

**PORTFOLIO COMMITTEE NO. 6 – TRANSPORT – SUPPLEMENTARY
QUESTIONS
30 MAY 2022**

SQ01

Only 2 marine borehole locations were tested for contaminants at La Perouse and only one marine borehole at Kurnell. This is extremely limited testing. Can TfNSW explain how this extremely limited data source is adequate or sufficiently representative to assess whether contaminants are therefore present or absent in marine sediment at the site?

ANSWER

I am advised:

Transport for NSW is very conscious of the environmental impacts of its projects and endeavours to avoid or, at the very least, minimise those impacts wherever possible.

The assessment completed to date is adequate, given the status of the project and that any disturbance to any pre-existing contaminants is expected to be minimal.

Where this project is approved, work will be undertaken in compliance with consent conditions issued by the Department of Planning and Environment.

These consent conditions are expected to include further testing and mitigation measures such as engaging an Environment Protection Authority Site Auditor to review all contamination reports, preparing Soil and Water Management Plans as well as undertaking any remediation action where necessary.

SQ02

Mr Howard Collins stated in the last budget estimates that sediment testing was “extensive”. However, the contamination investigators frequently noted throughout their report that “limited number of samples were collected” and “limited sample volumes were obtained” due to works being undertaken concurrently with geotechnical works. Can TfNSW explain why Mr Collins opinion seems at odds with that reported by the investigators in the investigation report?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ03

Can TfNSW explain why important sampling was done “concurrently with geotechnical works” if it then limited the representativeness of results to make them effectively worthless in terms of determining whether contaminants were present or absent from the site?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ04

A contamination expert, Dr Bill Ryall, has verified that the top 1m of marine sediment would be the most likely place to find contaminants of concern and this is normally one of the first places sampled in marine environments. Why was no sampling and testing done from within the top 1m of sediment?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ05

When marine contamination was found at 3.85m the investigators stated that due to the depth of the sample, it is likely to represent natural / background concentrations not contamination. This seems to be a clear admission that sampling was being done at inappropriately deep depths where contaminants were unlikely to be found except as background concentrations. Can TfNSW explain why depths of 2.5m 3.85m and 8.2m were chosen for testing?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ06

The EPA in their submission suggested that a ‘detailed’ site investigation needed to be done. Can TfNSW explain why a ‘targeted’ site investigation was done instead and what contaminant was being targeted, was it PFAS?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ07

TfNSW has said in response to a question about PFAS testing that “the site-specific sampling requirements were considered appropriate for the purpose of PFAS assessment”. Can TfNSW explain how testing only 2 locations for PFAS, one on either side of the bay, and not testing the top metre of sediment where it is most likely to be found, qualifies in any way as being ‘appropriate for the purpose of PFAS assessment’?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ08

The waters and sediment of Botany Bay is considered an ‘EPA potentially contaminated area’, however, to date no PFAS sediment testing has been done. Biota studies have revealed PFAS in varying concentrations in fish in Botany Bay and dietary restrictions apply including not eating any Australian Salmon. In view of this fact, does TfNSW think it important that ‘extensive’ rather than ‘limited’ PFAS sediment sampling, at appropriate depths, is done in order that precautionary principals apply?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ09

Adjacent to the proposed wharf at La Perouse is a public beach, Frenchman’s beach. Yet neither the beach nor swimmers were identified or addressed as being impacted, or at risk from contaminated sediment disturbance during construction. Does TfNSW consider failing to identify the beach and beach users is a grave omission in the report?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ10

The EPA noted in their submission that “the reports do not identify mitigation and management measures to safeguard the environment and people during construction and operation”. Is TfNSW concerned that this ‘extensive’ report failed to identify, address and safeguard people and the environment?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ11

Mitigating measures to protect beach users/swimmers from potential contaminants were not addressed in the report. Does TfNSW agree that this should have been in the EIS and should be addressed before Planning approval is given as the public have a right to know beforehand if a beach as popular and busy as Frenchman’s beach is to be closed for 13 months in order to keep users safe?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ12

The EPA have found “The EIS and the supporting TSI and PSI reports have not satisfactorily addressed the requirements of the SEARs as the nature and extent of contamination have not been fully assessed.” An independent contamination expert and former EPA approved site auditor, Dr Bill Ryall, has said that the report was “grossly inadequate”. These are extremely serious findings. Have TfNSW taken Dr Ryalls findings into account and does TfNSW consider that perhaps more investigation needs to be done prior to assessment to ensure public safety?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ13

The 'ARUP Investigation methodology' document was referenced as being included in the July 2021 EIS contamination report but was omitted and instead there were empty pages. It was referenced as being included in the October Response to Submission Sampling and Analysis Quality Plan (SAQP) but was omitted and instead there were empty pages. Three weeks ago the SAQP on the Planning website was quietly amended, without any notification to interested parties and without any alert on the website, to include this methodology document. Does TfNSW think that it is appropriate to withhold this document for 10 months when it was meant to be in the EIS, and then amend a document to include it, without informing anyone that this had been done?

ANSWER

I am advised:

Transport for NSW, as the proponent, is satisfied that all information required by the determining authority, the Department of Planning and Environment, is thorough and appropriate to allow the determining authority to make an informed assessment of the project.

Transport for NSW is confident in the ability of the Department of Planning and Environment to assess the accuracy of any Environmental Impact Study prior to making any determination.

Information published on or omitted from the Planning website is a matter for the Department of Planning and Environment.

SQ14

Can TfNSW explain why the methodology document contains information that contradicts information in the EIS regarding location of sampling boreholes at La Perouse. Is TfNSW aware of this error and will they be investigating this error and clarifying its implications?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.

SQ15

This appears to be another example of incorrect information being supplied in the EIS. Is TfNSW concerned about the amount of incorrect information that has been supplied in the EIS, from conflicting dimensions of length of wharf, to incorrect claims about purpose of wharf as revealed in previous budget estimates?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 13.

SQ16

The public have been led to believe from the EIS that the main purpose of these wharves is for a ferry service between La Perouse and Kurnell. Given Mr Collins assertion at a previous budget estimates that "This is not about a ferry service, to start with. Let me make this clear", and later "not just a ferry service which may happen," can TfNSW clarify what the true purpose is behind this project.

ANSWER

I am advised:

The objective of the project is to create waterborne access to the National Park for passenger ferries, tourism-related commercial vessels and recreational vessels. The Environmental Impact Statement contains further information in relation to the project objective and associated benefits.

SQ17

What is the current (2022) estimated cost of this project and has the Federal Government's contribution been received?

ANSWER

I am advised:

The estimated cost is commercially sensitive and cannot be released at this time due to a tender process currently underway. Transport for NSW understands that federal funding has been received for the Kamay 2020 program which is managed by National Parks and Wildlife Services and includes the Kamay Ferry Wharves.

SQ18

Because the project will have major impacts on Threatened Marine Species protected under State and Federal legislation, your Department was required to provide a Marine Biodiversity Offset Strategy. I understand that the Offset Strategy has not been supported by NSW Fisheries. I also understand that the incoming Labor Federal Minister for Environment will be required to sign off for impacts on EPBC listed species. Has Transport made or is it considering adjustments to the project because of this?

ANSWER

I am advised:

Transport for NSW has developed a Marine Biodiversity Offset Strategy in consultation with NSW Fisheries. The project is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* and is being assessed under the bilateral agreement between the State and Commonwealth Governments.

SQ19

Since you last appeared contaminated sites expert Dr Bill Ryall has provided a pro-bono assessment of Transport's Contamination Report on marine sediments. In his opinion the report was 'grossly inadequate' and didn't meet SEARs required for Planning approval. The EPA had also said it didn't meet SEARs. Randwick City Council has a duty of care not only for its residents but also the tens of thousands of visitors to the La Perouse Headland. Councillors voted unanimously at the 26th April meeting requesting that independent marine sediment testing take place before Planning determination. Has Transport accepted that what was provided for Planning and the EPA in the Kamay Ferry Wharves EIS was inadequate and misleading?

ANSWER

I am advised:

I refer you to the previous answer, provided in Supplementary Question 1.