

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 9 March 2020, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney

22 September

2020

File: EF20/23664

SCHEDULE 1

Development consent: SSD 6701 granted by the then Executive Director, Key Sites and Industry Assessments on 31 May 2019

For the following: Remediation of contaminated sediments in two areas of Kendall Bay as shown on Figure 1 in Appendix 1 of the development consent, including:

- in-situ stabilisation of sediments and capping with approved imported material
- excavation of sediments for off site treatment and disposal, using a land based staging site at 140 Tennyson Road Mortlake
- removal of surface stained materials and general waste from the southern beach area
- beach nourishment with clean sand and installation of stormwater controls including a 30 metre extension of the existing sandstone wall into the bay

Modification 1

Modification Application: SSD 6701-Mod-1

Modification:

- Removal of the spur wall stormwater control structures

Applicant: Jemena Limited

Consent Authority: Minister for Planning and Public Spaces

The Land: The bed of Sydney Harbour, Breakfast Point, foreshore land at Breakfast Point and 140 Tennyson Road, Mortlake in the Canada Bay local government area, including:

- Lot 1 DP 945166 and a portion of CT Vol 5018-1 covering Sydney Harbour
- Lot 1 and Lot 55 DP 270347 on the Community Lands of the Breakfast Point Community Title
- Lot 1 DP 589304, Lot 1 DP 656212, Lot 1 DP 735869, Lot 1 DP 256227, Lot 1 DP 740402 and Lot 1 DP 854000 covering the staging site and wharf

SCHEDULE 2

The consent is modified as follows:

1. Throughout the development consent, delete the term “RMS” and replace with “TfNSW”.

In the definitions

2. Delete the definition of RMS Insert the following definitions in alphabetical order:

MOD 1 The modification application and supporting documentation, including *Kendall Bay Sediment Remediation Project (SSD 6701) – Stormwater Controls Modification (SSD-6701-Mod-1)*, dated 29 June 2020.

TfNSW Transport for New South Wales

In Part A – Administrative Conditions

3. Renumber existing conditions A2(d), A2(e) and A2(f) as conditions A2(e), A2(f) and A2(g).
4. Insert new Condition A2(d) as follows:
(d) in accordance with MOD 1

In Part B – Specific Environmental Conditions

5. Renumber existing conditions B10(i) and B10(j) as conditions B10(j) and B10(k)
6. Insert new Condition B10(i) as follows:
(i) include measures to monitor the scour impact on remediated sediments and the rock groyne located in SA3 and SA4 as shown on Figure 1 in Appendix 1, detail rectification measures to be implemented should impacts be identified and a trigger for the implementation of the rectification measures;
7. In Condition B25 insert “and as modified by MOD 1” after the word “EIS”.
8. Delete Figure 4 in Appendix 1 and replace with the following Figure 4
9. Delete Appendix 2 and replace with a new Appendix 2 as follows.

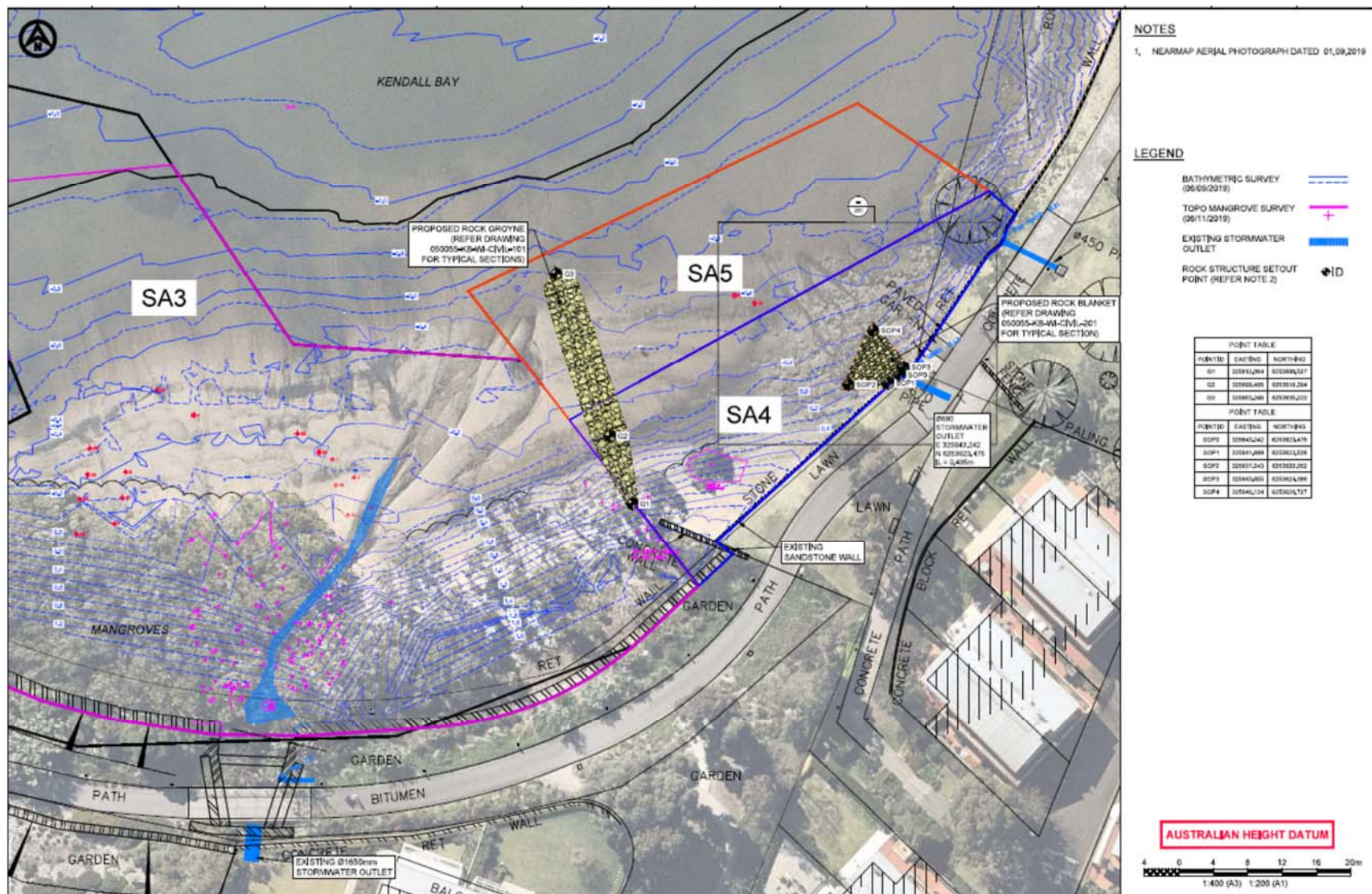


Figure 4: Southern Area Stormwater Controls – Rock Groyne and Rock Blanket

APPENDIX 2 APPLICANT’S MANAGEMENT AND MITIGATION MEASURES

18.15 KEY COMMITMENTS

This section summarises the key management and mitigation measures identified in the EIS. It forms part of the overarching environmental management framework for the Project, that will govern protection of the environment and human health during remediation works.

Some mitigation measures identified will be applicable to a number of different aspects and impacts. To avoid repetition specific mitigation measures have only been mentioned once.

Table 18-3: Summary of the key management and mitigation measures identified in the EIS

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
Air Quality and Odour	Odour impacts from remediation activities on receptors in the surrounding area	• Prepare and implement an Air Quality Management Plan with measures to be used to control odour and suppress dust	✓	✓	✓	
		• Limit remediation activity to daytime hours			✓	
		• Only excavate / expose the minimum area of sediment necessary at any one time (where practical)			✓	
		• Cover each skip bin of contaminated material immediately once filled			✓	
		• Minimise drop height of excavator (i.e. limiting height through which material is dropped into bin)	✓			
		• Regular cleaning of excavator arm and any surfaces soiled with potentially odorous material	✓	✓		
		• Prepare and implement Stakeholder Management Plan		✓	✓	✓

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
Noise and Vibration	Noise impacts from remediation activities on receptors in the surrounding area	Prepare and implement a Construction Noise and Vibration Management Plan with measures to mitigate noise and vibration impacts	✓	✓	✓	✓
		- Adhere to the following standard construction hours: - Monday to Friday 7am to 6pm - Saturdays 8am to 1pm; and - No works on Sundays or Public Holidays. Given approval from consent may be provided to enable extension of work hours until 3pm on Saturdays.		✓	✓	✓
		Review manufacturer's data and where practicable select plant and equipment that achieve Sound Power Levels (L_w) below those used in the assessment	✓			
		Where necessary erect temporary mobile screens			✓	
		Ensure management of construction vehicles (e.g. idling, revving engines, use of exhaust brakes)		✓	✓	✓
		Conduct noise and vibration monitoring where required			✓	
		Consider respite periods where appropriate		✓	✓	
		Implement Stakeholder Engagement Plan	✓	✓	✓	✓

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
Hydrology	Potential alteration of hydrological processes leading to: - altered morphology of Kendall Bay - modified sediment transport processes - destabilisation of the existing seawall - potential failure of silt curtains and / or sheet pile wall - potential loss of sand from the shoal and/or undermining of mangroves - potential scour channels and debris associated with stormwater outlets	Prepare and implement Excavation Management Plan to avoid direct impact to seawall structures.	✓	✓	✓	
		Prepare and implement Water and Sediment Management Plan	✓	✓	✓	
		Conduct visual monitoring of seawall for signs of instability during works		✓	✓	
		Undertake pre-remediation and post remediation Dilapidation Surveys to identify any existing seawall instability	✓			✓
		In accordance with AS 4997-2005, temporary structures will be designed to withstand wave loads associated with a 20 year ARI wave condition (to be advised by consulting engineer)	✓	✓	✓	
		Installation methodology of sheet pile walls to limit concentration of tidal flows where possible			✓	
		Schedule silt curtain pile installation and other particular activities during high tides where practical.			✓	
		Implement ongoing water quality monitoring as agreed in SMP in consultation with EPA, RMS and Site Auditor				✓
		Monitor sand movement within western area of mangroves		✓	✓	✓
		Undertake bathymetric survey prior to remediation works (as part of the VSAQP), and after the completion of the Project (as part of the SMP)	✓			✓
		Extension of existing sandstone wall in Remediation Area SA4.	✓		✓	

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
		Construction of energy dissipation structure at stormwater outlet in Remediation Area SA4.	✓		✓	
		Implement any agreed post remediation Site Management Plan (SMP) for ongoing monitoring and management of remediation areas				✓
Water Quality and Sediments	- Turbidity plumes / release of contaminants into water column - Cross-contamination outside of designated remediation areas - Oxidisation of potential acid sulfate soils (PASS) - Unplanned events with operation of silt curtains - Spillage / spreading of material during barge loading / transit / unloading - Release of contaminated water or dust offsite or into Parramatta River - Localised scour of capping layer - Poor long-term stability and performance of capping material	- Prepare and implement a Remediation Works Environmental Management Plan including: - Excavation Management Plan - Acid Sulfate Soils Management Plan - Backfilling Management Plan - Pollution Incident Response Management Plan - Spill Response Plan	✓	✓	✓	
		Prepare and implement Water and Sediment Management Plan	✓	✓	✓	
		Use of primary and secondary silt curtains, oil boom or continuous sheet pile wall and an oil boom, providing 3 layers of protection			✓	
		Utilise sealed bins in barges for contaminated sediment and covered trucks to transport materials on and offsite			✓	
		Implement appropriate navigation measures, utilise suitable lifting techniques and appropriate equipment, and implement decontamination measures			✓	
		Design the capping materials to satisfy appropriate performance criteria (i.e. cobble size)	✓			

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
		Undertake Cap Inspection and Integrity Testing (as per any SMP requirement)				✓
		Implement ongoing Water Quality Monitoring (as per any SMP requirement)				✓
Biodiversity	- Loss of mangrove habitat - Disturbance to marine fauna from remediation activities - Impacts to water quality from seabed disturbance - Accidental spills into the marine environment	Remediation methodology designed to minimise impacts to mangrove habitat. One mature mangrove and small offshoots expected to be removed	✓		✓	
		Rubbish, debris, coke and coal present in the mangroves will be manually removed to minimise any impacts to the mangroves			✓	
		Clean sand (VENM) distributed throughout mangroves by hand using wheelbarrows, spades and rakes or similar to protect the integrity of the mangroves			✓	
		'Soft starts' will be implemented during sheet pile installation to allow marine and terrestrial fauna to move away from Remediation Areas.			✓	
		Management measures relating to water quality and sediments will be implemented to manage potential impacts to marine species.			✓	
Cultural Heritage	Potential unplanned impacts to heritage items during remediation activities, including those of	Cultural heritage induction for contractors prior to commencement of Project activities		✓		
		Establish a 5 m buffer zone by use of buoys placed around exposed remains of 'Lady Edeline' wreck			✓	

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
	cultural significance previously unrecorded.	If a suspected Aboriginal object is found during works, activities in that location will stop immediately and OEH notified		✓	✓	
		In the event that human skeletal remains are uncovered, work will cease immediately in that area and the area secured (fenced or marked). Jemena will notify the NSW Police and OEH immediately		✓	✓	
		Remediation Works Contingency Plan (RWCP) outlines procedures for identification and management of unexpected issues or events that may occur during the remediation works, including heritage items	✓			
Human Health	Potential dermal contact or accidental ingestion of contaminated sediment via: - unrestricted access - sediment spills during activities or transport - offsite tracking of sediment - poor performance of capping material - potential occupational exposure of Project workers to contaminated material.	Preparation and implementation of a Remediation Works Plan	✓	✓	✓	✓
		Site fencing installed where practical in areas where public are most likely to enter to restrict public access to active Remediation Areas.		✓	✓	
		Loading of hoppers or skip bins to maintain a suitable freeboard to minimise likelihood of material spilling over sides under prevailing environmental conditions (wind waves, passing ferry wake etc.). Bins will also have tight-fitting lids for contaminated sediment.			✓	
		Prepare and implement a Work Health and Safety Plan to address the site-specific requirements to manage risks to the health and safety of workers on the Project	✓	✓	✓	✓
Landscape and Visual	Potential impacts to the visual amenity caused from the physical presence of	The identified visual impacts will be phased, temporary and limited to the length of the Project (approximately 16-28 months). Good	-	-	-	-

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
	the Project in Kendall Bay and at the Staging Site.	housekeeping will be practiced at all sites and areas will be screened, where practical, to reduce any potential visual impacts.				
Traffic and Transport	Potential land based traffic impacts associated with: - increase in heavy vehicle movements - reduction in car spaces - safety and congestion issues.	Prepare and implement Traffic and Pedestrian Management Plan which will incorporate the requirement for traffic control personnel at the Staging Site to control the movement of heavy vehicle entering and exiting the site	✓	✓	✓	
		At least five car spaces will be made available within the Staging Site for personnel. This will be in addition to the ten available car spaces in Palace Lane, equating to a total of 15 available spaces to meet the anticipated demand of the Project		✓	✓	
		Road dilapidation report in required area completed prior to works beginning, with ongoing monitoring and a post remediation dilapidation report for comparison purposes		✓	✓	✓
	Potential marine based traffic impacts caused from the physical presence of the Project in Kendall Bay and the movement of Project related vessels between the Staging Site and Kendall bay.	Develop and implement a Marine Traffic Management Plan	✓	✓	✓	✓
		In coordination with RMS, a 'Notice to Mariners' will be issued to advise the boating community of the extent, nature and duration of the marine based Project activities		✓	✓	
		Provision of special marker buoys (including lighting for night-time navigation) and appropriate signage to delineate construction areas in accordance with RMS requirements and in consultation with the Harbour Master			✓	

Aspect	Potential Impact	Mitigation / Management Measure	Project Phase			
			Planning and Design	Site Establishment	Remediation Works	Decommissioning
		Swing moorings potentially impacted by marine based Project activities will be identified and relocated prior to the commencement of the Project	✓	✓		
Waste Management	Environmental harm caused by improper waste management (including disposal of contaminated sediment)	Prepare and implement comprehensive Waste Management Plan detailing the waste classification, storage and handling procedures for all waste streams generated during the Project, and identify responsible persons to oversee implementation of the WMP	✓	✓	✓	
		Prepare and implement Materials Tracking Plan recording the movement of materials during the remediation program	✓	✓	✓	
		Review of receiving facility licenses to ensure they are suitably licensed to receive the various waste streams	✓	✓	✓	
		Site personnel educated in the reduction of building waste during site induction and encouraged through internal environmental management system to reduce/reuse/recycle where possible		✓	✓	

**End of modification
(SSD 6701-MOD-1)**