

NSW GOVERNMENT RESPONSE

**LEGISLATIVE COUNCIL GENERAL PURPOSE STANDING
COMMITTEE NO. 5, REPORT NO. 28:**

THE FORMER URANIUM SMELTER SITE AT HUNTER'S HILL

March 2009

NSW GOVERNMENT RESPONSE TO THE PARLIAMENTARY INQUIRY INTO THE FORMER URANIUM SMELTER SITE, HUNTER'S HILL

Recommendation 1

That the Department of Environment and Climate Change ensure that the independent site auditor appointed to oversee the remediation of the foreshore areas of numbers 7, 9 and 11 Nelson Parade, is also appointed to oversee the remediation of the upper levels of numbers 7 and 9 Nelson Parade and any other areas beyond the site requiring remediation.

Response

An independent site auditor was appointed in July 2007 and has been engaged in such a manner that should site audit advice be required for other areas beyond the foreshore areas of 7, 9 and 11 Nelson Parade and the upper levels of numbers 7 and 9, there is sufficient flexibility for this to occur.

Recommendation 2

That NSW Health prioritise the completion of a detailed timeline for the development and implementation of the proposed remediation plan, including projected dates for the submission of the environmental assessment, the completion of the Department of Planning's review of the proposals it contains, and the commencement and estimated completion of proposed remediation works, as approved by the Minister for Planning.

Response

The development of a remediation plan for legacy contamination at Nelson Parade was well advanced when formal public consultation commenced in late 2007.

Planning for the remediation of the land owned by the Department of Health at 7-9 Nelson Parade and the foreshore lands of 7, 9 and 11 Nelson Parade is progressing in accordance with the following timeline. This timeline is subject to the completion of the remediation action plan, which would incorporate any additional radium related remediation required in accordance with additional surveys referred to below, under Recommendations 3, 4 and 7:

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|---|-------------------|
| Finalise revised Remedial Action Plan (RAP) | 6 March 2009 |
| Sign off of RAP by Auditor and DECC | 3 April 2009 |
| Revision of Director General's Requirements | 1 May 2009 |
| Lodge Environmental Assessment (EA) | 31 July 2009 |
| Department of Planning Adequacy Review | 21 August 2009 |
| Public Exhibition commences | 4 September 2009 |
| Public Exhibition closes | 30 October 2009 |
| Finalise and Submit Submissions Report | 22 January 2010 |
| Department of Planning Assessment Completed | 12 March 2010 |
| Determination by Minister | 26 March 2010 |
| Tender Documentation Finalised | 9 April 2010 |
| Tender Closes | 21 May 2010 |
| Award Tender | 4 June 2010 |
| On-site Remediation Works Completed | 10 September 2010 |
| Validation and Auditor Review Completed | 3 December 2010 |

Recommendation 3

That NSW Health and the Department of Environment and Climate Change ensure that, prior to the finalisation of the remediation plan and the commencement of remediation activities:

- **all local residents are notified and consulted on the process of testing,**
- **all properties in Nelson Parade and the footpaths and street itself are thoroughly surveyed for gamma radiation levels,**
- **properties on other nearby streets are surveyed for gamma radiation levels, and areas showing elevated gamma radiation levels are thoroughly characterised through analysis of soil samples taken down to a depth of several metres, analysis of ground water quality and measurement of radon gas levels.**

Response

A two-stage strategy has been progressed in accordance with this recommendation. The first stage comprising of a gamma radiation survey of properties, footpaths and streets. The second stage comprises of soil sampling and radon gas sampling targeted to areas identified in the gamma radiation survey. These works are still underway.

The Department of Health and the Department of Environment and Climate Change have worked with residents of Nelson Parade and Hunter's Hill Council to ensure they have the opportunity to participate in and be informed of the results of these surveys.

The Department of Health has met with the local Nelson Parade Residents Group on a number of occasions in the past and during the current survey to ensure residents are fully informed. Consultation with Hunter's Hill Council is continuing. Residents and the public in general will have the opportunity to formally comment on remediation activities during the Department of Planning's public exhibition period for the Development Application for the proposed works.

Recommendation 4

That NSW Health and the Department of Environment and Climate Change, in consultation with NSW Maritime, ensure that, prior to the finalisation of the remediation plan and the commencement of remediation activities, the marine environment adjacent to the site is thoroughly surveyed including analysis of sediment samples.

Response

NSW Maritime is conducting a staged investigation of the marine environment adjacent to the site. The first stage is underway and comprises a gamma radiation survey using non-intrusive techniques to identify areas of elevated radiological contamination in the marine sediments adjacent to 7-11 Nelson Parade, Hunter's Hill. A physical sampling program will be undertaken of any contaminated areas identified in the gamma radiation survey prior to finalising the Remediation Action Plan.

Recommendation 5

That NSW Health and the Department of Environment and Climate Change ensure that thorough testing commence as soon as is practical, with regard to the availability of the necessary expertise and equipment.

Response

Building upon previous surveys undertaken at Nelson Parade since the 1980s, additional testing commenced in December 2008. The need for any further testing will be assessed following the analysis of these results in light of previous data for Nelson Parade. See response to Recommendation 3.

Recommendation 6

That NSW Health make the results of thorough testing available to all local residents, organise community feedback sessions to explain those results, and involve the independent site auditor in those feedback sessions.

Response

The individual property results will be provided to those property owners who participated in the survey. Following this, it is proposed to make the results of the radiological surveys available to all local residents and to organise a community feedback session to explain those results. The consolidated results of the surveys will be provided to Hunter's Hill Council to ensure their continued availability to the local community and for use in land management.

In the remediation of contaminated land, the purpose of the independent site auditor is to provide independent review and reference. As such, the independent auditor will be involved in the community feedback sessions.

Recommendation 7

That NSW Health's remediation plan include all areas in Nelson Parade and any other site identified as contaminated by radioactive material in the vicinity of the uranium refinery site, including the marine environment adjacent to the site.

Response

Following the investigations referred to under the responses to Recommendations 3, 4 and 5, the Remediation Action Plan will be updated and amended to include all areas that require remediation due to radiological contamination arising from the former uranium refinery.

Recommendation 8

That NSW Health and the Department of Environment and Climate Change, in consultation with NSW Maritime, further investigate the option of barging contaminated soil and other material from the site, and include in the remediation plan the reasons for choosing or rejecting this option, including reference to water levels, the depth required by loaded barges and the possibility of dredging the bay floor.

Response

The appointed environmental consultant, GHD, has been instructed to complete a detailed investigation of the barging option and detail these findings in the subsequent Environmental Assessment that will be publicly available during the development application assessment process.

Recommendation 9

That NSW Health's remediation plan include a clear description of an on-site method for classifying excavated soil and other material and the classification criteria to be used, and that contaminated soil and other material be subsequently disposed in a landfill licensed to accept it.

Response

The in-situ soil classification methodology has been outlined in the draft Remediation Action Plan and will be further defined in the Environmental Assessment. The independent site auditor has been instructed to review the classification of soil to be excavated.

Recommendation 10

That NSW Health's remediation plan include a strategy for dealing with contaminated soil and other material classified as hazardous waste according to the Department of Environment and *Climate Change's Waste Classification Guidelines, Part 3: Waste Containing Radioactive Material (2008)*, including a strategy for on-site containment should a disposal location for hazardous waste not be available.

Response

The appointed environmental consultant, GHD has been instructed to ensure this issue is fully addressed in the Environmental Assessment.

Recommendation 11

That NSW Health notify residents of progress in the development of the remediation plan and that once a plan has been assessed and accepted, NSW Health make it available to residents and organise community feedback sessions, involving the independent site auditor to clarify its details.

Response

The draft Environmental Assessment outlines the consultation program completed to date and proposed for the duration of the remediation works. An undertaking has been given to the Nelson Parade residents that a consultation session will take place once the draft Environmental Assessment is completed and prior to it being lodged with the Department of Planning. Subsequent newsletters and consultation sessions will be held at each key point in the remediation.

The scope of work for the site auditor will be broadened to include the requirement to attend all future consultation sessions with the residents.

Recommendation 12

That NSW Health's remediation plan includes a commitment that the costs of remediation to all areas requiring it will be borne by the NSW Government.

Response

All readily accessible contamination on private land that is associated with the former uranium smelter at Nelson Parade will also be removed as part of the more substantial remediation program for those parcels of land that are now the responsibility of the NSW Government. As the original polluter is no longer available, these remediation costs will be borne by the NSW Government.