

Date: 30 November 2018

Tony Pavlovic
Manager – Health, Building & Environment
City of Canada Bay
1a Marlborough Street
Drummoyne NSW 2047

Dear Tony,

RE: Kendall Bay Sediment Remediation Project (SSD 6701) – City of Canada Bay Submission on Environmental Impact Statement.

Introduction

The NSW Department of Planning and Environment (DP&E) provided Jemena Limited (Jemena) with a letter prepared by the City of Canada Bay (Council) dated 31 October 2018. The letter contained the Council's comments on the Environmental Impact Statement for the Kendall Bay Sediment Remediation Project. The letter from the Council is provided as **Attachment A** in this letter.

Jemena has prepared this letter, with input from its consultant/specialists and remediation contractor as required, to respond to the comments presented in Council's letter. The response to the Council's submission is provided below.

Response to Submission

Jemena is committed to managing the remediation process implementation of detailed mitigation measures which will be contained within the Remediation Works Environmental Management Plan (RWEMP), the Remedial Work Plan (RWP), and Validation Sampling Analysis and Quality Plan (VSAQP) as well as a number of other documents as described in EIS Chapter 18. These documents are still to be completed.

The seven points below correspond to the comments outlined in the Council letter.

Response to Comment 1: Noise

A Construction Noise and Vibration Management Plan (CNVMP) will be developed for the full-scale remediation works. A CNVMP was developed for the field trial and was considered successful in managing noise from the trial works. An important aspect of the CNVMP is ensuring the community is kept informed of the proposed works and provided with details to contact Jemena for further information.

As stated in Table 9-8 of the EIS, noise impacts will be managed through the strict adherence to Council's standard construction hours which are 7:00am to 5:00pm Monday to Friday and 8:00am to 1:00pm on Saturday, subject to confirmation from Council.

Response to Comment 2: Air quality and odour

An Air Quality Management Plan will be developed and will include air quality monitoring at all stages during the works in accordance with recommendations stated in EIS Table 8-7.

Response to Comment 3: Traffic

As stated in EIS Section 16.7.1, a CTMP will be prepared which outlines the listed points. In addition, EIS Section 16.7.2 states that a Road Dilapidation Report will be prepared in order to quantify the degree of road degradation as result of the project and a pre and post works dilapidation report for existing haul road will be provided to Council. In addition, periodic road pavement inspections will be undertaken during haulage works and also at end of haulage works to compare to the dilapidation report and required repairs to haulage road made.

Jemena understand the requirement to ensure that any damage to Council roads as result of the remediation project are repaired at Jemena's expense. Jemena are committed to ensuring no net change in the quality of utilised roads caused by the project. Discussions regarding bank guarantees for road repairs and road levies will be held with Council to achieve a suitable outcome to satisfy Council's objective of protecting Council roads.

Response to Comment 4: Removal of Sediments

As committed to in EIS Section 18.6, a Remediation Works Environmental Management Plan (RWEMP) will be developed by the remediation contractor, including monitoring and mitigation measures and process for complaints handling. The remediation works will be managed to prevent the release of odours, dust and noise where possible rather than simply mitigating odours, dust and noise following release. In addition, as outlined in EIS Section 18.13, successful completion of the remediation works will be confirmed through the independent preparation of a Validation Sampling Analysis and Quality Plan (VSAQP).

A site validation report will be prepared following the completion of the remedial works and reviewed by the Site Auditor. A copy of the completed report will be provided to Council.

Response to Comment 5: Site Reinstatement

Final site reinstatement is at the core of the remediation process. The objectives of the project are to improve the health of the Bay and surrounding areas and ensure the long-term protection of the health of users of the Kendall Bay foreshore and recreational users of the waterway from potential impacts from gasworks-related contamination. The staging area has been purchased by Jemena specifically for use during the remediation works. At the completion of the remediation works, Jemena will determine the future use of the staging site, in consultation with Council.

Response to Comment 6: Community Engagement

Jemena will continue the already-established high level of community engagement described in EIS Chapter 6 throughout the remaining remediation and post remediation stages of the project.

Response to Comment 7: Flora and Fauna

Kendall Bay biodiversity, flora and fauna will be protected through the implementation of the mitigation measures outlined in EIS Table 12-6 and Table 11-3. In addition, a Water and Sediment Management Plan and an Excavation Management Plan will be prepared by the remediation contractor in order to manage

the potential impact of water quality on flora and fauna as well as the direct impact on biodiversity from remediation activities.

Closing

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Phil Hutson', with a stylized flourish at the end.

Phil Hutson

Project Manager, Kendall Bay Sediment Remediation Project

Encl: Attachment A – Council EIS Submission

SUBMISSION BY
CITY OF CANADA
BAY COUNCIL

KENDALL BAY REMEDIATION PROJECT

Submission by City of Canada Bay on Kendall Bay remediation project

Introduction

The City of Canada Bay Council (CCBC) has received notification from the NSW Department of Planning and Environment (the Department) to provide comment on the proposal, including advice on recommended conditions of consent regarding the proposed Kendall Bay Sediment remediation Project. Any submission is required to be received by the Department by close of business on Wednesday 31st October 2018.

Details of Project

The project includes the following elements:

- Remediation of two sections of Kendall Bay, which have previously been declared SSD by Ministerial Order published in the NSW Government Gazette on 12th April 2013.
- 140 Tennyson Rd Mortlake to be used as the staging site from the project. The staging site is used to primarily facilitate the removal of sediments for off-site disposal.
- Primarily, remediation will occur on water with sediments being stabilised and a capping layer applied to the area. Clean fill will be trucked to the staging site and applied to the remediation areas using a barge system.
- It is noted that a habitat assessment was undertaken and that the remediation site is within close proximity to a mangrove community. It is also noted that the proposed remediation method now enables the mangrove habitat to be maintained.
- The current proposal has decreased sediment treatment from approx. 30,000t to approx. 6,000t with a substantial decrease in the truck movements associated with the site. Truck movements will occur from both the removal of sediments and importing of clean fill.
- It is noted that a stakeholder management plan has been developed and this should form part any approval given. This indicates that a Liaison group will be established and meet regularly.
- The Transport Impact Assessment indicates they are amenable to that requirement and also commit that "A Road Dilapidation Report would be prepared prior to work commencing, for comparison purposes during and post construction.
- It is noted that a Noise Management Plan and Air Quality monitoring plan is proposed and should form part of any approval. It should be noted that odour was one of the biggest issues throughout the Rhodes remediation project and there seems to be minimal discussion beyond addressing site conditions.
- It is noted that a remedial works environmental management plan forms part of the discussion in the Remedial Action Plan (RAP).

Key Issues

Environmental:

1. Noise - Council requests that a condition be developed to ensure that the recommendations of the report are implemented including the development of a Noise Management Plan, to minimise the acoustical impact on the surrounding residents. It is also recommended that the Hour of Operation for works aligns with Councils requirements which include;
 - a. No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm. Mondays to Saturdays. No work to occur on Sundays and public holidays. Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.
2. Air quality including odour - Council requests that it is conditioned that air quality monitoring be implemented and as indicated in the EIS an air quality management plan be developed to ensure there is no health risk to the surrounding residents. It is noted that odour is considered as part of this report and that there are recommendations provided to minimise odour complaints and it is essential to address mitigation through conditions.

Traffic:

Increased heavy vehicular traffic to transport the refuse from the site and import clean fill will result in increased noise and air pollution, congestion on the local road network and road pavement damage.

If the use of the local road network is to be considered, it is recommended that a Construction Traffic Management Plan (CTMP) and a Dilapidation Report of the affected local road network be provided. The following matters (at a minimum) must be addressed in the CTMP.

It is considered that the following matters, numbered 1 – 4 should be included as conditions or requirements for the applicants to adhere to:-

1. Construction Traffic Management Plan:

A Construction Traffic Management Plan shall be prepared for the proposed site staging works at No. 140 Tennyson Road, Mortlake and shall include the following details:

- A detailed description and route map of the proposed truck/construction vehicle access routes,
- The locations of any proposed Construction Works Zones along the site frontage,
- Provide a construction schedule,
- Tradesperson parking (parking shall be provided on-site where possible),
- Provide relevant Traffic Control Plans (certified by an RTA accredited person i.e. red or orange ticket),
- Provide relevant Pedestrian Management Plans,
- A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.
- Require the proponent to log all heavy vehicle movements and loads and report to Council.

2. Impact on local road pavement:

The following measures shall be undertaken prior to the commencement of works to manage the damage caused by the spoil haulage trucks entering and leaving the site:-

- A) Provide Council with an unconditional Bank guarantee in the amount of \$200,000 to act as surety for the repair of roads impacted by haulage trucks.
- B) Provide Council with a photographic dilapidation report for the existing haul roads.

3. Road Pavement Inspections and Repairs:

During the haulage works the applicant shall undertake weekly road pavement inspections and repair road defects that have been caused by the haulage trucks. The applicant shall obtain the repair specification from the City of Canada Bay for each area of repair for each occasion.

4. Repair of Road Pavement Damage:

At the end of the haulage works the applicant shall inspect the road pavements with the dilapidation report. The applicant shall repair any pavements damage by the works to a condition the same as existed prior to the works. Once the pavements have been repaired to Council's satisfaction Council will refund the Bank Guarantee.

5. Road Levy

Council requests that any approval given requires the proponent to pay a fee per vehicle based on the cost of the life of the road assets consumed.

Sediments and Treatment:

Removal of sediments and staging site:

1. A detailed remedial works environmental management plan should be developed which thoroughly addresses all environmental issues including noise, air, dust control and odour for Kendall Bay. A plan for monitoring, mitigating and following up complaints should be included in any proposal. It is acknowledged that odour has the potential to be an issue however there needs to be a plan beyond mitigation (Removal of sediment).
2. Validation of the Kendall Bay site in relation to the success of the remediation process shall be required and provided to Council as this will affect the signage and access to the bay.

Site Reinstatement:

1. That the end use of the site is considered as part of this application.

Complaint Management and Community engagement

1. That the stakeholder management plan including the communications plan is implemented

Biodiversity – flora and fauna:

It is noted that an assessment is carried out however no protection measures are proposed. A condition that covers any damage is recommended. It is noted that a water quality management plan is discussed within the water and soil assessment and the proposal should be conditioned as part of any approval.

Conclusion

Due to the fact that this development is a State Significant Development, Council believes that the site should be regulated by the NSW Environment Protection Authority.