

**Submission
No 81**

**INQUIRY INTO PROPOSAL TO DEVELOP ROSEHILL
RACECOURSE**

Name: Mr Francis Cook

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Submission to the Select Committee on the proposal to develop Rosehill

Racecourse

Francis Cook

Director Mystery Downs

18 July 2024

Chair and Committee Members

I write to you as an Australian Turf Club (ATC) member since 1995 and prior to that a member of the Sydney Turf Club (STC) which owned Rosehill Racecourse until taken over by the ATC. It should be noted that the Directors overruled the members in that merger!

My wife and I were raised in Dundas near Parramatta. I speak from the heart on this matter as a former western suburbs' resident.

I have been an enthusiastic Racegoer, Owner, Breeder, punter, sponsor of aftercare of thoroughbreds, lover of the Racehorse and lover of Rosehill for over thirty (30) years!

Owners underpin the Australian racing industry, a point strongly endorsed by NSW Racing in its strategic plan as of April 2019.¹

We have a significant investment in racing and many horses trained at Rosehill by Chris Waller, Lee and Cherie Curtis, Richard and Will Freedman.

¹ Racing NSW Strategic Plan 2017/2018/2019. Strategic Plan as at April 2019, page 25

My wife and I are sole Directors of Mystery Downs (Awder Pty Ltd atf) and have significant breeding interests with twenty-four mares (24) at Grose Wold in and a substantial investment in thoroughbred racehorses.

We are two of 38,500 individual owners in NSW with a direct interest in this industry which generates around \$3,581 million in value added contribution to gross state product, \$1,971 million in household income and employs 49,000 full time, part time and voluntary workers.²

Given this industry's value and the level of participation it enjoys when wagering is included good governance, with a focus on transparency and accountability, is essential.

Rosehill Racecourse

Rosehill racecourse is at the now centre of Sydney - Western Sydney and was established over 140 years ago.

The first race meeting at Rosehill was held on 19 April 1885 and attracted a crowd of 3000 interested spectators.

The first "Golden Slipper" race for 2-year-olds was held in 1957 and has continued every year since.

Rosehill is the Pinnacle of Group Racing for the people of Western Sydney as the wide track circumference and long straight contribute majorly to the highest level of racing, Group One Racing.

It is the jewel in the crown of racing and is supported by a great number of people who race, train, and enjoy the sport of racing. Simply - Western Sydney needs Rosehill.

Rosehill is the centre of Sydney.

² <https://ier-study.racingaustralia.horse/state-and-territory-impacts/new-south-wales/>

Its enormous population desperately needs to retain Rosehill Racecourse precinct for sport, recreation, entertainment, community facilities and green space. The Rosehill Convention and Entertainment Centre is a major asset to Western Sydney.

The unsolicited offer of Rosehill Gardens to the NSW State Government by the Australian Turf Club (ATC), without the knowledge and consideration by the members, appears to be well outside good governance principles.

Horse welfare

My wife and I are actively involved in thoroughbred welfare. We sponsor three separate entities involved in aftercare of thoroughbreds. They are:

Thoroughbred Sport Horse Association (TSHA) which is operated by Krissy Harris and provides equestrian events exclusively for “off the track” thoroughbreds;

Life With Horses, a charity rehoming retired thoroughbreds providing therapy for children and adults with emotional and mental issues / problems; and

Thoroughbred Industry Careers through The Pony Races Australia encouraging young people into the thoroughbred industry.

Additionally, my wife and I, along with every other owner pay 1.5% of any prize money we win in NSW to support Racing NSW equine welfare initiatives.

I invite the committee to consider three matters related to welfare:

Firstly, the impact on welfare funding of the reduction in racing flowing from Rosehill's closure hence only having one first class racetrack, Randwick;

Secondly, a review of the annual expenditure by Racing NSW of the welfare levy funds raised, to ensure they align with the levy principles; and

Thirdly, a review of the effectiveness of the \$130 million spent in the last six years on land banking for thoroughbred aftercare.

It is the industry's experience that this Racing NSW program is exceptionally hard to access.

In particular, the Committee should seek details of the business case Racing NSW relied upon for the purchase of one property in particular, Bong Bong, and the use of that property as it has subsequently been leased to a racehorse trainer rather than for the intended rehoming purpose.

Planning

I draw the Committee's attention to the Thoroughbred Racing Act of 1996.

In particular:

14B Consultation and planning

(3) Racing NSW is to prepare an initial strategic plan for the horse racing industry within 12 months after the commencement of this section and is to prepare a further strategic plan for the horse racing industry every 3 years after the initial strategic plan is prepared. Each strategic plan must be prepared in consultation with RICG and other horse racing industry stakeholders.

(4) The annual report of Racing NSW is to include a progress report on implementation of the business plan of Racing NSW and the strategic plan for the horse racing industry over the period to which the annual report relates.

As part of this inquiry the Committee should test Racing NSW's compliance with these provisions of the Act.

Prize money and infrastructure.

I am alarmed that RNSW continues to increase prize money for "one off" special races such as the \$5 million King Charles (formerly QE11) and \$10 million Golden Eagle, which are targeted by foreign invaders resulting at times, in prize money going overseas thus not being reinvested in NSW racing.

Meanwhile the Australian Turf Club (ATC), which runs racing, is starved of funds for infrastructure and must beg for money from Racing NSW – a very unsatisfactory governance and financial model.

As the Government appoints the RNSW Board, The Committee should seek an explanation as to why this funding has not gone to infrastructure to support the growth and development of racing.

Potential Loss of Revenue

It appears that neither the ATC Board nor the RNSW Board have considered the potentially immense loss of revenue to the Racing Industry, via the Racing Fields legislation, if Rosehill is sold. Proceeds from the Race Fields legislation, hard won by Racing NSW, is needed to fund the industry.

Rosehill is a prime income driver particularly on its Spring and Autumn carnival weeks.

Warwick Farm and Canterbury are minnows in turnover compared to major days at Rosehill.

A substantial loss of revenue means a loss of jobs for the people of Western Sydney.

Replacing Rosehill.

The Committee should seek details as to how and when Rosehill will be replaced.

The Committee should also seek advice from the Government as to the timeline it is working to for the development of the new housing estate.

As a priority a shortlist of sites for the new track should also be prepared given the long lead times for the financing, planning and construction of such a facility.

There are no obvious sites.

The suggested Horsley Park has 40-degree heat unsuitable for thoroughbred welfare and Badgery's Creek has airport noise, jet fuel pollution.

Homebush has been suggested but it is only 60% the size of Rosehill and not viable for first class racing.

The possible political fallout for Government if it agrees to proceed with a substantially flawed proposal could be immense particularly if the contamination issue is exposed [see below].

The Government should avoid involving itself in this marginal issue where there is questionable political capital when so many better housing sites must be available.

The Funding Agreement between Racing NSW and the ATC must be renegotiated to adequately fund both Capital and Operational needs including annual indexation and a major Capital Injection. It needs to be fully transparent. As the Government appoints the Board of RNSW, this is achievable as a solution.

It has been reported that there was involvement of Racing NSW prior to the supposed "unsolicited offer"? This must bring the veracity of the whole proposal into question .

The conflicting information as to whether the ATC members will possibly have their vote overridden by the ATC Board adds to the duplicity and marginalization of this proposal politically.

By setting up this offer the ATC Board and the Government have potentially brought the Industry into disrepute as it can be accused of aggravating the “housing crisis” depriving the populus of housing.

The offer should never have been made without thorough due diligence, should not proceed given the historical, social, and economic considerations for racing in NSW and importantly the Western Sydney community.

Housing proposal

1. The existing community in the Western suburbs would be very concerned about the infrastructure in relation to traffic congestion and the associated impacts of thousands of more people and the infrastructure demands which may not be met. Already a major issue in Western Sydney.
2. **The subsoil is possibly highly contaminated due to leaching** from the Shell Oil refinery ,the James Hardy asbestos plant , Chrome Chemicals and Clyde Refinery all at the back door to name a few.

Refer Attachment A. (below) Camellia-Rosehill Integrated Masterplan (Cox Assoc 2022 pp28-30)
3. The garden mulch expose’ will pale by comparison to what may happen when core drilling starts at Rosehill. No one knows until they start testing and then the costs increase and the developers lose interest.
4. **Polluted land raises issues of those involved in the proposed sale being asked to warrant that the site is unpolluted and if any is found on drilling it may lower the sale value or require compensation from the government , developer or even possible legal action against those involved !**

5. Development costs, development approvals and regulations compound the final profitability or ability of housing development. Example - the ATC reportedly sold the Warwick Farm site to Inglis for \$10 million and then had to pay out \$16 million on roadworks, a loss of \$6 million (unconfirmed)
6. Will the reported \$5 billion be drip fed over decades ?
7. I am advised it can take many years from the beginning of a Development Application to commencement of building . By then your price of land has possibly doubled— there are many models to maximise the outcome for the seller if this is the final decision but I am advised , a one-off sale is not a model used by any developer in these situations. The proposer has been poorly advised on the best way to maximise return and this displays a lack of judgement in the proposal.
8. **Good governance would require at least 30% to even 50% of the proposed housing to be for Social and/or affordable housing.** Due consideration of this would substantially reduce the economic return for a developer thus place the proposal in jeopardy of political fallout for government and financial compensation issues.

Attachment A

Extract from Camellia-Rosehill Precinct Masterplan 2022 (Cox and Associates)

Pp28/29/30

Contamination

The Precinct's long history of industrial activities have included filling and land reclamation of low lying marsh land (often with industrial wastes), oil refining, a tannery, metal works, lumber yard, recycling, pharmaceuticals and manufacturing of asbestos products, chrome chemicals, chlorinated solvents, plasterboard, bricks, roof tiles, bitumen, arsenic based herbicides and food products. As a result of the Precinct's long and varied industrial history, **previous studies have confirmed that soil and groundwater are contaminated with a range of contaminants of concern to human health and the environment.**

The majority of sites in the precinct are affected by contamination, and multiple sites are subject to an instrument under the Contaminated Land Management Act, 1997 requiring management of contamination, or are identified as notified or regulated sites. The widest spread contamination across the Precinct are considered to include:

- **Asbestos wastes from the James Hardie manufacturing operations, most notably in the north-west (181 James Ruse Drive and 1 Grand Avenue) and central (the former quarries backfilled with asbestos waste on the north side of Devon Street) portions of the Precinct. Asbestos materials are also found in uncontrolled fill placed across the surface of several other properties.**

- **Hexavalent Chromium waste** originating from the former Chrome Chemicals manufacturing facility at 6-8 Grand Avenue, and potentially other properties, was reportedly

used as fill material across the Precinct, particularly in low lying reclamation areas. This has resulted in widespread contamination of soil and groundwater, particularly in the northern and eastern portions of the Precinct.

- Petroleum hydrocarbon contamination has been identified at the Precinct, most notably at the Clyde Refinery in the southeastern portion of the Precinct. Petroleum hydrocarbons have also been identified at the SAMI bitumen plant site at 12 Grand Avenue, the Hymix Australia site at 14 Grand Avenue, the Downer site at 1 Unwin Street, and several other properties.
- Chlorinated hydrocarbon contamination has been identified within the Precinct, most notably within the Parramatta Light Rail Stabling and Maintenance site at 6-8 Grand Avenue, as well as on the adjoining CSR site located at 10 Grand Avenue.
- Perfluoroalkyl and polyfluoroalkyl (PFAS) substances in groundwater are known to be present on the Shell refinery site and may have migrated on to adjoining sites in groundwater

Considerations

The proposed Remediation Strategy outlined in the Remediation Implementation Report includes:

- Soil/fill capping and containment, with excavation and offsite management of isolated hot spots (e.g., Underground petroleum storage systems (UPSS)).
- Excavation and capping of Parramatta River foreshore in select areas where required. The scope of the foreshore remediation activities will be dependent on the level of public access to be permitted. In some scenarios, the existing mangroves may need to be removed to allow remediation to occur. The reinstatement of the mangroves would need to be considered in these scenarios.

- Hexavalent chromium (and potentially chlorinated hydrocarbon) groundwater treatment using a Permeable Reactive Barrier (PRB) along the Parramatta River foreshore.
- Ongoing Monitored Natural Attenuation (MNA) for Precinctwide petroleum hydrocarbons with the use of remediation corridors (easements) to facilitate future groundwater remediation programs
- Basement parking is not supported under the Remediation Strategy due to the potential to generate waste, disturb contamination and require the potential ongoing requirement for the management of contaminated groundwater and/or hazardous ground gases. Geotechnical constraints associated with the broadscale filling across the Precinct have been identified. This may have implications for geotechnical issues such as allowable bearing pressures, design parameters for ground treatment areas, and allowable settlement. Considerations Key geotechnical considerations for future developments may include:
 - **Minimise excavations where possible.**
 - Pre-loading the site to 'build-out' settlements on fill and compressible soils
 - Foreshore retaining structures could include rigid inclusions
 - Slab options may include suspended/piled slabs or ground treatment through preloading. The management of contaminated groundwater would also need to be considered as part of any below ground development proposals. In areas of widespread hexavalent chromium waste, surface barriers will be required to prevent exposure but also to reduce surface infiltration and leaching. The ability of hexavalent chromium to wick and form surface blooms on pavements and structures also needs to be managed

with the use of barriers such as capillary break layers. For further details, refer to the Remediation Implementation

Air and Odour

An analysis of air quality and odour impacts has determined that existing air emission sources located within and surrounding the Precinct have the potential to result in land use conflicts. As the Precinct undergoes redevelopment, it will be important to determine land uses and built form controls in a manner that minimises potential additional land use conflicts and enables industries to operate without onerous compliance burdens while balancing the amenity and health protection needs of future residents, works and visitors to the Precinct. Considerations Potential considerations to mitigate air and odour impacts may include:

- Co-locating high impact industrial uses to concentrate odorous activities and to minimise buffer requirements
- Mitigation at the source through various treatments such as capture, ventilation, exhaust stacks, regular cleaning and routine preventive maintenance
- Mitigation at the receiver through good design, orientation and positioning of air conditioning and ventilation away from odour sources
- Implementation of buffers around the Sewage Pumping Station
- Delineating suitable buffers between existing and future residences and any major new industrial developments

- Introducing vegetation bands within the industrial area in the order of 50-100m wide consisting of dense, tall vegetation to disperse and dilute emissions For further details, refer to the Air and Odour Implementation Report prepared by Todoroski Air Sciences, 2022.

Noise Employment activities generate noise across the Precinct and the surrounding areas of Silverwater, Rydalmere and Parramatta which are most prevalent at night. Traffic noise generated by M4 motorway, James Ruse Drive and heavy vehicles on the local street network also reduce amenity. Considerations The Precinct's size provides a rare opportunity to create a built environment that reduces future land use conflicts and allows the passive management of noise impacts, reduces environmental noise effects and the need for retrofitting noise controls at sensitive receivers. As development progresses across the Precinct, noise and vibration impacts generated by existing activities as well as potential new sources will need to be considered to minimise future land use conflicts and costly noise mitigation. Noise levels from industrial sources are predicted to result in low to moderate noise impacts throughout the Precinct during daytime hours, while industrial noise may affect new and existing residential areas along the banks of the Parramatta River at both Camellia and Rydalmere during the night. Noise from the proposed Parramatta Light Rail maintenance facility may impact residential properties at the eastern end of the proposed residential area, particularly during night-time hours. Traffic on James Ruse Drive is predicted to impact new residential areas, particularly properties directly facing the corridor. Traffic on Grand Avenue is likely to generate low noise impacts during night time hours. Noise at both proposed school locations is likely to be impacted by road traffic noise. Residential buildings within the town centre and entertainment precincts may be impacted by noise from within the precincts themselves. Overall, the risk of long-term ground vibration impacts is considered low. Impacts are able to be managed through the consideration of noise and

vibration at all stages of the planning process. Substantial benefits to amenity and cost reductions can be realised where good acoustic design is incorporated during early stages of planning. For further details, refer to the Noise and Vibration Implementation Report prepared by WSP 2022.

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Camellia-Rosehill - Integrated Master Plan Land Contamination Risk Rank Definition of Risk Rank Likelihood that remediation is needed to Achieve Identified Land Use School / Kindergarten High Density Residential Recreational Commercial / Industrial Low Soil Contamination is Likely & Groundwater Contamination is Possible. The information suggests that there may have been some activities on the site that have resulted in localised contamination of the land but the site is not likely to be a source site for groundwater impact. Possible Unlikely Medium Soil & Groundwater Contamination is Likely. The information suggests that the site activities may have contaminated the land and/or groundwater. Some remediation of soil will potentially be required and there will be a potential need for groundwater remediation. Possible with some restrictions Possible Unlikely High Soil &/or Groundwater Pollution. The information suggests that the site activities are likely to have caused pollution that would likely require soil remediation and/or active groundwater remediation. Likely Possible Precinct boundary High Risk Medium Risk Low Medium Risk Low Risk 0 250 500m.