



Our ref: SSD-6701

Jemena Asset Management Pty Ltd
Kendall Bay Project Office
99 Walker Street
North Sydney NSW 2060

By email: peter.odea@jemena.com.au

Dear Peter

**Kendall Bay Sediment Remediation (SSD-6701)
Secretary's Environmental Assessment Requirements**

The Department of Planning and Environment (the Department) has reviewed your letter of 14 February 2017 re-consulting the Secretary on the above project, given two years has passed since the Secretary's Environmental Assessment Requirements (SEARs) were issued.

The Department has reviewed the SEARs issued in December 2014 in consultation with key agencies and the City of Canada Bay Council. Following this review, the Department has reissued the SEARs with only minor changes. The changes reflect the revised description of the development and remediation methodology. The changes include:

- Amending the development description as follows:
Remediation of the contaminated sediments within two areas of Kendall Bay (the Southern and Northern areas, formerly called Areas A and B), including:
 - *immobilisation of contaminated sediments;*
 - *excavation of contaminated sediments and materials along the shoreline;*
 - *transportation of sediments and other contaminated materials to a land-based 'staging site' at 140 Tennyson Road, Mortlake via barge;*
 - *treatment of the sediments at a licensed waste facility; and*
 - *capping of excavated areas and reinstatement with clean soil.*
- Removing the following point from the 'Biodiversity' section
 - *a mangrove rehabilitation plan, including monitoring requirements and performance measures; and*
- Updating various technical guidelines in Attachment 1.

Please note that the Department may alter the SEARs at any time. You must consult further with the Department if you do not lodge a development application and Environmental Impact Statement (EIS) for the development within two years of the date of issue of the revised SEARs.

I wish to emphasise the importance of effective and genuine community consultation and the need for the proposal to proactively respond to the community's concerns. Accordingly, you must undertake a comprehensive, detailed and genuine community consultation and engagement process during the preparation of the EIS. This process must ensure that the community is informed of the development and engaged with issues of concern to them. Sufficient information must be provided to the community to enable a good understanding of the development and any potential impacts.

Your development may require separate approval under the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). If an EPBC Act approval

is required, please advise the Department accordingly, as the Commonwealth assessment process may be integrated into the NSW assessment process, and supplementary SEARs may need to be issued.

Please contact the Department at least two weeks before you intend lodge the EIS and any associated documentation for the development. This will enable the Department to determine the:

- applicable fee (under Division 1AA, Part 15 of the Environmental Planning and Assessment Regulation 2000); and
- consultation and public exhibition arrangements, including copies and format requirements of the EIS.

If you have any enquiries about these SEARs, please contact Deana Burn on the above details.

Yours sincerely



Chris Ritchie

Director

Industry Assessments

as delegate of the Secretary

7/3/17.

Secretary's Environmental Assessment Requirements

Section 78A(8A) of the *Environmental Planning and Assessment Act 1979* Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 6701
Development	Remediation of the contaminated sediments within two areas of Kendall Bay (the Southern and Northern areas, formerly called Areas A and B), including: • immobilisation of contaminated sediments; • excavation of contaminated sediments and materials along the shoreline; • transportation of sediments and other contaminated materials to a land-based 'staging site' at 140 Tennyson Road, Mortlake via barge; • treatment of the sediments at a licensed waste facility; and • capping of excavated areas and reinstatement with clean soil.
Location	Kendall Bay and 140 Tennyson Road Mortlake
Applicant	Jemena Limited
Date of Issue	March 2017
General Requirements	The Environmental Impact Statement (EIS) for the development must meet the form and content requirements in Clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>. In addition, the EIS must include: • a detailed description of the development, including: – need for the proposed development; – justification for the proposed development, including alternatives considered; – a Remedial Action Plan, which includes: - o characterisation of the nature and extent of contaminated material; - o details of the proposed remediation process, including the process to treat contaminated material; - o details of proposed remediation management measures, including justification of the remediation criteria and proposed disposal of treated sediments and waste, and management of wastewater; - o a site validation plan; and - o details of compliance with the <i>Contaminated Land Management Act 1997</i>; – final landform following remediation and the suitability of fill material; – final revegetation plan and process for on-going management following remediation works. • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments; • risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment; • detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: – a description of the existing environment, <u>using sufficient baseline data</u>;

	– an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes; and – a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment; and • consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS. The EIS must also be accompanied by a report from a qualified quantity surveyor providing: • a detailed calculation of the capital investment value of the proposal (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>), including details of all assumptions and components from which the CIV calculation is derived; • a close estimate of the jobs that will be created by the development; and • certification that the information provided is accurate at the date of preparation.
Key Issues	The EIS must address the following specific matters: • Air Quality and Odour – including: - an assessment of odour from the excavation, dredging, transport, treatment and storage of contaminated sediments; - an air quality impact assessment of each stage of the remediation works and treatment facility including details of the emission control measures at the treatment facility, odour/dust suppressants and stockpile management; - details of the proposed odour and air emissions controls for each stage of the remediation process, including the proposed treatment site at 140 Tennyson Road; and - details of an air quality monitoring program including the identification of air quality criteria. • Human Health and Ecological Risk Assessment – including an assessment of the health implications of the development (including from the extraction of sediments, treatment and disposal of treated material), during and following remediation, including details of exposure scenarios and demonstration that the development will not have unacceptable acute or chronic health effects on humans or ecological resources. • Traffic – including: - details of the land based and water based traffic that would be generated by the project; - transport routes; - traffic management procedures for the staging site and parking requirements, including a construction traffic management plan and measures to manage and repair any damage to the local road network; and - navigation and safety impacts on other water based traffic and ferry commuter services from any piping or barging of contaminated material, including details of any proposed measures to manage navigational conflicts. • Water Quality and Sediments – including: - erosion and sediment controls during excavation, dredging, transport and treatment of sediments, stockpiling and backfilling of the bay;

	- details of a water quality monitoring program for Kendall Bay, with a focus on turbidity and key contaminants; - management of stormwater and treated wastewater discharges from the treatment facility; - management of wastewater generated during dewatering of extracted sediments; - impacts on surface water and groundwater, including potential impacts on bed and bank stability of Kendall Bay and the Parramatta River; - assessment and management procedures for acid sulfate soils. • Waste Management – including details of the classification, treatment, handling and disposal of all waste materials, including wastewater generated by the development. • Noise and Vibration – including an assessment of construction and operational noise from excavation, dredging, traffic and operation of the treatment facility; • Biodiversity – including: - an assessment of any impacts on critical habitats, threatened species, populations or ecological communities and their habitats; - measures to minimise harm to mangrove habitat and details of proposed biodiversity offsets for impacts on aquatic habitat; and - details of backfill material that supports the re-establishment of aquatic flora and fauna. • Hazards – including: - a Preliminary Hazard Analysis (PHA) of the treatment facility including a detailed assessment of the potential off-site risks; - an Emergency Management Plan detailing the measures to be put in place to minimise risks and respond to incidents and emergencies. • Visual – including an assessment of the visual impact of all aspects of the development, particularly on any adjoining landowners and significant vantage points in the public domain. • Heritage – including an assessment of non-Aboriginal and Aboriginal heritage impacts. • Cumulative Impacts – particularly in relation to air, noise and traffic associated with other nearby industrial or commercial operations.
Plans and Documents	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. These documents should be included as part of the EIS rather than as separate documents.
Consultation	During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular you must consult with: • Environment Protection Authority; • City of Canada Bay Council; • NSW Health; • SafeWork NSW; • Department of Primary Industries (DPI) including DPI Water and DPI Fishing; • NSW Roads and Maritime Services; • Office of Environment and Heritage; • Transport of NSW (Sydney Ferries); and • local community and other stakeholders.

	The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.
Further consultation after 2 years	If you do not lodge an EIS for the development within 2 years of the issue date of these SEARs, you must consult with the Secretary in relation to the requirements for lodgement.
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, Attachment 1 contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this development.

ATTACHMENT 1

Technical and Policy Guidelines

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>,
<http://www.bookshop.nsw.gov.au>,
<http://www.publications.gov.au>

Policies, Guidelines & Plans

Plans and Documents

The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Provide these as part of the EIS rather than as separate documents.

In addition, the EIS must include the following:

1. An existing site survey plan drawn at an appropriate scale illustrating:
 - the location of the land, boundary measurements, area (sq. m) and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site;
 - location and height of adjacent buildings and private open space; and
 - all levels to be to Australian Height Datum (AHD).
2. A locality/context plan drawn at an appropriate scale should be submitted indicating:
 - watercourses including nearby rivers and creeks, and dams;
 - significant local features such as heritage items;
 - the location and uses of nearby buildings, shopping and employment areas, hospitals and schools; and
 - traffic and road patterns, pedestrian routes and public transport nodes.
3. An indication of the location of the site with respect to the relevant Land Zoning Map within the *Canada Bay Local Environmental Plan 2013*.
4. Drawings at an appropriate scale illustrating:
 - detailed plans, sections and elevations of the existing building, which clearly show all proposed internal and external alterations and additions.

Documents to be submitted

Documents to submit include:

- 1 electronic copy of all the documents and plans for review prior to exhibition; and
- other copies as determined by the Department once the development application is lodged.

Policies, Guidelines & Plans	
Aspect	Policy /Methodology
Contamination	<i>Contaminated Land Management Act 1997</i>
	<i>State Environmental Planning Policy 55 – Remediation of Land</i>
	Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2011)
	Guidelines for the NSW Site Auditor Scheme – 2 nd edition (DEC, 2006)
	Sampling Design Guidelines (EPA, 1995 and National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013)
Human Health	Work Health and Safety Regulation 2011 (WHS Regulation)
	Managing risks of hazardous chemicals in the workplace (Safe Work Australia, July 2014)
	Environmental Health Risk Assessment, Guidelines for assessing human health risks from environmental hazards (2012)
Waste	Waste Avoidance and Resource Recovery Strategy 2010-2021 (EPA)
	The National Waste Policy: Less Waste More Resources 2009
	Waste Classification Guidelines (DECC)
Air Quality	<i>Protection of the Environment Operations (Clean Air) Regulation 2010</i>
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA 2016)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Odour	Assessment and Management of Odour from Stationary Sources in NSW: Technical Framework and Technical Notes (2006)
Noise and Vibration	Assessing Vibration: a Technical Guide (DEC, 2006)
	NSW Road Noise Policy (EPA, 2011)
	Interim Construction Noise Guideline (DECC, 2009)
	NSW Industrial Noise Policy (EPA, 2000)
Soil and Water	Soil
	Surface Water

	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
	NSW State Rivers and Estuaries Policy(1993)
	State Water Management Outcomes Plan
	NSW Government Water Quality and River Flow Environmental Objectives (DECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Managing Urban Stormwater: Treatment Techniques (DECC)
	Managing Urban Stormwater: Source Control (DECC)
	Technical Guidelines: Bunding & Spill Management (DECC)
	NSW Floodplain Development Manual 2005
Groundwater	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Australian Groundwater Modelling Guidelines (NWC, 2012)
	NSW State Groundwater Policy Framework Document (DLWC)
	NSW State Groundwater Quality Protection Policy (DLWC)
	NSW State Groundwater Dependent Ecosystems Policy (2002)
	NSW State Groundwater Quantity Management Policy (DLWC) Draft
	Guidelines for the Assessment and Management of Groundwater Contamination (DEC, 2007)
	Draft Guidelines for the Assessment & Management of Groundwater Contamination (DECC)
Wastewater	
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) 2006 (EPHC, NRMCC & AHMC)
	National Water Quality Management Strategy – Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2): Augmentation of Drinking Water Supplies 2008 (EPHC, NRMCC & AHMC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC)
Transport	
	Guide to Traffic Generating Developments (RMS)
	Road Design Guide (RTA)
Biodiversity	
	NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014)
	Principles for the use of Biodiversity Offsets in NSW (OEH);
	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)
	The NSW State Groundwater Dependent Ecosystem Policy (DLWC)
Hazards	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Visual	

	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)
Heritage	
	Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH, 2011)
	Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)
	Draft Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation (Department of Planning, 2005)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010)