Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 31 May 2019

SCHEDULE 1

Application Number: SSD 6701
Applicant: Jemena Limited
Consent Authority: Minister for Planning

Site: 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

Development: Remediation of contaminated sediments in two areas of Kendall Bay as shown on Figure 1 in Appendix 1, 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
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>Jemena Limited, or any person carrying out any development to which this consent applies</td>
</tr>
<tr>
<td><strong>BaP TEQ</strong></td>
<td>Benzo(a)pyrene toxicity equivalent</td>
</tr>
<tr>
<td><strong>BCA</strong></td>
<td>Building Code of Australia</td>
</tr>
<tr>
<td><strong>CLG</strong></td>
<td>Community Liaison Group - Kendall Bay Sediment Remediation Project</td>
</tr>
<tr>
<td><strong>CLM Act</strong></td>
<td>Contaminated Land Management Act 1997</td>
</tr>
<tr>
<td><strong>Conditions of this consent</strong></td>
<td>Conditions contained in Schedule 2 of this document</td>
</tr>
<tr>
<td><strong>Council</strong></td>
<td>City of Canada Bay Council</td>
</tr>
<tr>
<td><strong>Day</strong></td>
<td>The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays</td>
</tr>
<tr>
<td><strong>Department</strong></td>
<td>NSW Department of Planning and Environment</td>
</tr>
<tr>
<td><strong>Decommissioning</strong></td>
<td>Validation of remediated areas, de-mobilisation of plant and equipment, removal of temporary stormwater controls and cleaning of the Staging Site</td>
</tr>
<tr>
<td><strong>Development</strong></td>
<td>The development described in the EIS and RTS, including site establishment, remediation of two areas of Kendall Bay and decommissioning, as modified by the conditions of this consent and shown on the plans in Appendix 1</td>
</tr>
<tr>
<td><strong>DoI</strong></td>
<td>Department of Industry incorporating Water, Fisheries and Crown Lands</td>
</tr>
<tr>
<td><strong>EIS</strong></td>
<td>The Environmental Impact Statement titled Kendall Bay Sediment Remediation Project, prepared by Jemena dated September 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application</td>
</tr>
<tr>
<td><strong>ENM</strong></td>
<td>Excavated Natural Material</td>
</tr>
<tr>
<td><strong>Environment</strong></td>
<td>Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings</td>
</tr>
<tr>
<td><strong>EPA</strong></td>
<td>NSW Environment Protection Authority</td>
</tr>
<tr>
<td><strong>EP&amp;A Act</strong></td>
<td>Environmental Planning and Assessment Act 1979</td>
</tr>
<tr>
<td><strong>EP&amp;A Regulation</strong></td>
<td>Environmental Planning and Assessment Regulation 2000</td>
</tr>
<tr>
<td><strong>EPL</strong></td>
<td>Environment Protection Licence under the POEO Act</td>
</tr>
<tr>
<td><strong>Heritage</strong></td>
<td>Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement</td>
</tr>
<tr>
<td><strong>Heritage item</strong></td>
<td>An item as defined under the Heritage Act 1977, and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974; the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent</td>
</tr>
<tr>
<td><strong>Immobilisation Approval</strong></td>
<td>A General Immobilisation Approval or Specific Immobilisation Approval issued by the EPA for a particular waste which meets the non-liquid criteria in the EPA’s Waste Classification Guidelines 2014</td>
</tr>
<tr>
<td><strong>Incident</strong></td>
<td>An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance</td>
</tr>
<tr>
<td><strong>Note:</strong></td>
<td>&quot;material harm&quot; is defined in this consent</td>
</tr>
<tr>
<td><strong>Land</strong></td>
<td>Has the same meaning as the definition of the term in section 1.4 of the EP&amp;A Act</td>
</tr>
<tr>
<td><strong>LAT</strong></td>
<td>Lowest astronomical tide</td>
</tr>
<tr>
<td><strong>Material harm</strong></td>
<td>Is harm that:</td>
</tr>
<tr>
<td></td>
<td>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</td>
</tr>
</tbody>
</table>
| | b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all
reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>mg/kg</td>
<td>milligrams per kilogram</td>
</tr>
<tr>
<td>Minister</td>
<td>NSW Minister for Planning (or delegate)</td>
</tr>
<tr>
<td>Mitigation</td>
<td>Activities associated with reducing the impacts of the development prior to or during those impacts occurring</td>
</tr>
<tr>
<td>Monitoring</td>
<td>Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&amp;A Act</td>
</tr>
<tr>
<td>Non-compliance</td>
<td>An occurrence, set of circumstances or development that is a breach of this consent</td>
</tr>
<tr>
<td>Northern remediation area</td>
<td>Comprising NA1, NA2 and NA3 as defined in the RAP and shown on Figure 1 in Appendix 1</td>
</tr>
<tr>
<td>OEH</td>
<td>NSW Office of Environment and Heritage</td>
</tr>
<tr>
<td>PAH</td>
<td>Polycyclic aromatic hydrocarbons</td>
</tr>
<tr>
<td>Planning Secretary</td>
<td>Planning Secretary under the EP&amp;A Act, or nominee</td>
</tr>
<tr>
<td>RAP</td>
<td>Remediation Action Plan titled Kendall Bay Sediment Remediation Project prepared by Synnot &amp; Wilkinson dated June 2018 and RAP Addendum titled Kendall Bay Remediation Project prepared by Ian Swane &amp; Associates dated 22 June 2018</td>
</tr>
<tr>
<td>Reasonable</td>
<td>Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting</td>
</tr>
<tr>
<td>Remediation works</td>
<td>In-situ stabilisation of sediments, excavation, transport of sediments off-site for treatment and disposal, backfilling and sand nourishment, extension of seawall and stormwater controls, as permitted by this consent</td>
</tr>
<tr>
<td>RMS</td>
<td>NSW Roads and Maritime Services</td>
</tr>
<tr>
<td>RTS</td>
<td>The Response to Submissions titled Kendall Bay EIS Submissions Overview and Parts A) to HJ prepared by Jemena dated 30 November 2018</td>
</tr>
<tr>
<td>RWEMP</td>
<td>Remediation Works Environmental Management Plan</td>
</tr>
<tr>
<td>Sensitive receivers</td>
<td>A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area</td>
</tr>
<tr>
<td>Site</td>
<td>The area defined in Schedule 1</td>
</tr>
<tr>
<td>Site Auditor</td>
<td>As defined in part 4 of the CLM Act</td>
</tr>
<tr>
<td>Site Audit Report</td>
<td>As defined in part 4 of the CLM Act</td>
</tr>
<tr>
<td>Site Audit Statement</td>
<td>As defined in part 4 of the CLM Act</td>
</tr>
<tr>
<td>Site establishment</td>
<td>Mobilisation of equipment and materials to the Staging Site and installation of environmental controls including sheet piles and silt curtains in the two remediation areas, as permitted by this consent</td>
</tr>
<tr>
<td>Southern remediation area</td>
<td>Comprising SA1, SA2, SA3, SA4 and SA5 as defined in the RAP and shown on Figure 1 in Appendix 1</td>
</tr>
<tr>
<td>Staging Site</td>
<td>Land based site at 140 Tennyson Road, Mortlake and associated wharf used for mobilising plant and equipment and the temporary storage of sediments prior to transport off site for treatment and disposal, as shown on Figure 3 in Appendix 1</td>
</tr>
<tr>
<td>TRH</td>
<td>Total recoverable hydrocarbons</td>
</tr>
<tr>
<td>VENM</td>
<td>Virgin Excavated Natural Material</td>
</tr>
<tr>
<td>VMP</td>
<td>Voluntary Management Proposal 20171703 approved by the EPA on 7 August 2017, and any amendment issued by the EPA</td>
</tr>
<tr>
<td>Waste</td>
<td>Has the same meaning as the definition of the term in the Dictionary to the POEO Act</td>
</tr>
<tr>
<td>Year</td>
<td>A period of 12 consecutive months</td>
</tr>
</tbody>
</table>
SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

A2. The development may only be carried out:
   (a) in compliance with the conditions of this consent;
   (b) in accordance with all written directions of the Planning Secretary;
   (c) in accordance with the EIS and RTS;
   (d) in accordance with the VMP;
   (e) in accordance with the plans in Appendix 1; and
   (f) in accordance with the Applicant’s Management and Mitigation Measures in Appendix 2.

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
   (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
   (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

A5. This consent lapses five (5) years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.

NOTIFICATION OF COMMENCEMENT

A6. The date of commencement of each of the following phases of the development must be notified to the Department and the EPA in writing, at least one month before that date:
   (a) site establishment;
   (b) remediation works; and
   (c) decommissioning.

A7. If the site establishment, remediation works or decommissioning is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the works to be carried out in that stage.

EVIDENCE OF CONSULTATION

A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
   (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
   (b) provide details of the consultation undertaken including:
      (i) the outcome of that consultation, matters resolved and unresolved; and
      (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A9. With the approval of the Planning Secretary, the Applicant may:
(a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A10. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A11. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

A12. Before the commencement of site establishment, the Applicant must:

(a) consult with the relevant owner and provider of services that are likely to be affected, to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;

(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the staging site (including roads, gutters and footpaths);

(c) submit a copy of the dilapidation report to the Planning Secretary and Council; and

(d) pay $20,059 to Council as a road levy for the consumption of road pavement life associated with haulage of materials on local roads.

A13. The Applicant must ensure the road pavements adjacent to the staging site are maintained in a safe condition throughout site establishment, remediation works and decommissioning.

A14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

PROTECTION OF SEAWALL

A15. Before the commencement of site establishment, the Applicant must:

(a) consult with the Breakfast Point Community Association as owner(s) of the seawall on the Kendall Bay foreshore, to make suitable arrangements for access to, protection and support of the seawall;

(b) prepare a geotechnical dilapidation report identifying the condition of the seawall on the site;

(c) implement any required repairs of the seawall to maintain its integrity during remediation works;

(d) submit a copy of the dilapidation report to the owner(s) and the Planning Secretary.

A16. During the development, the Applicant must continuously monitor the integrity of the seawall in accordance with the Excavation Management Plan required by Condition B23. If the monitoring identifies signs of instability, the Applicant must:

(a) immediately cease works that are impacting the integrity of the seawall;

(b) implement measures to restore the integrity of the seawall; and

(c) evaluate the suitability of using gabion rock and geotextile blankets at the toe of the wall to address the remediation objectives, and implement these measures in consultation with the Site Auditor.

A17. After the completion of decommissioning, the Applicant must:

(a) prepare a geotechnical dilapidation report identifying the condition of the seawall on the site; and

(b) submit a copy of the post-works dilapidation report to the Breakfast Point Community Association and the Planning Secretary.

A18. Unless the Applicant and the Breakfast Point Community Association agree otherwise, the Applicant must repair, or pay the full costs associated with repairing the seawall, in consultation with the owner of the seawall, if it is damaged
by carrying out the development. Any repairs must be consistent with restoring the seawall to the condition identified in the geotechnical dilapidation report prepared in accordance with Condition A15.

COMPLIANCE
A19. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT
A20. All plant and equipment used on site, or to monitor the performance of the development must be:
(a) maintained in a proper and efficient condition; and
(b) operated in a proper and efficient manner.

STAKEHOLDER ENGAGEMENT
Stakeholder Management Plan
A21. The Applicant must implement the Stakeholder Management Plan included in the EIS for the duration of the development to keep the community, special interest groups and relevant agencies informed about the progress of the remediation works and the results of any monitoring.

Community Liaison Group
A22. The Applicant must meet with the CLG prior to the commencement of site establishment and throughout the remediation works as described within the Stakeholder Management Plan included in the EIS.

UTILITIES AND SERVICES
A23. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

APPLICABILITY OF GUIDELINES
A24. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
A25. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES
AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.
PART B SPECIFIC ENVIRONMENTAL CONDITIONS

REMEDIATION

Site Auditor

B1. Prior to commencement of site establishment, the Applicant must submit to the EPA and the Planning Secretary, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates that the northern and southern remediation areas, if remediated in accordance with the RAP, will meet the objectives of the VMP.

B2. The Site Auditor must verify that any excavated material and any backfill material, has been appropriately classified, validated, managed and the relevant approvals have been obtained in accordance with legislation and any approved excavation or backfilling management plans.

B3. The Site Auditor must routinely inspect the remediation works and review reports prepared by the remediation contractor, validation consultant and the Applicant, including but not limited to, the Water and Sediment Management Plan required by Condition B20 and any Validation Sampling and Analysis Quality Plan for the remediation works.

Remedial Works

B4. The remediation works must be undertaken by a suitably qualified and experienced contractor(s).

Remediation Criteria

B5. The Applicant must remediate the northern and southern remediation areas, to the satisfaction of the Site Auditor:

(a) to meet the objectives of the VMP;
(b) to meet the performance specification criteria detailed in the RAP;
(c) in accordance with the design specifications and requirements detailed in the approved RAP and approved Remedial Work Plan;
(d) in accordance with relevant guidelines produced or approved under the CLM Act.

B6. In the event of any inconsistency, ambiguity or conflict between the objectives of the VMP and the RAP, the objectives of the VMP prevail to the extent of the inconsistency, ambiguity or conflict.

Site Audit Report and Site Audit Statement

B7. Within 6 months of the completion of decommissioning, the Site Auditor must submit a Site Audit Report, Site Audit Statement and Validation Report to the EPA, RMS, Council and the Planning Secretary. The reports must be prepared in accordance with relevant guidelines produced or approved under the CLM Act and must confirm:

(a) the objectives and terms of the VMP have been achieved;
(b) the remedial works have been completed in accordance with the RAP and Remedial Work Plan;
(c) the risks to human health and the environment have been addressed in accordance with the objectives of the RAP.

B8. In the event of any inconsistency, ambiguity or conflict between the objectives of the VMP and the RAP, the objectives of the VMP prevail to the extent of the inconsistency, ambiguity or conflict.

Long Term Environmental Management Plan

B9. The Applicant must submit a Long Term Environmental Management Plan (LTEMP) for the northern and southern remediation areas for consideration and approval by the Planning Secretary, prior to the finalisation of the Site Audit Statement and Site Audit Report, required by Condition B7.

B10. The LTEMP must:

(a) be prepared in consultation with the Site Auditor, Council, EPA and RMS;
(b) identify where the LTEMP applies and who is responsible for implementing the LTEMP;
(c) detail how the LTEMP will be implemented, including corrective actions and reporting requirements;
(d) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s);
(e) detail procedures for managing and monitoring any remaining contamination, including triggers that would indicate if further remediation is required;
(f) include measures to be implemented if any parts of the remediated area are required to be physically disturbed;
(g) describes any required operational controls on future boating activities within Kendall Bay or planning controls for any future development that may interact with the remaining contamination buried beneath the remediation areas;
(h) incorporate a programme for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards;

(i) include mechanisms to report results to Council, EPA, RMS and the Planning Secretary;

(j) be written in plain English to be understood by all personnel involved in maintenance activities on the site.

B11. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
(a) implement the approved LTEMP;
(b) provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, or an equivalent restriction that applies to the bed of Kendall Bay.

HUMAN HEALTH

B12. The Applicant shall ensure the development is carried out in accordance with NSW Work Health and Safety Regulation 2017 and the requirements of SafeWork NSW.

B13. Any signs to be erected on or off site warning of potential risks to human health during remediation works shall only be erected, in consultation with NSW Health and with the prior approval of Council.

WATER QUALITY

Discharge Limits

B14. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Sediment Control

B15. The Applicant must implement all feasible and reasonable mitigation and management measures for the duration of the development, to minimise the dispersion of dissolved and sediment-bound toxicants and suspended sediments outside the silt curtains.

B16. Prior to the commencement of site establishment, the Applicant must establish at least one background reference monitoring point for the purposes of monitoring turbidity, to the satisfaction of the EPA.

B17. The Applicant must ensure the development does not cause turbidity, outside the silt curtains, to exceed the background turbidity at the reference monitoring point(s) by more than the turbidity equivalent of 50 milligrams per litre of suspended sediments.

B18. Prior to the commencement of remediation works, the Applicant must install the sediment control measures described in the EIS, including:
(a) sheet piled walls as the primary barrier; and
(b) a silt curtain and oil boom, installed and maintained around each primary barrier and all works that may disturb contaminated sediment. The silt curtains must be installed and maintained to prevent the release of a visible plume of sediment beyond the silt curtains.

B19. The Applicant must conduct all excavation and cementing activities within the northern (NA2 and NA3) and southern (SA1) remediation areas as defined in the RAP and shown on Figure 1 in Appendix 1, within a sheet piled wall, or any other primary barrier wall approved in writing by the EPA and the Planning Secretary.

Water and Sediment Management Plan

B20. Prior to the commencement of site establishment, the Applicant must prepare a Water and Sediment Management Plan to the satisfaction of the Planning Secretary. The plan must form part of the RWEMP required by Condition C2 and must:
(a) be prepared by a suitably qualified and experienced person(s), in consultation with the Site Auditor, EPA and DoI;
(b) be prepared in accordance with the Guidelines for Controlled Activities on Waterfront Lands, Natural Resources Access Regulator 2018;
(c) describe the control measures to protect water quality in Kendall Bay and Fairmile Cove during the development;
(d) describe the control measures that are designed to address all reasonably foreseeable circumstances during the remediation works, including other factors not related to the remediation works that may increase turbidity (including wet weather, high wind and high stormwater runoff);
(e) include a water quality monitoring program to monitor the effectiveness of the control measures. The monitoring program must include, but not be limited to:
(i) continuous turbidity monitoring outside the silt curtains;
(ii) daily visual inspections for turbidity and oily sheens;
(iii) monthly sampling and analysis during the development, including weekly sampling during the first month of the in-situ stabilisation works;
(iv) additional sampling when a turbidity exceedance or visible plume is identified; and
(v) a list of analytes for the monthly sampling that has been developed in consultation with the Site Auditor and the EPA.

B21. The Applicant must:
(a) not commence site establishment until the Water and Sediment Management Plan required by Condition B20 is approved by the Planning Secretary; and
(b) implement the most recent version of the Water and Sediment Management Plan approved by the Planning Secretary for the duration of the development.

Water Quality Monitoring

B22. The Applicant must conduct water quality monitoring during the remediation works in accordance with Condition B20 and the approved RWEMP required by Condition C2. Results of water quality monitoring must be reported to the EPA and the Planning Secretary monthly and must include a review of all monitoring data collected, interpretation of the results and details of any relevant site management responses. Monthly reports must be submitted by the 15th day of each month and must cover the preceding calendar month, commencing from the start of remediation works.

HYDROLOGY & STORMWATER

Excavation Management Plan

B23. The Applicant must prepare an Excavation Management Plan for the development. The plan must form part of the RWEMP required by Condition C2 and must:
(a) be prepared by a suitably qualified and experienced person(s), in consultation with the Site Auditor, RMS and the owner of the seawall;
(b) describe the procedures to manage excavation, handling, storage and transport of sediments from each excavation area;
(c) detail how the integrity of the seawall will be maintained throughout site establishment, remediation works and decommissioning; and
(d) detail specific measures to maintain the integrity of the seawall including limiting the length excavations adjacent to the seawall at any one time, to limit the potential for damage.

B24. The Applicant must:
(a) not commence site establishment until the Excavation Management Plan required by Condition B23 is approved by the Planning Secretary; and
(b) implement the most recent version of the Excavation Management Plan approved by the Planning Secretary for the duration of the development.

Stormwater Controls

B25. The Applicant must install the stormwater control structures described in the EIS, in consultation with RMS and to the satisfaction of the Planning Secretary. The Applicant must provide evidence to the Planning Secretary demonstrating the successful installation of the stormwater control structures, prior to the completion of decommissioning.

SOILS

Imported Materials

B26. The Applicant must prepare a Backfilling Management Plan for the development. The plan must form part of the RWEMP required by Condition C2 and must detail the measures to:
(a) ensure only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
(b) keep accurate records of the volume and type of fill to be used; and
(c) make these records available to the Department upon request.

Acid Sulfate Soils

B27. The Applicant must prepare an Acid Sulfate Soil Management Plan for the development. The plan must form part of the RWEMP required by Condition C2 and must be prepared in accordance with the Acid Sulfate Soils Manual (Acid Sulfate Soils Management Advisory Committee, 1998).

BIODIVERSITY

B28. The Applicant must not remove more than the one mature mangrove tree and some small offshoots described in the EIS, located on the south-western end of the beach.
B29. The Applicant must minimise potential harm to the remaining mangroves on the site during the development. The Applicant must include specific and detailed measures within the RWEMP required by Condition C2 to protect the mangroves, including but not limited to:

(a) clearly defining minimal areas for foot and wheelbarrow traffic around the mangroves;
(b) ensuring the mangrove pneumatophores are not completely covered with clean capping material and the material is not packed down too firmly; and
(c) replacing any mangroves damaged during remediation works.

AIR QUALITY AND ODOUR

Odour Management

B30. The Applicant must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour

B31. The Applicant must not open sealed bins containing contaminated sediments, other than for the purpose of sampling or inspection, whilst transporting the sediments and must not handle or treat any contaminated sediment in the sealed bins without the prior written consent of the EPA. As part of any request, the Applicant must demonstrate, to the satisfaction of the EPA, that the amenity of nearby residents would not be adversely affected.

B32. Sealed bins containing contaminated sediment must be transported by road or barge to a facility that is lawfully able to accept the waste for further treatment or disposal, in accordance with Conditions B43 and B44.

Dust Minimisation

B33. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

Air Quality Management Plan

B34. Prior to the commencement of site establishment, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the EPA and the Planning Secretary. The AQMP must form part of the RWEMP required by Condition C2 and must:

(a) be prepared by a suitably qualified and experienced person(s);
(b) detail and rank all emissions including odour and particulates from all remediation activities;
(c) identify the control measures that will be implemented for each emission source, including the measures described in the RAP for the transport of contaminated sediments off site and for the control of emissions from the staging site;
(d) describe the control measures that are designed to address all reasonably foreseeable circumstances during the remediation works;
(e) nominate the following for each of the proposed controls:
   (i) key performance indicator;
   (ii) monitoring method;
   (iii) location, frequency and duration of monitoring;
   (iv) record keeping;
   (v) complaints register;
   (vi) response procedures;
   (vii) compliance monitoring; and
(f) describe a program for evaluating the performance of the development and determining compliance with key performance indicators.

B35. The Applicant must:

(a) not commence site establishment until the Air Quality Management Plan required by Condition B34 is approved by the Planning Secretary; and
(b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

Air Quality Monitoring

B36. The Applicant must conduct air quality monitoring during the development in accordance with the approved Air Quality Management Plan required by Condition B34. Results of air quality monitoring must be reported to the EPA and the Planning Secretary monthly and must include a review of all monitoring data collected, interpretation of the results and details of any relevant site management responses. Monthly reports must be submitted by the 15th day of each month and must cover the preceding calendar month, commencing from the start of site establishment works.
NOISE AND VIBRATION

Hours of Work

B37. The Applicant must comply with the hours detailed in Table 2, unless otherwise agreed in writing by the Planning Secretary.

Table 1: Hours of Work

<table>
<thead>
<tr>
<th>Activity</th>
<th>Day</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site establishment, remediation works and decommissioning</td>
<td>Monday – Friday</td>
<td>7 am to 6 pm</td>
</tr>
<tr>
<td></td>
<td>Saturday</td>
<td>8 am to 1 pm</td>
</tr>
</tbody>
</table>

B38. Works outside of the hours identified in Condition B37 may be undertaken in the following circumstances:

(a) works that are inaudible at the nearest sensitive receivers;
(b) works agreed to in writing by the EPA and the Planning Secretary;
(c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
(d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm. In such circumstances, the Applicant must notify affected residents as soon as possible, or within a reasonable period of time in the case of any emergency.

Noise and Vibration Management Plan

B39. Prior to the commencement of site establishment works, the Applicant must prepare a Noise and Vibration Management Plan (NVMP) to the satisfaction of the Planning Secretary. The NVMP must form part of the RWEMP required by Condition C2 and must:

(a) be prepared by a suitably qualified and experienced person(s);
(b) be prepared in consultation with relevant stakeholders, including the nearest affected receivers;
(c) include a site induction process for all personnel detailing the need for strict adherence to the working hours in Table 2 and the need to implement best management practices for minimising noise;
(d) detail the noise management levels relevant to the development;
(e) describe the procedures for managing noisy works including the use of respite periods, negotiated with the nearest affected receivers;
(f) include procedures for identifying when mobile screens or temporary noise barriers are needed;
(g) include procedures for ‘soft start-up’ periods at the beginning of each day; and
(h) detail procedures for early notification to residents and the community, of potential disruptions and the duration of noisy works.

B40. The Applicant must:

(a) not commence site establishment until the Noise and Vibration Management Plan required by Condition B39 is approved by the Planning Secretary; and
(b) implement the most recent version of the Noise and Vibration Management Plan approved by the Planning Secretary for the duration of the development.

Noise Minimisation

B41. The Applicant must implement all feasible and practicable noise mitigation and management measures to minimise noise impacts from the development. If noise exceeds the project specific noise management levels, as described in the NSW Interim Construction Noise Guideline, DECC, 2009, the Applicant must investigate to establish the reason for the noise exceedance and implement all feasible and practicable measures to achieve compliance.

Note: Noise generated by the development is to be measured in accordance with the NSW Noise Policy for Industry (EPA, 2017).

Vibration

B42. The Applicant must carry out the development in a manner that minimises vibration impacts.

WASTE MANAGEMENT

Statutory Requirements

B43. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA’s Waste Classification Guidelines Part 1: Classifying Waste and dispose of all wastes to a facility that may lawfully accept the waste.
B44. The Applicant shall test, manage and dispose of cement stabilised waste excavated from the site in accordance with an Immobilisation Approval issued in writing by the EPA in accordance with Part 10 of the Protection of the Environment Operations (Waste) Regulation 2014.

B45. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, unless expressly permitted by a licence under the POEO Act.

**Waste Management Plan**

B46. Prior to the commencement of site establishment, the Applicant must prepare a Waste Management Plan (WMP) to the satisfaction of the EPA and the Planning Secretary. The WMP must form part of the RWEMP required by Condition C2 and must:

(a) be prepared by a suitably qualified and experienced person(s);
(b) detail the type and quantity of waste to be generated during the development;
(c) identify an upper threshold for the collection and storage of any sealed bins containing contaminated sediment at the staging site;
(d) describe the handling, storage and disposal of all waste streams generated by the development, consistent with the POEO Act, Protection of the Environment Operations (Waste) Regulation 2014 and the EPA’s Waste Classification Guidelines;
(e) detail the materials to be reused or recycled, either on or off site; and
(f) detail tracking procedures for all excavated and backfill material, providing sufficient documentation to allow the Site Auditor to independently verify compliance with this requirement.

B47. The Applicant must:

(a) not commence site establishment until the Waste Management Plan required by Condition B46 is approved by the Planning Secretary; and
(b) implement the most recent version of the Waste Management Plan approved by the Planning Secretary.

**ROAD TRAFFIC**

**Traffic Management Plan**

B48. Prior to the commencement of site establishment, the Applicant must prepare a Traffic Management Plan to the satisfaction of the Planning Secretary. The plan must form part of the RWEMP required by Condition C2 and must:

(a) be prepared by a suitably qualified and experienced person(s);
(b) be prepared in consultation with the Breakfast Point Community Association and the CLG;
(c) detail measures to manage traffic from the development to minimise disruptions for residences;
(d) detail the measures to be implemented to ensure road safety and network efficiency during the development, including scheduling deliveries of heavy plant and equipment outside of peak periods;
(e) detail heavy vehicle routes, access and parking arrangements;
(f) include a Driver Code of Conduct to:
   i. minimise impacts on the local and regional road network;
   ii. minimise conflicts with other road users;
   iii. minimise road traffic noise; and
   iv. ensure truck drivers use specified routes and adhere to speed restrictions;
(g) include a program to monitor the effectiveness of these measures; and
(h) detail procedures for early notification to residents and the community (including local schools), of any potential disruptions to routes.

B49. The Applicant must:

(a) not commence site establishment until the Traffic Management Plan required by Condition B48 is approved by the Planning Secretary; and
(b) implement the most recent version of the Traffic Management Plan approved by the Planning Secretary for the duration of the development.

**Operating Conditions**

B50. The Applicant must ensure:

(a) the development does not result in any vehicles queuing on the public road network;
(b) heavy vehicles associated with the development are not parked on local roads or footpaths in the vicinity of the staging site;
(c) all loading and unloading of materials is carried out on the staging site;
(d) all trucks entering or leaving the staging site with loads have their loads covered and do not track dirt onto the public road network; and
(e) the proposed turning areas on the staging site are kept clear of any obstacles, including parked cars, at all times.

MARINE TRAFFIC

Harbour Master

B51. Prior to the commencement of site establishment, the Applicant must obtain written approval from the Harbour Master for disturbance of the bed of Sydney Harbour, in accordance with the Ports and Maritime Administration Regulation 2012.

Marine Notice

B52. Prior to the commencement of site establishment, the Applicant must issue a Marine Notice for the development in consultation with the Harbour Master and in accordance with the requirements of RMS. The Applicant must maintain any special marker buoys for the water based corridor, for the duration of the development.

Navigational Management Plan

B53. The Applicant must prepare and implement for the duration of the development, a Navigational Management Plan detailing the water based routes, speed limits and radio contact requirements for vessels associated with the development. The Navigational Management Plan must be prepared in consultation with, and meet any relevant requirements of, RMS and the Harbour Master.

HERITAGE

Lady Edeline Wreck

B54. Prior to the commencement of remediation works, the Applicant must install marker buoys to create an exclusion zone around the ‘Lady Edeline’ wreck, in consultation with RMS. The Applicant must maintain the exclusion zone for the duration of the development.

B55. If any archaeological relics are uncovered during the development, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance the requirements of OEH NSW Heritage Division.

Unexpected Finds Protocols

B56. If any item or object of Aboriginal heritage significance is identified on site:
   (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
   (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
   (c) the OEH must be contacted immediately.

B57. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.

Aboriginal Cultural Heritage

B58. Prior to site establishment works, the Applicant must ensure the project team and all contractors undergo a heritage induction, including an archaeological awareness component to reinforce the importance of archaeological issues and the management measures that will be implemented.

B59. In the event of an unexpected discovery of archaeological relics during disturbance works, the Unexpected Finds Protocol should be followed. The protocol details the actions to be taken when a previously unidentified and/or potential Aboriginal and/or historical heritage item/object/site is found during construction activities.

B60. Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity, the Applicant must:
   (a) immediately cease all work at that location and not further move or disturb the remains;
   (b) notify the NSW Police and OEH’s Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location; and
   (c) not recommence work at that location unless authorised in writing by OEH.

HAZARDS AND RISK

Dangerous Goods

B61. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning’s Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.
**Bunding**

B62. The Applicant must store all chemicals, fuels and oils used on site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA’s *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

MANAGEMENT PLAN REQUIREMENTS

C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
   (a) details of:
      (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
      (ii) any relevant limits or performance measures and criteria; and
      (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
   (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
   (c) a program to monitor and report on the:
      (i) impacts and environmental performance of the development; and
      (ii) effectiveness of the management measures set out pursuant to paragraph (b) above;
   (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
   (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
   (f) a protocol for managing and reporting any:
      (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
      (ii) complaint;
      (iii) failure to comply with statutory requirements; and
   (g) a protocol for periodic review of the plan.

   Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

REMEDIGATION WORKS ENVIRONMENTAL MANAGEMENT PLAN

C2. The Applicant must prepare a Remediation Works Environmental Management Plan (RWEMP) for the development, in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary. The RWEMP and sub-plans required by Condition C3 must be prepared in consultation with relevant agencies including but not limited to Council, EPA, RMS, DOI (as relevant) and be approved by the Site Auditor, prior to submitting the RWEMP to the Planning Secretary. The Applicant must provide formal Interim Auditor Advice to the EPA and the Planning Secretary that endorses the environmental management measures set out in the RWEMP.

C3. The RWEMP required under Condition C2 must include:
   (a) Water and Sediment Management Plan (see Condition B20);
   (b) Excavation Management Plan (see Condition B23);
   (c) Backfilling Management Plan (see Condition B26);
   (d) Acid Sulfate Soil Management Plan (see Condition B27);
   (e) Measures to protect the mangroves (see Condition B28);
   (f) Air Quality Management Plan (see Condition B34);
   (g) Noise and Vibration Management Plan (see Condition B39);
   (h) Waste Management Plan (see Condition B46);
   (i) Traffic Management Plan (see Condition B48);
   (j) Community Consultation and Complaints Handling;
   (k) Materials Tracking Plan;
   (l) Pollution Incident Management Plan;
   (m) Spill Response Plan.

C4. The Applicant must:
   (a) not commence site establishment until the RWEMP required by Condition C2 is approved by the Planning Secretary; and
(b) carry out the development in accordance with the RWEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

REMEDIATION WORKS CONTINGENCY PLAN

C5. The Applicant must prepare a Remediation Works Contingency Plan (RWCP) for the development to the satisfaction of the Planning Secretary, to address any unexpected issues arising during remediation. The RWCP must be prepared in consultation with EPA, RMS and DoI and be approved by the Site Auditor, prior to submitting the RWCP to the Planning Secretary.

C6. The RWCP required under Condition C5 must include:
   (a) measures to deal with unexpected issues arising during the development, including but not limited to, construction issues, unexpected contamination, excessive odour, water quality impacts and unfavourable weather conditions; and
   (b) mitigation and management measures for avoiding and minimising impacts if the remediation works fail to achieve the remediation criteria and goals.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C7. Within three months of:
   (a) the submission of an incident report under Condition C9;
   (b) the submission of Compliance Report(s) under Condition C14;
   (c) the approval of any modification of the conditions of this consent; or
   (d) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review,

   the strategies, plans and programs required under this consent must be reviewed.

C8. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

   **Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C9. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Non-Compliance Notification

C10. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

C11. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C13. No later than 6 weeks before the date notified for the commencement of site establishment, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

C14. Compliance Reports of the development must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

C16. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit.
under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

**ACCESS TO INFORMATION**

**C17.** At least 48 hours before the commencement of site establishment, until the completion of all works under this consent, the Applicant must:

(a) make the following information and documents (as they are obtained or approved) publicly available on its website:

(i) the documents referred to in Condition A2 of this consent;

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) the proposed staging plans for the development if the site establishment, remediation or decommissioning of the development is to be staged;

(v) minutes of CLG meetings;

(vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;

(vii) a comprehensive summary and interpretation of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

(viii) a summary of the current stage and progress of the development;

(ix) telephone, email and online contact details to enquire about the development or to make a complaint, including provisions for providing access to information for people from non-English speaking backgrounds;

(x) a complaints register, updated monthly;

(xi) Compliance Report(s) of the development;

(xii) audit reports prepared as part of any monitoring or environmental audit of the development and the Applicant’s response to the recommendations in any audit report;

(xiii) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.
Figure 1: Remediation Areas
Figure 2: Location of Staging Site
Figure 3: Staging Site Layout
Figure 4: Southern Area Stormwater Controls – Rock Groyne and Spur Walls
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

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Potential Impact</th>
<th>Mitigation / Management Measure</th>
<th>Project Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality and Odour</td>
<td>Odour impacts from remediation activities on receptors in the surrounding area</td>
<td>• Prepare and implement an Air Quality Management Plan with measures to be used to control odour and suppress dust</td>
<td>✓  ✓  ✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Limit remediation activity to daytime hours</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Only excavate / expose the minimum area of sediment necessary at any one time (where practical)</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Cover each skip bin of contaminated material immediately once filled</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Minimise drop height of excavator (i.e. limiting height through which material is dropped into bin)</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Regular cleaning of excavator arm and any surfaces soiled with potentially odorous material</td>
<td>✓  ✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Prepare and implement Stakeholder Management Plan</td>
<td>✓  ✓  ✓</td>
</tr>
<tr>
<td>Aspect</td>
<td>Potential Impact</td>
<td>Mitigation / Management Measure</td>
<td>Project Phase</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Noise and Vibration</td>
<td>Noise impacts from remediation activities on receptors in the surrounding area</td>
<td>• Prepare and implement a Construction Noise and Vibration Management Plan with measures to mitigate noise and vibration impacts&lt;br&gt;• Adhere to the following standard construction hours:&lt;br&gt;  – Monday to Friday 7am to 6pm&lt;br&gt;  – Saturdays 8am to 1pm; and&lt;br&gt;  – No works on Sundays or Public Holidays.&lt;br&gt;Given approval from consent may be provided to enable extension of work hours until 3pm on Saturdays.&lt;br&gt;• Review manufacturer’s data and where practicable select plant and equipment that achieve Sound Power Levels (Lw) below those used in the assessment&lt;br&gt;• Where necessary erect temporary mobile screens&lt;br&gt;• Ensure management of construction vehicles (e.g. idling, revving engines, use of exhaust brakes)&lt;br&gt;• Conduct noise and vibration monitoring where required&lt;br&gt;• Consider respite periods where appropriate&lt;br&gt;• Implement Stakeholder Engagement Plan</td>
<td>Planning and Design: ✓ Site Establishment: ✓ Remediation Works: ✓ Decommissioning: ✓</td>
</tr>
<tr>
<td>Aspect</td>
<td>Potential Impact</td>
<td>Mitigation / Management Measure</td>
<td>Project Phase</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
</tbody>
</table>
| **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) | Planning and Design: ✓  
|                |                                                                                                                                                    |                                                                                         | Site Establishment: ✓  
|                |                                                                                                                                                    |                                                                                         | Remediation Works: ✓  
<p>|                |                                                                                                                                                    |                                                                                         | Decommissioning: ✓  |</p>
<table>
<thead>
<tr>
<th>Aspect</th>
<th>Potential Impact</th>
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<td>- Extension of existing sandstone wall in Remediation Area SA4 and installation of spur walls through the mangrove area of Remediation Area SA3 to redirect stormwater flows.</td>
<td>Planning and Design: ✓  Site Establishment: ✓  Remediation Works: ✓  Decommissioning: ✓</td>
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<td>- Construction of energy dissipation structure at stormwater outlet in Remediation Area SA4.</td>
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<td>- Implement any agreed post remediation Site Management Plan (SMP) for ongoing monitoring and management of remediation areas</td>
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<tr>
<td>Water Quality and Sediments</td>
<td>- Turbidity plumes / release of contaminants into water column</td>
<td>- Prepare and implement a Remediation Works Environmental Management Plan including:</td>
<td>Planning and Design: ✓  Site Establishment: ✓  Remediation Works: ✓  Decommissioning: ✓</td>
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<td>- Cross-contamination outside of designated remediation areas</td>
<td>- Excavation Management Plan</td>
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<td>- Oxidisation of potential acid sulfate soils (PASS)</td>
<td>- Acid Sulfate Soils Management Plan</td>
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<td>- Unplanned events with operation of silt curtains</td>
<td>- Backfilling Management Plan</td>
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<td>- Spillage / spreading of material during barge loading / transit / unloading</td>
<td>- Pollution Incident Response Management Plan</td>
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<td>- Spill Response Plan</td>
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<td></td>
<td>- Prepare and implement Water and Sediment Management Plan</td>
<td>Planning and Design: ✓  Site Establishment: ✓  Remediation Works: ✓  Decommissioning: ✓</td>
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<td>- Use of primary and secondary silt curtains, oil boom or continuous sheet pile wall and an oil boom, providing 3 layers of protection</td>
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<td>- Utilise sealed bins in barges for contaminated sediment and covered trucks to transport materials on and offsite</td>
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### ENVIRONMENTAL MANAGEMENT AND KEY COMMITMENTS — 18

<table>
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<td>Planning and Design</td>
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<tr>
<td></td>
<td>Release of contaminated water or dust offsite or into Parramatta River</td>
<td>Implement appropriate navigation measures, utilise suitable lifting techniques and appropriate equipment, and implement decontamination measures</td>
<td>✓</td>
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<tr>
<td></td>
<td>Localised scour of capping layer</td>
<td>Design the capping materials to satisfy appropriate performance criteria (i.e. cobble size)</td>
<td>✓</td>
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<td></td>
<td>Poor long-term stability and performance of capping material</td>
<td>Undertake Cap Inspection and Integrity Testing (as per any SMP requirement)</td>
<td>✓</td>
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<td></td>
<td></td>
<td>Implement ongoing Water Quality Monitoring (as per any SMP requirement)</td>
<td>✓</td>
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<tr>
<td>Biodiversity</td>
<td>Loss of mangrove habitat</td>
<td>Remediation methodology designed to minimise impacts to mangrove habitat. One mature mangrove and small offshoots expected to be removed</td>
<td>✓ ✓</td>
</tr>
<tr>
<td></td>
<td>Disturbance to marine fauna from remediation activities</td>
<td>Rubbish, debris, coke and coal present in the mangroves will be manually removed to minimise any impacts to the mangroves</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Impacts to water quality from seabed disturbance</td>
<td>Clean sand (VENM) distributed throughout mangroves by hand using wheelbarrows, spades and rakes or similar to protect the integrity of the mangroves</td>
<td>✓</td>
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<tr>
<td></td>
<td>Accidental spills into the marine environment</td>
<td>'Soft starts' will be implemented during sheet pile installation to allow marine and terrestrial fauna to move away from Remediation Areas.</td>
<td>✓</td>
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<td>Management measures relating to water quality and sediments will be implemented to manage potential impacts to marine species.</td>
<td>✓</td>
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<td>Cultural Heritage</td>
<td>• Potential unplanned impacts to heritage items during remediation activities, including those of cultural significance previously unrecorded.</td>
<td>• Cultural heritage induction for contractors prior to commencement of Project activities</td>
<td>✓</td>
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<tr>
<td></td>
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<td>• Establish a 5 m buffer zone by use of buoys placed around exposed remains of ‘Lady Edeline’ wreck</td>
<td>✓ ✓</td>
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<td>• If a suspected Aboriginal object is found during works, activities in that location will stop immediately and OEH notified</td>
<td>✓ ✓</td>
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<td>• 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</td>
<td>✓ ✓</td>
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<td></td>
<td>• 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</td>
<td>✓</td>
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<tr>
<td>Human Health</td>
<td>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</td>
<td>• Preparation and implementation of a Remediation Works Plan</td>
<td>✓ ✓ ✓ ✓ ✓</td>
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<td>• Site fencing installed where practical in areas where public are most likely to enter to restrict public access to active Remediation Areas.</td>
<td>✓ ✓</td>
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<td>• 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.</td>
<td>✓</td>
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<td>• 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</td>
<td>✓ ✓ ✓ ✓ ✓</td>
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<td>Planning and Design</td>
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<tr>
<td>Landscape and Visual</td>
<td>Potential impacts to the visual amenity caused from the physical presence of the Project in Kendall Bay and at the Staging Site.</td>
<td>• The identified visual impacts will be phased, temporary and limited to the length of the Project (approximately 16-28 months). Good housekeeping will be practiced at all sites and areas will be screened, where practical, to reduce any potential visual impacts.</td>
<td>-</td>
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<tr>
<td>Traffic and Transport</td>
<td>Potential land based traffic impacts associated with:</td>
<td>• 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.</td>
<td>✓</td>
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<td>• increase in heavy vehicle movements</td>
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<td>• reduction in car spaces</td>
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<td>• safety and congestion issues</td>
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<td>• 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</td>
<td>✓</td>
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<td>• Road dilapidation report in required area completed prior to works beginning, with ongoing monitoring and a post remediation dilapidation report for comparison purposes</td>
<td>✓</td>
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<tr>
<td></td>
<td>Potential marine based traffic impacts caused from the physical presence of the Project in Kendall Bay and the movement of Project related vessels</td>
<td>• Develop and implement a Marine Traffic Management Plan</td>
<td>✓</td>
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<td></td>
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<td>• 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</td>
<td>✓</td>
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<td>between the Staging Site and Kendall bay.</td>
<td>- 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</td>
<td>Planning and Design</td>
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<td>- Swing moorings potentially impacted by marine based Project activities will be identified and relocated prior to the commencement of the Project</td>
<td>✓</td>
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<tr>
<td>Waste Management</td>
<td>- Environmental harm caused by improper waste management (including disposal of contaminated sediment)</td>
<td>- 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</td>
<td>✓</td>
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<td>- Prepare and implement Materials Tracking Plan recording the movement of materials during the remediation program</td>
<td>✓</td>
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<td>- Review of receiving facility licenses to ensure they are suitably licensed to receive the various waste streams</td>
<td>✓</td>
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<td>- 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</td>
<td>✓</td>
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</table>
APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition C9 or, having given such notification, subsequently forms the view that an incident has not occurred.

2. Written notification of an incident must:
   a. identify the development and application number;
   b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
   c. identify how the incident was detected;
   d. identify when the Applicant became aware of the incident;
   e. identify any actual or potential non-compliance with conditions of consent;
   f. describe what immediate steps were taken in relation to the incident;
   g. identify further action(s) that will be taken in relation to the incident; and
   h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

4. The Incident Report must include:
   a. a summary of the incident;
   b. outcomes of an incident investigation, including identification of the cause of the incident;
   c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
   d. details of any communication with other stakeholders regarding the incident.