



**Office of  
Environment  
& Heritage**

Your reference: SSI 5657  
Our reference: DOC13/78544  
Contact: Chris Page 4224 4180

Mr Chris Ritchie  
Manager – Industry  
Development Assessment & Systems Approvals  
Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Kerry Hamman

Dear Mr Ritchie

**Re: Jervis Bay Aquaculture (SSI 5657) – Environmental Impact Statement**

Thank you for your letter dated 3<sup>rd</sup> October 2013 regarding the exhibition of the above Environmental Impacts Statement (EIS) and seeking a written submission from this agency.

As you will be aware, the Office of Environment and Heritage (OEH) has had prior input into the development of the final EIS. This aspect has enabled the key issues for OEH to be addressed and/or resolved. As such, OEH has only the following comments to offer should the project be approved:

Monitoring and Audit

In relation to the oversight for the delivery and performance of the actions in the proposed Environmental Management Plan, there is a focus on 'self-auditing' by the lessee operator. While this is reasonable for ongoing management requirements, there should also be a regularly scheduled independent auditing process that, over a cycle of years, covers all aspects of the management plan and performance assessment. It is suggested that an independent auditor be appointed through a DPI process, paid for by the lessee.

Further to the above independent audit, a smaller environmental monitoring group is recommended (headed by local DPI) with involvement of local officers from other agencies/local government (including one OEH representative) as well as community representation (eg member of the public/recreational group). This environmental monitoring group can review the self-audit and independent audit reports and make recommendations to DPI about improvements and/or compliance.

This process can then do away with the suggested Entanglement Committee (which is proposed to have 4 OEH staff). The smaller environmental monitoring group of local officers (above) can cover all aspects of the management plan through reviewing the reporting and independent audits. The group does not have to do the work (the lessee and the independent auditor can do this), but oversee that audits and reporting is occurring appropriately. If entanglement does become an issue, the group can quickly seek out key stakeholders for more technical advice/support as appropriate.

### Clean Up Responsibilities

The NSW National Park estate includes areas of the Jervis Bay foreshore. While the Draft EMP indicates that best management practices and ongoing monitoring are to be put in place, there is always a risk of infrastructure failure particularly during ocean storm events, collision and other accidents (eg fuel spills). While the risk is identified as low in the EIS (s.8.1.5), it is recommended, nonetheless, that condition/s of consent assign clear responsibility for 'making good' any clean up should material become adrift or leak during the construction, operational and decommissioning stages (and ultimately wash up on National Park estate lands and elsewhere). It may be that the responsibility for clean-up ultimately rests with the project proponent who can then transfer this responsibility onto the lessee via licence conditions. OEHL understands foreshore clean-up issues were addressed in the conditions of consent (or via the concurrence under the Coastal Protection Act) for the Twofold Bay Mussel Aquaculture project.

Should you have any queries please contact Mr Chris Page, Senior Team Leader, Planning (Illawarra) on ph: 4224 4180 or email [chris.page@environment.nsw.gov.au](mailto:chris.page@environment.nsw.gov.au).

Yours sincerely



13/11/13

**Ben Addison**  
**Senior Manager, Illawarra**