

**RECOMMENDATIONS AND ASSESSMENT OF THE RHODES PENINSULA
PARLIAMENTARY INQUIRY**

- 1. That the NSW EPA publish the rationale and justification for remediation standards applied to Precincts B and C.**

The remediation rationale and justification for the Precincts is based on Chemical Control Orders, local and international standards and best practice for remediation. These will need to be considered in the Risk Assessment which will be incorporated in the proponents Environmental Impact Statement (EIS) and subject to public review and comment. An EPA licence will be contingent on the ability of the proponent to meet the remediation specifications.

- 2. That the human health study conducted by URS Australia entitled, *Human Health and Environmental Risk Assessment of Sediments in Southeast Homebush Bay*, be made publicly available by the EPA and City of Canada Bay Council.**

The EPA is currently processing a Freedom of Information (FOI) request for the study. Release of the report is subject to statutory FOI processes. In particular, Orica must be given the opportunity to comment on the release of the document under the FOI Act.

- 3. That the EPA should only approve a proposal for treatment using the direct thermal desorption (DTD) method if it is convinced that the treatment complies with all the relevant protocols regulating the treatment of dioxin and other organic chemicals.**

Local and international standards and regulations for treatment of dioxin and organic chemicals will be the basis for evaluation, approval and licensing of the remediation technology and Remediation Action Plans. This issue will also be covered by the conditions of the development consent, if consent is granted.

- 4. That in the event of reports that emissions from treatment processes exceed established tolerance levels, the EPA develop an emergency communication plan to provide an effective and prompt response to meet safety concerns, including notification to all affected residents.**

Emergency communication plans to manage safety concerns and communication of these events to affected residents, in the case of emission exceedances, will be required to be developed and implemented by the remediation companies and will be a specified requirement in the General Terms of Approval issued by the EPA. The EPA will include these requirements in the operation licence for the treatment plants, and will regulate their implementation.

Exceedances of licence limits are subject to a range of enforcement and regulatory responses.

5. **That if indirect thermal desorption (ITD) is identified by the EPA as the preferred treatment technology, the NSW Government should negotiate with Thies Services to provide supplementary strategies over and above the \$20 million originally committed to remediate the proposed areas of Homebush Bay.**

The Government's concern in relation to remediation is to ensure that proposals meet the specified performance outcomes. If a technology does not meet outcomes specified, it is the responsibility of the proponent to identify an alternate technology that will meet the outcomes. The cost of alternative technologies is a matter for the proponent and is expected to be an integral part of the project planning and implementation.

6. **That the EPA frequently monitor records of the site activities and report to the community liaison groups in order to maintain community confidence in the remediation activities.**

Community liaison would be an activity required of the proponents through an EPA licence condition. The EPA will regularly review site activities and outcomes as part of the regulatory process.

7. **That the EPA provide a rapid investigation response to adverse reports by the public during remediation activities.**

The EPA has a 24 hour pollution line with the ability to rapidly respond to community complaints.

8. **That Workcover ensures that the occupational health and safety strategy in the Remedial Action Plans for Precincts B and C and Homebush Bay incorporate strict requirements modelled on the Homebush Bay Olympic site remediation project.**

The Occupational Health and Safety Regulation 2001 obliges employers to put a number of measures in place in order to ensure the health, welfare and safety of their employees and other people present in workplaces under their control. Where construction work (including excavation work) is undertaken, the statutory requirements involve, among other things, the preparation of safe work method statements. A safe work method statement is a document that:

- describes how the work is to be carried out;
- identifies the work activities assessed as having safety risks;
- identifies the safety risks;
- describes the control measures that will be applied to the work activities; and
- includes a description of the equipment used in the work, the standards or codes to be complied with, the qualifications.

The Regulation also requires the appointment of a principal contractor where construction work is undertaken and the cost of the work exceeds \$250,000 or involves high risk construction work. A principal contractor must:

- ensure occupational health and safety induction training is undertaken;
- prepare, maintain, update and make available occupational health and safety management plans;

- ensure that each sub-contractor provides written safe work method statements before commencing work;
- direct and monitor compliance with the safe work method statements and legislation and take action to comply; and
- keep a register of, and other records in relation to, all hazardous substances on site.

Workcover anticipates that enforcement activities on a level commensurate with those that it provided in support of the Homebush Bay Olympic site remediation will be conducted in respect of the Rhodes Peninsula remediation.

9. That Workcover regularly audit remediation activities for adherence to occupational health and safety guidelines.

WorkCover will secure compliance with occupational health and safety legislation through regular site inspections, which will be undertaken in the course of its normal inspectorial activities. WorkCover will also provide technical assistance to the EPA and other Government agencies involved with the remediation, should it be required.

10. That the EPA ensure that air quality control measures implemented by site remediators include:

- limiting open excavation face to a minimum to reduce potential dust and odour emissions
- covering all stockpile areas
- operation of specific odour control measures and odour suppressants
- inclusion of truck wash down areas to minimise dust disturbance from truck wheels
- use of water sprinklers to suppress dust sources and
- monitoring regimes and emergency triggers to be included in the operation of the treatment equipment if fugitive stack emissions occur

The air quality control measures identified are all normally anticipated elements of the Remediation Action Plans, and the proponents may have additional measures for air quality control. The EPA will consider such measures in the EIS assessment, approval and licensing process. The focus of the EPA will be on the environmental outcomes that are to be achieved, however, based on previous experience it is anticipated that the air quality control measures identified would be included in the licence conditions.

11. That the EPA ensure the remediation proponents implement air monitoring measures both adjacent to precincts B and C as well as location further from the peninsula during remediation of those sites.

The EPA will assess the Remediation Action Plans to ensure that adequate air monitoring is included. The EPA has the power to require supplementary air monitoring requirements in the licence conditions.

- 12. That results of air monitoring be made publicly available (including the website www.rhodesremediation.nsw.gov.au) as part of ongoing community communication and consultation process.**

The EPA intends to require the air monitoring results to be made publicly available.

- 13. That in the interest of public awareness, NSW Health provide leadership to any community liaison group created to examine health issues of concern.**

NSW Health has established a community liaison group with representatives from Department of Health, Central, Western and Northern Sydney Public Health Units, and community groups from Rhodes, Auburn, Meadowbank and other surrounding areas.

NSW Health is committed to funding the meetings of this group and the provision of advice regarding implementation of any recommendations arising from this community liaison. Costs arising from any such recommendations and the proportion that would be borne by the developer have not been established.

- 14. That the Waterways Authority, as the owner of land under Homebush Bay, further investigate measures to remediate dioxin hotspots and other known contaminants.**

The investigations into Homebush Bay are the most exhaustive that have taken place in any part of Sydney Harbour to date. The risk assessment process aims to ensure that dioxins will be cleaned up so as to leave the Bay safe for recreational use and to protect the local ecology. This process also seeks to address other organic contaminants.

The clean up of industrial heavy metal contamination in other parts of the Bay is being pursued by the EPA and the Waterways Authority as a separate matter under the provisions of the *Contaminated Land Management Act*.

- 15. That during remediation and for 12 months after the completion of remediation under Homebush Bay:**

- **sampling of sediment and fish from remediated and non-remediated areas occurs on a quarterly basis; and**
- **data collected from sampling be incorporated in a future human health and ecological risk assessment.**

Fisheries, EPA and NSW Health as members of the Inter Departmental Committee (IDC) on Contaminants in Fish and Shellfish, in consultation with the Waterways Authority, will develop and oversee an independent sampling program, based on agreed scientific criteria, of the sediments and fish of the bay.

Data from this program will be used to monitor the human health and ecological risks in the bay. This work will be specified as one of the conditions of the General Terms of Agreement for the remediation of the sediments, and will be funded by the Waterways Authority.

- 16. That upon completion of remediation of Precincts B and C:**

- the total fishing ban remain for a period of at least 12 months;
- after 12 months, an independent detailed human health and ecological risk assessment be conducted sampling sediment and fish from remediated and non-remediated areas of Homebush Bay; and
- the ban remain until it is demonstrated that contaminant levels in fish are reduced to acceptable levels.

Fisheries, EPA and NSW Health as members of the IDC on Contaminants in Fish and Shellfish, advise that:

- the IDC will oversee a monitoring program, to be funded by the Waterways Authority, of the remediated and non-remediated areas of the bay; and
- the current fishing ban will remain until the IDC is satisfied that contamination levels are reduced to acceptable levels, based on the data generated from the monitoring program.

17. That the EPA, in conjunction with the appropriate regulatory authorities, closely monitor environmental controls and on-site management of remediation works to ensure that the integrity of the environment and the health and safety of workers and the public is not compromised. Environment controls that should be monitored include:

- surface water, leachate and groundwater management and treatment controls;
- erosion and sediment controls;
- odour and dust; and
- noise and traffic measurement and safety measures.

The EPA's role is to regulate, licence and enforce an environmentally responsible remediation process, which will include addressing the noted issues, aside from;

- workers health aspects, which will be addressed by Workcover; and
- traffic, which is a local council responsibility.

18. That the EPA encourage, where possible, the parties remediating Precincts B and C to co-ordinate remediation activities so that disruption to the community is minimised.

The EPA will be in a position to encourage co-ordination between the parties but not compel co-ordination of the remediation.

19. That the Rhodes Remediation website - www.rhodesremediation.nsw.gov.au be updated and dedicated as a repository for all information of community interest concerning remediation in the area.

This recommendation has been implemented. As information suitable for publication becomes available, it is either put on the site or links are established to the information from the site.

20. That the Waterways Authority link this Standing Committee on State Development Report to the Rhodes remediation website.

This recommendation has been implemented.

21. That Planning NSW implement the recommendations of the NSW Audit Office report entitled *Performance Audit Report: Department of Urban Affairs and Planning, Environmental Impact Assessment of Major Projects in NSW* with a view to:

- comprehensively informing communities affected by a development to maintain public confidence in government processes; and
- including community participation in shaping draft planning documents.

All development proposals in the Rhodes precinct are placed on public notification, with copies of documents made available for viewing at Planning NSW and in all five City of Canada Bay public libraries. As a condition of any consent, Planning NSW will also require the applicant to establish (or continue) the resourcing and co-ordination of Community Liaison Groups.

This is consistent with the recommendations of the Audit Office recommendations relating to Environmental Impact Assessment of Major Projects.

22. That the Waterways Authority and EPA co-ordinate and effectively resource the establishment of a reference group based on the Homebush Bay Environment Reference Group (HOMBRG) which includes membership drawn from developers, the community, environmental organisations, government agencies, academics and other specialists.

Under the remediation contract between Thiess and the Government, Thiess has primary responsibility for community consultation. Accordingly, the responsibility for convening and resourcing consultative groups is a matter for Thiess. It should be noted that Thiess has established a consultation group that is consistent with that proposed by the Committee.

23. That the Waterways Authority significantly increase the content of the website www.rhodesremediation.nsw.gov.au to at least include the following information:

- the Environmental Impact Statements for the remediation of Precinct B (including the adjacent area of Homebush Bay) and Precinct C when publicly available;
- the Environmental Impact Statements for the development of Precincts A, B and C when publicly available;
- functions and meetings of the Rhodes Peninsula Reference Group;
- meetings of Community Liaison Groups; and
- updates on remediation and redevelopment matters affecting the Rhodes Peninsula.

When the EIS for Precinct B (including the adjacent area of Homebush Bay) goes on public exhibition, a summary version will be published on the Authority's website.

The Waterways Authority will make its website available to the proponents of Precincts A and C to either put a summary version of their EIS on the site or to establish a link to that information from the site. The use of the Authority's website for this purpose is however ultimately a matter for the respective proponents.

The Waterways Authority is willing to publish function or meeting information that is supplied by groups involved in the public consultation process.

The Authority will continue to provide updates on remediation and redevelopment matters affecting the Rhodes Peninsula.

- 24. That Transport NSW urgently review the assumptions made in the Transport Management Plan, to clarify whether or not the estimated rail passenger loads can be adequately accommodated.**

Subsequent to the *Renewing Rhodes Transport Management Plan* the State Rail Authority (SRA) commissioned consultants to undertake a study to investigate the requirements for an upgraded Rhodes Station in the *Rhodes Redevelopment Masterplan* (December 2001). As well as including the Rhodes Peninsula REP 29 area, the demand generated by other nearby existing and new developments was also taken into consideration.

Since the finalisation of the report the status of some projects has changed. Transport NSW has therefore requested that the SRA provide further advice on the issue of the capacity of rail to accommodate the proposed development at Rhodes Peninsula and surrounds.

- 25. That the Transport Management Plan encompassing all forms of transport for the Rhodes peninsula be reviewed now and within 5 years time.**

The review of rail capacity (referred to under recommendation 24) will be undertaken. The need for further review will be considered after the initial review is completed.

- 26. That Planning NSW, when considering large development projects, carefully consider transport planning in cooperation with Transport NSW to ensure that:**
- realistic assumptions are proposed in the Transport Management Plan; and
 - where public transport related infrastructure is required, that this can be provided before completion of the project.

It is the usual practice of Planning NSW when assessing large development projects to fully consider all transport related issues in liaison with relevant stakeholders and agencies, including Transport NSW. Planning NSW will ensure that in all assessments of major development proposals, the matters raised by the committee in relation to this recommendation will be properly addressed.

- 27. That the Department of Education and Training conduct an independent review of future public education demands from Rhodes, Liberty Grove and Concord areas.**

The NSW Department of Education and Training will conduct an independent review of future public education demands from the Rhodes, Liberty Grove and Concord areas in term one, 2003.

- 28. That the Waterways Authority ensures that community liaison groups formed during the remediation and redevelopment of the Rhodes Peninsula include at least one representative from the Liberty Grove community.**

The community liaison group established by Thiess includes a representative from the Liberty Grove community.

- 29. That the Sydney Harbour and Parramatta River Catchment Management Board broadly publicise its objectives and plans for the river system and provide a period of at least 8 weeks for public consultation and participation.**

The draft Sydney Harbour Catchment Blueprint was publicly exhibited for 40 days during July and August 2002. Following public exhibition, the Sydney Harbour and Parramatta River Catchment Management Board considered all of the submissions received and amended the draft blueprint.

The draft blueprint was submitted to the Minister for Land and Water Conservation for approval in October 2002. The Minister is currently in the process of finalising the blueprint.

- 30. That the Committee:**

- **monitor the remediation and redevelopment activities at Rhodes Peninsula for a four year period (until 30 June 2006);**
- **consider issues arising from remediation and redevelopment;**
- **table any additional report in the Legislative Council from time to time; and**
- **consider feedback from residents, local community groups, industry, unions, agencies and local government bodies.**

Noted.

- 31. That the Minister for Transport and Minister for Roads, as the Minister responsible for public transport planning, reports annually (up to and including 30 June 2006) to the committee to identify transport planning initiatives that will facilitate patronage of public transport to and from the Rhodes peninsula.**

The transport requirements and initiatives accompanying the development of the Rhodes Peninsula REP area were investigated and determined in detail as part of the planning process and this assessment will continue to inform service planning.

- 32. That the Minister for Transport and Minister for Roads, as the Minister responsible for the Waterways Authority, reports annually (up to and including 30 June 2006) to the committee on the progress of remediation of the Bay area adjacent to the Rhodes Peninsula.**

The Minister for Transport currently provides a report to Parliament on the progress of remediation of the eastern side of Homebush Bay as part of the Waterways Authority's

Annual Report. Additional information can be made available to the Standing Committee if required.

- 33. That the Minister for the Environment provides to the Committee, reviews annually documenting variations from environmental guidelines by remediation activities. The first review should commence from the year ended 30 June 2003. Reviews thereafter should be conducted annually up to and including 30 June 2006.**

Remediation works including contaminated soil treatment will be licensed under the *Protection of the Environment Operations Act 1997* and licensees will be required to submit annual reports, including a 'Statement of Compliance' recording any variation from license conditions and what actions were taken in response to these variations. The EPA will review these reports and may take further action with the licensee if required.

The annual 'Statement of Compliance' including documentation of actions taken will be publicly available on the EPA, POEO public register at www.epa.gov.au/prpoeo

The reports will be required on an annual basis for the duration of remediation works.

Abbreviations

EIS - Environmental Impact Statement
EPA - NSW Environment Protection Authority
FOI - Freedom of Information
IDC - Inter-Departmental Committee
REP - Regional Environmental Plan
SRA - State Rail Authority