

December 2003

The Hon Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Dear Minister,

**Proposed Remediation of the Lednez Site and part of the bed of Homebush Bay
Rhodes, City of Canada Bay**

Under Section 119(1) of the *Environmental Planning and Assessment Act 1979* the former Minister for Planning directed an Inquiry be held into all environmental aspects of the proposed remediation of the Lednez site at 40 Walker Street, Rhodes and part of the bed of Homebush Bay. I was appointed to constitute the Commission of Inquiry. The Commission's report canvasses the significant environmental aspects of the proposal taking into account all submissions made by parties.

The main environmental considerations are the protection of human health during both remediation activities and the planned later residential and recreational uses of the Lednez site and the Bay respectively; the soil and sediment remediation criteria for dioxins and other toxic chemicals; and the management and control of noise, dust and odour during the remediation.

The indirect heated thermal desorption (IHTD) technology proposed to treat the contaminated soils is a proven non-incineration technology generally supported by the community. However, there is a need for a comprehensive commissioning protocol for the treatment plant to prove its operational effectiveness on the unique combination of chemical contaminants and characteristics of the soils and sediments on the site. The liquid condensate produced would be treated by base catalysed decomposition (BCD) and Plasma Arc technologies.

Provided the remediation is undertaken using best practice control and management procedures, and in a timely way, impacts on air quality resulting from dust generation and stack emissions during the remediation are unlikely to result in exceedances of recognised cancer and non-cancer health risk criteria. Dust emissions would be controlled to comply with recognised criteria for fine particulate matter which has the potential to affect human health. The Commission is satisfied that with the procedures the Applicant intends to adopt, human health would be protected during the remediation activities. Odours emitted from contaminated soil and open excavations, as well as from naturally decaying organic matter in the excavated sediments would need to be carefully monitored and controlled.

The soil remediation criteria to be achieved and the planned replacement of soil, both treated and untreated, would protect the health of future residents and visitors using the site as is shown by the human health risk assessments. A restrictive covenant for the site to ensure the deeper soils containing residual contamination are not disturbed in the future would be essential. The area of Homebush Bay to be remediated would ensure the health of recreational users of the Bay is protected

provided the fishing ban remains for the present. Ongoing monitoring following remediation is clearly required to determine if the fishing ban could be removed in the future.

Despite the use of all reasonable and feasible mitigation measures noise impacts would remain significantly above generally accepted daytime amenity criteria at existing and future residences. Potential exceedances of the night-time criteria would be considered minor and are more limited in extent. A number of existing residents have stated that they would accept the noise levels predicted at their residences and that they would prefer the remediation completed as soon as reasonably possible. Future closer residents would be affected to a greater extent. The Commission supports a co-operative approach as has been adopted by the Applicant and the owners of the adjacent Statewide site. In this way the noise amenity issues for adjacent residential development can be accommodated.

Detailed management plans for noise emissions, air quality including odour, and wastewater would need to be developed and strictly implemented. Comprehensive monitoring and reporting requirements for air quality, noise levels and water quality are set out in the recommended measures.

Consultation and provision of operational and environmental monitoring information to the community should occur on a regular basis and be easily accessible. The Commission recommends a community liaison group funded by the Applicant be established, and that the Applicant also fund independent technical advice for the community over the duration of the remediation project. Operation of the community liaison group would need to be co-ordinated with any other similar group for adjacent development sites.

The Commission recommends that DIPNR, in consultation with the EPA, take a lead role in co-ordinating planned development in the Sydney Regional Environmental Plan (SREP) No. 29 area. This is to ensure co-operation between developers, consistent environmental management and timely development of the area, particularly in relation to the application of best practice air quality and noise management across site boundaries and to ensure cumulative impacts are minimised. A full-time environmental officer for the SREP 29 area funded by DIPNR/EPA, which was given some support by Government agencies at the Commission hearings, is also recommended by the Commission to ensure that the best environmental outcome is achieved.

The evidence clearly establishes that remediation of the Lednez site and part of the bed of Homebush Bay is essential to protect human health, especially the health of future residents and recreational users of Homebush Bay. Furthermore, that the limited area in Homebush Bay proposed for remediation is the minimum area which should be remediated. The Commission is satisfied that to do nothing is not an option in the circumstances.

The Commission finds that environmental aspects of the proposed remediation of the Lednez site do not preclude approval, subject to the measures the Commission recommends. These measures are to ensure that site soils and part of the bed of Homebush Bay are remediated to an appropriate standard using proven technology, that human health and the ecological environment of the Bay are protected, and that environmental impacts are effectively managed and controlled both in the short and long-term.

A handwritten signature in black ink, appearing to read 'Kevin Cleland', with a long horizontal flourish underneath.

KEVIN CLELAND
Deputy Chairperson