Ms Erin Dethridge  
Senior Planner, Impact Assessment & Planning  
ERM Sydney  
Locked Bag 24  
Broadway NSW 2007

Dear Ms Dethridge

State Significant Development – Environmental Assessment Requirements  
Kendall Bay Sediment Remediation Project, Breakfast Point (SSD 6701)

Thank you for your request for Secretary’s environmental assessment requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the Kendall Bay Sediment Remediation Project. A copy of the requirements is attached.

These requirements have been prepared in consultation with the relevant government agencies and City of Canada Bay Council (see attachment 2), and are based on the information you have provided to date. Please note that the Department of Planning and Environment (the Department) may alter these requirements at any time, and that you must consult further with the Department if you do not lodge a development application and EIS for the development within two years of the date of issue of these SEARs. The Department will review the EIS for the development carefully before putting it on public exhibition, and will require you to submit an amended EIS if it does not adequately address the SEARs.

I wish to emphasise the importance of effective and genuine community consultation and the need for proposals to proactively respond to the community’s concerns. Accordingly a comprehensive, detailed and genuine community consultation and engagement process must be undertaken during preparation of the EIS. This process must ensure that the community is both informed of the proposal and is actively engaged in issues of concern to them. Sufficient information must be provided to the community so that it has a good understanding of what is being proposed and of the potential impacts.

Your proposal may require a separate approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). If an EPBC Act approval is required, I would appreciate it if you would advise the Department accordingly, as the Commonwealth approval process may be integrated into the NSW approval process, and supplementary SEARs may need to be issued.
I would appreciate it if you would contact the Department at least two weeks before you propose to submit the development application and EIS for your development. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the Environmental Planning and Assessment Regulation 2000); and
- determine the number of copies (hard-copy and CD-ROM) of the EIS required for review.

Should you have any further enquiries, please contact Deana Burn, Senior Planner, at the Department on (02) 9228 6453 or via email at Deana.Burn@planning.nsw.gov.au

Yours sincerely

Chris Ritchie
Manager – Industry Assessments
As delegate of the Secretary

2/12/14
## Secretary’s Environmental Assessment Requirements

**Section 78A(8A) of the Environmental Planning and Assessment Act 1979**

**State Significant Development**

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<th>Application Number</th>
<th>SSD 6701</th>
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| **Development**    | Remediation of the contaminated sediments within Kendall Bay, including:  
|                    | • excavation of contaminated sediments from two areas (A & B) within Kendall Bay;  
|                    | • transportation of sediments to a land-based ‘staging site’ at 140 Tennyson Rd, Mortlake either via floating pipeline or barge;  
|                    | • treatment of sediments at the staging site prior to transport off-site to a licensed waste facility; and  
|                    | • capping of excavated Areas A & B and reinstatement with clean soil. |
| **Location**       | Kendall Bay and 140 Tennyson Road Mortlake |
| **Applicant**      | Jemena Limited |
| **Date of Issue**  | 2 December 2014 |

### 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 Environmental Planning and Assessment Regulation 2000. 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:
    - characterisation of the nature and extent of contaminated material;
    - details of the proposed remediation process, including the process to treat contaminated material;
    - details of proposed remediation management measures, including justification of the remediation criteria and proposed disposal of treated sediments and waste, and management of wastewater;
    - a site validation plan; and
    - details of compliance with the Contaminated Land Management Act 1997;
  - 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, using sufficient baseline data;
  - 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 Environmental Planning and Assessment Regulation 2000), 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 occur and air emission 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 potential 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; and
- 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;
  - details of backfill material that supports the re-establishment of aquatic
    flora and fauna; and
  - a mangrove rehabilitation plan, including monitoring requirements and
    performance measures.
- **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 *Environmental
Planning and Assessment Regulation 2000*. 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;
- WorkCover NSW;
- Department of Primary Industries including the NSW Office of Water and
  Fisheries NSW;
- NSW Roads and Maritime Services;
- Office of Environment and Heritage;
- 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
| 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:  

**Policies, Guidelines and Plans**

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<tr>
<th>Aspect</th>
<th>Policy /Methodology</th>
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| Contamination           | *Contaminated Land Management Act 1997.*  
                           | *State Environmental Planning Policy 55 – Remediation of Land*  
                           | *Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000).*  
                           | *Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006).*  
| 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 risk from environmental hazards (2012).* |
| Waste                   | *Waste Avoidance and Resource Recovery Strategy (Resource NSW).*                 |
                           | *EPA's Waste Classification Guidelines.*                                          |
                           | *Resource Recovery Exemption.*                                                    |
                           | *Technical guidelines: Bunding and Spill Management (DECC, 1997).*               |
| Air Quality             | *Protection of the Environment Operations (Clean Air) Regulation 2010.*          |
                           | *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (DECC, 2005).* |
                           | *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (DECC, 2005).* |
| Odour                   | *Assessment and Management of Odour from Stationary Sources in NSW: Technical Framework (2006).* |
                           | *Management of Odour from Stationary Sources in NSW: Technical Notes (2006).* |
                           | *Protection of Environment Operations (Clean Air) Regulation 2010.*              |
| Noise and Vibration     | *Assessing Vibration: A technical guide (DEC, 2006).*                            |
                           | *Australian and New Zealand Environment Council – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZEC, 1990).* |
                           | *NSW Industrial Noise Policy (EPA, 2000).*                                       |
                           | *Environmental Criteria for Road Traffic Noise (EPA, 1999).*                     |
## Water

- Site Investigation for Urban Salinity (DLWC, 2002).
- Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC, 2004).
- Local Salinity Initiative Booklets
- Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC).
- Floodplain Risk Management Guideline: Practical Consideration of Climate Change (DECC).

## Groundwater

- The NSW State Groundwater Dependent Ecosystem Policy (2002).
- Department of Primary Industries Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW, 2012).

## Wastewater


## Hazard and Risk

- State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33).
- Planning Advisory Paper No. 6 – Guidelines for Hazardous Analysis (DUAP).
- Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (DUAP).

## Transport

- Roads Act 1993
- Guide to Traffic Generating Development (RMS)
- Guide to Traffic Management (Austroads)
### 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)

### Biodiversity

- Guidelines for Threatened Species Assessment (Department of Planning, July 2005)
- NSW OEH interim policy on assessing and offsetting biodiversity impacts of Part 3A, State Significant Development (SSD) and State Significant Infrastructure (SSI) projects (OEH, 2011).
- Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW 2010).
- Biobanking Assessment Methodology and Credit Calculator Operational Manual (DECC 2009a).
- Assessor’s guide to using the Biobanking Credit Calculator (OEH, 2012).

### Greenhouse Gas

- National Greenhouse Accounts (NGA) Factors (Department of Environment)
- Australian Greenhouse Emissions Information System (AGEIS).
ATTACHMENT 2
Government Authority’s Environmental Assessment Requirements