – human waste or consumption waste or the increase in human –

Con LOLIS: Impact?

Melina BATH: Impact.

Con LOLIS: Member, we were not.

Melina BATH: Okay. That is all right. That will do for the moment.

David DAVIS: Did you want to ask just about that –

Melina BATH: I will let you ask that.

David DAVIS: Okay. Just quickly in follow-up there, DV obviously was one of the key parts of the material coming forward as the key proponent, and I just note that at public accounts on 14 June, in answer to questions, you said:

We are expecting to have that assessment completed by the end of this month.

So the DV material it seems to me was, if not completed, very close to completed.

Lee MIEZIS: And my recollection is we did complete that assessment by the end of that month.

David DAVIS: So you have clearly got that final proposal?

Lee MIEZIS: That advice was provided to Development Victoria.

David DAVIS: But their material provided to you is what I am interested in.

Lee MIEZIS: So the material they provided to us?

David DAVIS: Yes.

Lee MIEZIS: We would have to have had that to make that assessment.

David DAVIS: Yes, and you will provide that to the committee?

Lee MIEZIS: As I said, I will take it on notice to make sure there are no issues with us providing that.

David DAVIS: There should not be. We would be interested to see that. Thank you.

The CHAIR: Thank you, Ms Bath and Mr Davis. Mr McCracken.

Joe McCracken: Yes, thanks. I have got a few, so I will just run through them quickly. Guys, before you said that – I just want to make sure you did not provide any advice about the costs or the decontamination of the Ballarat site. Is that correct?

Lee MIEZIS: We provided advice on the potential sources of contamination given the historic use.

Joe McCracken: No, just the cost. You did not provide any advice on the cost?

Lee MIEZIS: No, not on cost. No.

Joe McCracken: Okay. That is good to know. I am just trying to figure out how the government actually costed the games village, then, if they did not know what the costing of the decontamination was. That just seems completely bizarre. When did you tell Development Victoria that the site would not be suitable for long-term habitation – at what point in time was that?

Lee MIEZIS: Did you want to take that?

Con LOLIS: Member, we gave that advice in June of this year when all the available information was to hand.

Joe McCracken: Do you have the date?

Con LOLIS: Member, I do. We gave advice in two formats. We gave some interim –

Lee MIEZIS: It was 30 June.

Con LOLIS: Yes, thank you – 30 June.

Joe McCracken: Okay. Are you able to provide us with a copy of that advice too, please?

Lee MIEZIS: I think that is the same advice Mr Davis has requested.

Joe McCracken: Yes, very good. I was wondering too: I know you said before that you were engaged by Development Victoria to look at a number of different sites and those proposals were very specific. Can you provide us with what you were asked to look into – the scope of what you were asked to look into and the particular areas? Does that make sense?

Lee MIEZIS: Yes, so what questions or what proposals were provided to us by Development Victoria for our assessment.

Joe McCRACKEN: Yes. I want to know what you were asked to do, the scope, all those sorts of things. What specifically you were asked to look into.

Lee MIEZIS: Again, I will take that one on notice and see whether there are any issues with us providing that. But again, in general we were provided with specific proposals, and we were asked to provide advice on issues like noise, odour, air et cetera – potential risks.

Joe McCRACKEN: Yes. I would like a copy of those, if you can, please.

Lee MIEZIS: Understood.

Joe McCRACKEN: The other question I have got is that we were told in Parliament by Minister Shing at the time that the EPA was working towards standards that were required for this residential accommodation at the Ballarat site. Do you know what those standards were? She said the EPA was working on that – towards those standards.

Lee MIEZIS: Not specifically. My assumption is the minister was probably referring to awaiting advice from us in terms of our position on both legacy and temporary use of the site. That is my assumption.

Joe McCRACKEN: Well, I mean, Minister Shing at the time said that the EPA was working towards ‘standards required to develop residential accommodation’. I am just trying to get an understanding of what those standards she was referring to could have been.

Lee MIEZIS: Again, my assumption would be she was referring to the advice that Development Victoria had sought from us in relation to our position on ongoing or legacy use of the site. I cannot provide any more information than that.

Joe McCRACKEN: All right. Maybe I will try and go at it a different way. What are the standards that prohibit or otherwise the long-term habitation of that site? What made it unable to be inhabited long term for you?

Lee MIEZIS: Again, if I come back to my point, we assess the information that is before us. We were concerned about odour and noise risks from the surrounding industrial areas.

Joe McCRACKEN: I am just trying to understand: if it was okay for short term but not for long term, what was the point where it was unacceptable?

Lee MIEZIS: It is duration of exposure, and that for a two-week period there were options available in terms of negotiations with industry or other controls that could be put in place. If you are putting permanent housing there, then you need a different set of controls. And based on the information that we were provided with at the time, we did not have adequate to be able to support a proposal, so we were seeking – and we would require, and we advised Development Victoria of this – further information.

Joe McCRACKEN: Right. Okay. So I am still just trying to figure out at what point in time: is it 30 days, the risk, or is it 60 days? You must have had some sort of basis to make that recommendation to Development Victoria.

Lee MIEZIS: Again, the basis of our recommendation was the information we were provided. So we get provided information about what was the –

Joe McCRACKEN: Are you able to provide us that information?

Lee MIEZIS: Again, that is what we referred to before, and I have committed to taking that on notice to make sure there are no issues with me providing that, given it is a Development Victoria document.

Joe McCRACKEN: Okay. You can understand why I am getting a little bit frustrated here. I am trying to find a particular point in time when it becomes acceptable or not acceptable. We were promised long-term

accommodation solutions in Ballarat. Obviously that is not going to happen in the way that it was promised, and the EPA had some role in determining whether that was feasible or not.

Lee MIEZIS: Again, our assessment was on the proposal put forward to us at the time. Now, a different proposal could have come forward that had a different set of controls in place which could have resulted in a different decision, so I am just speculating. All we could do was assess what was before us, and that was the position we took on what was before us at that time.

Joe McCracken: I guess on the legacy aspect of it as well, clearly there was no legacy for that site then. That is what it really comes down to. There is clearly no legacy for that particular site given that, as you are quite rightly saying, you would not support long-term habitation at that site. Is that fair to say?

Lee MIEZIS: We did not support long-term habitation based on the information that was provided to us at the time. Now, Development Victoria, we advised them of the further information we would require, and as I mentioned before, it related to particularly odour and noise risk from that adjoining industrial site and how they would be managed to not present an unacceptable risk for long-term habitation. They may have come back to us with a different proposal and the assessment could have been different, but again I would just be speculating. EPA can only assess the information before it at the time. A proponent can come forward with a different set of proposals and a different set of beneficial uses which may result in a different position from EPA on it. But again, we can only assess what is before us.

Joe McCracken: I note at the start you said that your role is highlighting risk in terms of early works, construction and legacy. Did that not sort of come into the equation, though, when you were talking about this sort of stuff? Like, when you are talking about giving advice, you cannot guarantee it really, that they cannot be there for the long term.

Lee MIEZIS: Sorry, I am not sure I understand your question.

David DAVIS: You cannot provide a guarantee that the site can be built on. There is no guarantee of that at this point.

Joe McCracken: Yes.

Lee MIEZIS: Ultimately we are not the decision-maker here. We provided advice on the information that was put before us.

The CHAIR: I might just ask a question. With regard to the costs that Mr McCracken was referring to, and the EPA does not do those costings for remediation and risk mitigation and that sort of stuff, would we be able to get those figures do you believe from Development Victoria? The proponent – are they the ones that normally would cost those sorts of things, because there were some costs provided in the estimates? When they updated the total cost, someone figured out, ‘All right, it is going to cost X amount of money to do that.’ Where would that have come from, in your opinion? It did not come from the EPA.

Lee MIEZIS: Typically it comes from the proponent. The proponent will look at a site –

The CHAIR: Which would be Development Victoria.

Lee MIEZIS: in this case, it is Development Victoria. They, as you would be aware, have a history over many years of turning contaminated land into beneficial use. They would have a good understanding of the costs associated with that. Proponents generally will not make the decision to purchase contaminated land and remediate it unless they think it is able to be done and it can provide a positive benefit.

The CHAIR: Understood. I believe Mr Galea has a couple of questions.

Michael GALEA: Thank you. And just taking up from that, I just need to clarify earlier questions. You spoke before about how South Wharf and Docklands are all examples of rehabilitated sites. We know it is possible; it just depends on what other economic factors are a part of it. Now, if Development Victoria had come to you and said, ‘This is what we want to do in terms of this aspect’, following from that initial one, there is nothing to say that there would not have been other options that you could have looked at to remediate the

site. It is not saying, 'This was always going to be one or the other' from the start, because you needed to do that work. Is that correct?

Lee MIEZIS: Exactly. We assess the information that is before us and the proposal that is before us. Now, Development Victoria, in response to the comments we provided on that initial proposal, may have come forward with a different proposal. We would assess that proposal on its merits and make an assessment.

Michael GALEA: And as it is, whether it is Development Victoria itself or perhaps –

Lee MIEZIS: Someone else.

Michael GALEA: the public housing will go towards another location in regional Victoria, out further west perhaps. Someone else might come to you with a proposal for a permanent development on that site and you will again assess that through your normal channels.

Lee MIEZIS: We would assess it on its merits and provide advice accordingly.

David DAVIS: To be clear, you are not aware of any proposal at the moment that would suitably provide long-term habitation?

Lee MIEZIS: We have not received any proposals, I do not believe.

Con LOLIS: That is correct.

Michael GALEA: Thank you.

The CHAIR: If there are no further questions from the committee, I think that is all. Thank you very much for coming along today and for your contributions. You will all receive a copy of the transcript for review in about a week, before it is published on the website.

Witnesses withdrew.