

**Mining & Industry Projects**

Contact: Andrew Hartcher

Phone: (02) 9228 6550

Fax: (02) 9228 6399

Email: andrew.hartcher@planning.nsw.gov.au

Our Ref: S08/00123

Mr Richard Mellon
Project Manager - Major Projects
Jemena
PO Box 6507
Silverwater NSW 2128

Dear Mr Mellon

**Kendall Bay Remediation Project (MP 08_0221)
Director General's Requirements**

The Department notes the Director General's Requirements for the above proposal are over 2 years old. I have attached a copy of the renewed Director-General's requirements for the project.

Please note that the Director-General may alter these requirements at any time.

Further, I understand that some aspects of your project remain uncertain at this stage, and in particular the construction staging area. While the Department is able to issue the Director-General's requirements based on the information you have provided to date, these requirements may need to be reviewed and revised once all the aspects of the project have been confirmed. It would be appreciated if you could continue to liaise with the Department regarding the scope of works for the project.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Department of Sustainability, Environment, Water, Populations and Communities (DSEWPoC) in Canberra ((02) 6274 1111 or (<http://www.environment.gov.au>) and determine if the project requires an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process, so if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director-General's requirements may need to be issued.

I would appreciate it if you would contact the Department at least two weeks before you submit the Environmental Assessment of the project. This will enable the Department to determine the:

- applicable fees (see Division 1A, Part 15 of the *Environmental Planning & Assessment Regulation 2000*); and
- number of copies (hard-copy or CD-ROM) of the Environmental Assessment that will be required for exhibition purposes.

Once it receives the Environmental Assessment, the Department will review it in consultation with the relevant agencies to determine if it adequately addresses the Director-General's requirements, and may require you to revise it prior to public exhibition.

The Department is required to make all the relevant information associated with the project publicly available on its website. Consequently, I would appreciate it if you would ensure that all the documents you subsequently submit to the Department are in a suitable format for the web,

and arrange for an electronic version of the Environmental Assessment to be hosted on a suitable website during the exhibition period.

If you have any enquiries about these requirements, please contact Andrew Hartcher on 9228 6503 or andrew.hartcher@planning.nsw.gov.au.

Yours sincerely

David Kitto 10/8/11

David Kitto
Director, Mining & Industry Projects
Major Projects Assessment
As delegate for the Director-General

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application Number	MP 08_0020
Project	Remediation of contaminated sediments from Kendall Bay, including the excavation of sediments; importation of clean fill; the transportation and off-site treatment of sediments; and disposal of treated sediments.
Location	Kendall Bay, Mortlake and a section of Cabarita Park, Cabarita
Proponent	Jemena
Date of Expiry	August 2013
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary; • a description of the overall remediation strategy for the site, including the: <ul style="list-style-type: none"> – objectives of the remediation strategy; – proposed staging of the strategy; and – relationship between the various stages of the strategy; • a detailed description of the project, including the: <ul style="list-style-type: none"> – need for the project; – alternatives considered; – Remedial Action Plan for the project, which includes: <ul style="list-style-type: none"> ○ characterisation of the nature and extent of contaminated material; ○ details of the proposed remediation process, including on-site and off-site treatment methodologies and the location of the off-site treatment facility; ○ 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 <i>Contaminated Land Management Act 1997</i>; – final landform following remediation and the suitability of fill material; and – on-going management of the site following remediation works; • a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment; • a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> – a description of the existing environment, using sufficient baseline data; – an assessment of the potential impacts of all stages of the project, including any cumulative impacts that may arise from the combined remediation of the site and the adjacent Kendall Bay Commercial Marina Project, taking into consideration any relevant guidelines, policies, plans and statutory provisions (see below); – a description of the measures that would be implemented to avoid, minimise, mitigate, rehabilitate/remediate, monitor and/or offset the potential impacts of the project, including detailed contingency plans for managing any potentially significant risks to the environment; • a statement of commitments, outlining all the proposed environmental management and monitoring measures; • a conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with

	<p>the objects of the <i>Environmental Planning & Assessment Act 1979</i>;</p> <ul style="list-style-type: none"> • a signed statement from the author of the Environmental Assessment, certifying that the information contained within the document is neither false nor misleading.
Key Issues	<ul style="list-style-type: none"> • Traffic – including: <ul style="list-style-type: none"> - details of the land based and water based traffic that would be generated by the project; - transport routes; - traffic management procedures for Cabarita Park and parking requirements; and - navigation and safety impacts on other water based traffic and ferry commuter services from any barging of contaminated material; • Air Quality – including: <ul style="list-style-type: none"> - an assessment of odour from the excavation, transport and storage of contaminated sediments; - air quality impact assessment of the remediation works and treatment facility including measures to collect and control air emissions from the treatment facility; and - details of an air quality monitoring program including the identification of air quality criteria; • Soil and Water – including: <ul style="list-style-type: none"> - erosion and sediment controls during excavation and backfilling of the bay; - details of a water quality monitoring program for Kendall Bay, with a focus on turbidity and key contaminants; - management procedures for any barging of contaminated material; and - stormwater management during operation of the treatment facility; • Health Impacts – including an assessment of the health implications of the project (including extraction of sediments, off-site transport and treatment as well as disposal of treated material), during and following remediation, including details of human exposure scenarios and demonstration that the project will not have unacceptable acute or chronic health effects; • Visual – including an assessment of the visual impact of the treatment facility (height, scale and lighting) on the local and regional area, particularly on any adjoining land owners and significant vantage points in the public domain; • Flora and Fauna – including an assessment of any impacts on critical habitats, threatened species, protected species, populations or ecological communities and their habitats in the region; • Hazards – a Preliminary Hazard Analysis (PHA) of the treatment facility including a detailed assessment of the potential off-site risks; • Noise – including excavation works, traffic and operation of the treatment facility; • Site security; and • Waste - including management of wastewater generated during the dewatering of extracted sediments.
References	<p>The environmental assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this project.</p>
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners.</p> <p>In particular, you must consult with the:</p> <ul style="list-style-type: none"> • Office of Environment and Heritage; • NSW Maritime;

	<ul style="list-style-type: none"> • NSW Department of Health; • Department of Primary Industries; • NSW Office of Water; • Sydney Ferries Corporation; and • Canada Bay City Council. <p>The consultation process and the issues raised must be described in the Environmental Assessment.</p>
Deemed Refusal Period	60 days

Guidelines, Policies and Plans

Aspect	Policy /Methodology
Risk	AS/NZS 4360 Risk Management (Standards Australia) HB 203:2006 Environmental Risk Management – Principals and Process
Contamination	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC) National Environment Protection (Assessment of Site Contamination) Measure (NEPC) Managing Land Contamination - Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA) Contaminated Sites: Sampling Design Guidelines (NSW EPA) Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA) Contaminated Sites: Guidelines for the NSW Auditor Scheme (NSW EPA) Contaminated Sites: Guidelines on Significant Risk of Harm from Contaminated Land and Duty to Report (NSW EPA) Guidelines for the Assessment and Management of Groundwater Contamination (DECC)
Traffic and Transport	Guide to Traffic Generating Development (RTA) RTAs Road Design Guide (RTA)
Air Quality	Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW (DEC) Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC) Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC) Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC) Protection of the Environment Operations (Clean Air) Regulation
Soil and Water	
Soil	Managing Urban Stormwater: Soils & Construction (Landcom)
Surface Water	Managing Urban Stormwater: Treatment Techniques (EPA) Managing Urban Stormwater: Source Control. Draft (EPA) Managing Urban Stormwater: Harvesting and Reuse (DEC) National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) (EPHC, NRMCC & AHMC) National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ); National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ); Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC); Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC) Storing and Handling Liquids: Environmental Protection - Participants Manual (DECC) Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation (DEC)

Health	Environmental Health Risk Assessment Guidelines for Assessing Human Health Risks from Environmental Hazards (Department of Health and Ageing and enHealth Council)
Flora and Fauna	<p>Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)</p> <p>Primefacts. Mangroves (DPI)</p> <p>Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Working Draft (DEC)</p> <p>Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC)</p>
Hazards	<p>Multi-Level Risk Assessment (DUAP)</p> <p>Hazardous Industry Planning Advisory Paper No 6 - Guidelines for Hazard Analysis</p>
Noise	<p>Industrial Noise Policy (DEC)</p> <p>NSW Road Noise Policy (OEH formerly DECCW)</p> <p>Environmental Noise Control Manual (DEC)</p>
Waste	<p>Waste Classification Guidelines (DECC)</p> <p>Environmental guidelines: Solid Waste Landfills (NSW EPA)</p>