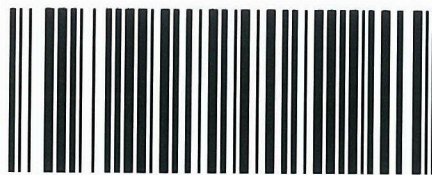




Ian Drinnan
File Ref: 772113170

2 April 2013



PCU043147

David White
Senior Planning Officer
Infrastructure Projects
Major Projects Assessment
NSW Department of Planning & Infrastructure
23-33 Bridge St
Sydney NSW 2000

Administration Centre
4-20 Eton Street, Sutherland
NSW 2232 Australia

Please reply to:
General Manager,
Locked Bag 17,
Sutherland NSW 1499
Australia

Tel 02 9710 0333

Fax 02 9710 0265

DX4511 SUTHERLAND

Email ssc@ssc.nsw.gov.au
www.sutherlandshire.nsw.gov.au

ABN 52 018 204 808

Office Hours
8.30am to 4.30pm
Monday to Friday

Dear Mr White,

Kurnell Ports and Berthing Facility (SSD-5353)

[In response, please quote File Ref: 772113170]

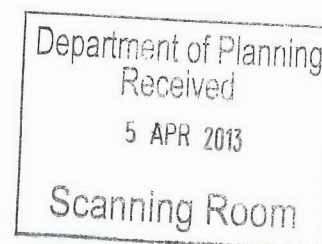
In response to your request for comment on the proposed development at Kurnell, Council has undertaken a review of the Environmental Impact Assessment and associated documents. Following this review, Council provides the attached submission regarding the proposal.

Council thanks you for the opportunity to provide comment on the proposal and look forward to receiving your reply to the issues raised.

Should you need to discuss any aspect of this matter further, please do not hesitate to contact Council's Manager Environmental Science and Policy Unit Ian Drinnan on 9710 0547 during normal business hours.

Yours faithfully

Ian Drinnan
for J W Rayner
General Manager



**SUBMISSION TO THE NSW DEPARTMENT OF PLANNING
AND INFRASTRUCTURE ON THE:**

KURNELL PORTS AND BERTHING FACILITY PROPOSAL

State Significant Development Application SSD-5353

March 2013

Summary

Sutherland Shire Council has concerns regarding the proposed development at the Kurnell Ports and Berthing Facility as detailed in the Environmental Impact Statement submitted in February 2013. It is Council's opinion that the potential impacts associated with such a proposal are numerous. Given the extent and nature of the works proposed, particularly the dredging component and the presence of significant environmental receptors within the locality, there is potential for adverse environmental impact associated with the proposal, particularly the potential for impacts upon sensitive environmental receptors as a result of the extensive dredging of Tributyltin (TBT) contaminated sediments. Of most concern is the extent of dredging, and any resultant impacts upon the marine environment as a direct result of dredging or from altered hydrodynamic processes within Botany Bay.

Whilst Council acknowledges the economic benefit of the proposal, it has concerns that the proposal has the potential for significant adverse impacts on the marine environment and recommends that the key components of the proposed dredging be reviewed by an independent expert with experience in the assessment and management of TBT contaminated marine sediments.

Council's Concerns

Sensitive Environmental Receptors

The proposed development site is located within close proximity to a number of significant and sensitive environmental receptors. Most notably these include the Towra Point Nature and Aquatic Reserves which contain wetlands of international significance listed under the RAMSAR convention. This area and the subtidal environment immediately fronting Silver Beach contain extensive seagrass beds. Of note is the presence of large expanses of beds containing *Posidonia australis* which is listed as an Endangered Population under the NSW Fisheries Management Act 1994. Any proposal which has potential to impact upon these significant environmental areas is of concern to Council.

Tributyltin Contaminated Sediments

The identification of elevated levels above adopted guidelines of Tributyltin (TBT) within the sediments of the dredging footprint is of significant concern. Given the nature of the contaminant, and the potential for significant adverse ecological impact associated with its presence, Council is of the opinion that the NSW Department of Planning & Infrastructure (NSW DP&I) should require a suitably qualified professional to review the proposal and provide comments on its suitability and the potential impacts. This should be undertaken prior to any approval and be done by a suitably qualified professional with experience in the management of TBT contaminated sediment. Council suggests that any recommendations coming out of the independent review be incorporated as conditions of consent on any approval.

Altered Hydrodynamic Processes

The extent and degree dredging has the potential to alter the hydrodynamic processes which operate within Botany Bay. Given the extent of dredging proposed, the significant environmental receptors located in the vicinity of the proposal, and the major changes to the bay as a result of other major projects undertaken within the bay, there is potential for significant cumulative adverse environmental impact such as altered wave dynamics and wave patterns, scour and erosion, sediment transport, water quality and water circulation, amongst others. It is Council's opinion that this component of the proposal be reviewed in detail so as to avoid and or mitigate any predicted adverse impacts upon sensitive environmental receptors.

Increased Turbidity during Construction

Dredging will increase the sediment content of the water column resulting in increased turbidity during the dredging period. It is estimated that dredging will continue for a period of approximately 23 weeks. Modelling has indicated that the extent of sedimentation will not extend significantly beyond the disturbance footprint however will result in localised increases in sediment deposition on seagrass beds located off Silver Beach. There is no recommendation for the use of sedimentation controls (e.g. silt curtains), despite the results of modelling indicating impact. Council recommends that NSW DP&I enforce the

requirement for turbidity controls (e.g. heavy duty silt curtains) at all times when works are likely to disturb the seabed. The use of silt curtains to contain impacts associated with dredging activities was included on the approval for the supply pipeline to the Kurnell Desalination Plant, approved by the NSW DP&I in 2007 (as modified in 2008).

Sea Dumping Permit

As outlined in previous correspondence regarding the proposal, Council has concerns regarding the dependency on the disposal of the dredged sediments at the Sydney Offshore Disposal Ground which requires approval from the Australian Government under the Commonwealth *Environment Protection (Sea Dumping) Act*. It is Council's opinion that the required approval under the *Environment Protection (Sea Dumping) Act* be finalised prior to consenting to the proposal so that if permission is in fact not granted, an alternative method and its subsequent impacts can be assessed.

Monitoring and Management Plans

The EIS outlines that a number of monitoring and management plans will be prepared prior to works commencing. Given the extent of works, potential for significant adverse environmental impact and the proximity to particularly sensitive environmental receptors, it is Council's opinion that these monitoring and management plans be prepared and reviewed prior to approval of the application. The significance of the impacts depends on the management of the key issues and therefore the management actions should be detailed now and be subject to independent review.

Any monitoring program must be designed appropriately, both temporally and spatially, to identify changes resulting from the proposed works. Management actions required to address any issues identified as part of monitoring should also be included. They must also be achievable.

Contingency Planning

As outlined previously by Council, given the potential for significant adverse impacts associated with the proposal, contingency plans should be prepared and submitted for review. The aim of the plan(s) must be to address any realised changes resulting from the

proposed works. It is Council's opinion that this be prepared and submitted for review prior to approval of the proposal.

Precautionary Principle

Council believes that the precautionary principle must take precedence until the effects and impacts of the proposal are properly reviewed and with regard to avoiding and/or minimising the effects of such practices, recommendations of best practice are made available.

Conclusion

Sutherland Shire Council understands the importance of the provision of appropriate facilities for the operation of the Kurnell Oil Refinery and the economic benefits the facility creates for the Sutherland Shire. It is however concerned that the proposal has potential for significant environmental impacts upon sensitive receptors located within close proximity to the development site. Council recommends that additional information be prepared and submitted for review and any decision on the proposal be deferred until the issues identified within this submission are addressed. It is recommended that the NSW Department of Planning & Infrastructure require an independent expert with experience in the assessment and management of TBT laden marine sediment review the proposal and provide comments on the adequacy of the assessment and associated recommendations.