



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2021-2022 Supplementary Questions**

**Portfolio Committee No. 6 – Transport and Customer Service**

### **TRANSPORT**

Hearing: Monday 30 May 2022

**Answers due by: 17 June 2022**

**Budget Estimates secretariat**  
Phone 9230 2112  
[BudgetEstimates@parliament.nsw.gov.au](mailto:BudgetEstimates@parliament.nsw.gov.au)

# TRANSPORT

## Questions from Mr Mark Banasiak MLC

### Kamay Ferry

1. 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?
2. 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?
3. 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?
4. 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?
5. 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?
6. 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?
7. 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*’?
8. 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?

9. 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?
10. 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?
11. 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?
12. 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?
13. 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?
14. 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?
15. 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?
16. 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.

## Questions from Ms Abigail Boyd MLC

### State Significant Infrastructure Development Kamay Ferry Wharves SSI-10049

17. What is the current (2022) estimated cost of this project and has the Federal Government's contribution been received?
18. 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?
19. 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?