

Mr. Chris Ritchie
Director
Industry Assessments
Department of Planning, Industry and Environment (DPIE)

19 May 2020

Dear Chris,

Clyde Western Area Remediation Project (SSD 9302) - Proposed Staging

Introduction

Viva Energy Australia Pty Ltd (Viva Energy) has been reviewing the approach to remediating the Western Area. This review was initially driven by an understanding that certain parts of the Western Area are less contaminated than others. Additionally, as the Department are aware, Downer EDI Works Pty Ltd (Downer) has approached Viva Energy to purchase a portion of the Western Area for the relocation of their existing asphalt plant. This relocation is being driven by the compulsory purchase of their existing site by the NSW Government at the end of 2021.

The timescales associated with securing development consent and constructing the relocated business at the Western Area mean that the remediation of at least part of the Western Area now needs to be expedited. Consequently, Viva Energy are proposing to stage the remediation of the Western Area. Implementing this staged approach to deliver of the Project means that the documentation required by the Conditions of Consent will also need to be delivered in a staged manner. In accordance with the requirements of Consent Condition A9 Staging, combining and updating strategies, plans or programs, Viva Energy are seeking approval from the Planning Secretary that the documentation required by the Conditions of Consent can be prepared and submitted on a staged basis in line with the proposal discussed below.

Proposed staging and documentation

Viva Energy are proposing to deliver the Remediation project in three stages. These three stages are described below and shown in Attachment 1. Indicative dates for the submission of the key documents for your review and approval are discussed alongside when works for each stage are expected to commence.

Stage 1 – Former Process West (the proposed Downer land) – This is the priority area for remediation to meet Downer's proposed relocation timeframe. Ideally, works would commence as soon as possible after approval of the necessary documents as required by the Development Consent conditions. The relevant documentation for the Department will be submitted for Secretary's approval following agreement of the staging approach outlined in this letter and consultation of required Project documentation with relevant agencies. Works related to Stage 1 would commence as soon as possible.

Stage 2 – Former Utilities and Movements – This area will be remediated with the purpose to make it available for future commercial or industrial re-development. However, Viva Energy will require more time to determine the final remediation approach for this stage. It is anticipated that the required documentation would be ready for submission to the Department for the Secretary's approval in late 2020. The Stage 2 works would then be expected to commence soon after in 2021, however the precise timing is yet to be confirmed.

Stage 3 – Former Process East – Viva Energy currently has no plans to release this land for development and as a result this area has been nominated as the final stage of the Project. Relevant documentation for the Department would be expected to be submitted for the Secretary's approval in early 2021. The Stage 3 works are expected to commence in 2021 however the precise timing is yet to be confirmed.

Viva Energy recognises that the conditions of consent will need to be met for each stage of the works. The Conditions of Consent for SSD 9302 require several documents to be produced. Viva Energy intends to produce these documents for each stage of the Remediation project. Relevant documents that will be produced for each stage include:

- Detailed Remediation Action Plan (RAP) (Condition B1 & B2)
- Validation Report (Condition B6)
- Site Audit Report and Site Audit Statement (Condition B7)
- Long Term Environmental Management Plan (Condition B8, B9 & B10)
- Air Emissions Verification Report (AEVR) (Condition B15 & B16)
- Remediation Environmental Management Plan (REMP) and associated subplans (C2, C3, C4, B17, B18, B20, B21, B22, B23, B31, B32, B33 & B43).

In some cases, these documents will be specific to a particular stage (e.g. the Detailed RAP, AEVR) and in others the documentation may only require review and stage specific updates (e.g. REMP). The relevant stakeholders (e.g. Department, Site Auditor, EPA etc.), will be engaged as outlined in the conditions of consent for each stage. Changes in existing baseline conditions (e.g. two stages being progressed at once and/or the introduction of new receptors) will also be considered in the stage-specific documentation. Where necessary additional measures or amendments in line with Condition A9(c) will be made to the relevant documents to maintain the environmental performance of the project.

Additional considerations

We understand that the proposed staging and relocation of the Downer operation may introduce new receptors in the Stage 1 Area whilst remediation activities for the remaining stages in the Western Area are being completed. Given the nature of the remediation works and the sensitivities and characteristics of the Downer operation during construction and operation, the main issues relating to the introduction of this development are likely to relate to:

- Potential noise impacts to Downer workers
- Potential air quality impacts to Downer workers
- Water management from Stage 2 of the Remediation project.

Noise

A review of the noise assessment within the Environmental Impact Statement (EIS, Appendix G), shows that neighbouring industrial receptors will not be significantly impacted by the Remediation project. With regards to the Downer development, even during the worst case scenario (all Remediation project activities occurring at once), the noise emission contours in Appendix A of the EIS noise assessment show that the Stage 1 Area is unlikely to be impacted by noise levels greater than 75 dB(A). The Interim Construction Noise Guideline sets Noise Management Levels for industrial receptors at $L_{Aeq} (15 \text{ min})$ 75 dB(A). As such, it is unlikely that noise from Stages 2 and 3 of the Remediation project would significantly impact the Downer development during its construction or operation.

Air quality

The addition of a sensitive receptor within the Stage 1 area would require consideration of potential air quality impacts. The Air Quality Impact Assessment (AQIA) in Appendix E of the EIS and the additional air quality assessments in the Response to Submissions Report (RtS) demonstrated that with appropriate controls, the Remediation project is unlikely to result in significant adverse air quality or odour impacts on nearby receptors.

Key to demonstrating the absence of significant air quality impacts on the Downer development will be the implementation of appropriate emission controls and management measures. Condition of Consent B15 for the Remediation project (SSD 9302) requires Viva Energy to prepare an Air Emissions Verification Report (AEVR) for the Remediation project that details and justifies the emission controls and management measures for each selected remediation method and remediation activity. As part of the staged approach to the Remediation project, Viva Energy would produce an AEVR for each stage of the works. As such, the AEVRs will need to consider the existing air quality baseline in terms of potential sensitive receptors and ground conditions data for each stage in order to justify the appropriate emission controls and management measures. Therefore, the implementation of Condition B15 will ensure that significant air quality impacts to the Downer development during Stages 2 and 3 can be avoided through the appropriate management of the necessary remediation activities.

Water management

The Stage 1 Area is located between the Stage 2 Area and the existing on-site Wastewater Treatment Plant (WWTP). Wastewater from the Remediation project (i.e. water from excavations, leachate etc.) would be directed to the WWTP provided it is in line with the Waste Water Discharge protocol required by Condition of Consent B20. Where possible the existing drainage system in the Western Area will be used to transport this wastewater to the WWTP. To ensure that this option is still available for Stage 2 of the Remediation project, Viva Energy and Downer have agreed to maintain the existing connection between the drainage network in the Stage 2 Area and the WWTP. This commitment is also noted in the Soil and Water Management Plan for the Remediation project.

We trust this staging plan meets the requirements of condition A9 and request your written approval. Please contact me by email Erica.Salazar@vivaenergy.com.au or by phone 02 9897 8046 should you require further information.

Yours sincerely,

Erica Salazar
Remediation / Waste Lead

Legend

- Western Area Boundary
- Site Boundary
- Waste Water Treatment Plant (WWTP)

Remediation Extents:

- Stage 1
- Stage 2
- Stage 3

Data Source:
Nearmap imagery April 2019

