



**Office of
Environment
& Heritage**



Your reference: MP 08_0046
Our reference: DOC11/47883; FIL09/1320
Our contact: Dana Alderson, 9995 6851

Mr Mark Brown
Senior Planner, Metropolitan & Regional Projects South
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Mr Brown

I refer to the Preferred Project Report for MP08_0046 for the expansion of the d'Albora Marina, located at The Spit, Mosman (the Premises) received by the Office of Environment and Heritage (OEH) on 11 October 2011. Ardent Leisure Limited holds Environment Protection Licence No. 11211 (the Licence) under the *Protection of the Environment Operations Act 1997* (the POEO Act) in respect of the Premises.

In previous correspondence dated 13 April 2011, OEH requested the provision of additional information in relation to water cycle management, relocation of the refuelling facility, contamination, dust and odour and noise. This additional information was not provided in the Preferred Project Report. As such, it is appropriate that these matters be addressed via the Licence for the Premises.

OEH has reviewed the Preferred Project Report and provides the following comments:

Water cycle management

Activities undertaken at the Premises are required to comply with the conditions of the Licence, including in relation to the management and discharge of water from the Premises. It is recommended that a condition of consent be imposed requiring that water management systems for the site be designed and operated having regard to *Environmental Action for Marinas, Boatsheds and Slipways* (OEH, 2007) and the requirements of the POEO Act.

Relocation of fuelling facility

The storage and dispensing of fuel undertaken at the Premises is required to comply with the conditions of the Licence. As such, it is recommended that a condition of consent be imposed requiring that fuel storage and dispensing systems for the site be designed and operated having regard to *Environmental Action for Marinas, Boatsheds and Slipways* (OEH, 2007) and the requirements of the POEO Act.

Contamination

As noted in previous correspondence dated 13 April 2011, should further contamination issues be identified during the removal of structures or construction at the site, further investigation and possibly remediation may be required. Accordingly, it is recommended that a condition of consent be imposed requiring that OEH be notified of any contamination issues which are identified during construction.

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet

In relation to the removal of existing underground petroleum storage tanks, it is recommended that a condition of consent be imposed requiring that their removal be undertaken in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.

Aboriginal cultural heritage

As noted in previous correspondence dated 13 April 2011, it is appropriate that any Aboriginal objects located during monitoring and documentation be lodged with the Australian Museum. As such, it is recommended that a condition of consent be imposed requiring same.

Dust and odour

The Licence currently requires that all operations and activities at the Premises must be conducted in a manner that will minimise airborne impurities at the boundary of the Premises. It is recommended that a condition of consent be imposed requiring that an Air Quality Management Plan be prepared and submitted to OEH detailing how airborne impurities including dust and odour will be minimised during operations and activities undertaken at the Premises. The Air Quality Management Plan should be prepared having regard to *Environmental Action for Marinas, Boatsheds and Slipways* (OEH, 2007) and the requirements of the POEO Act.

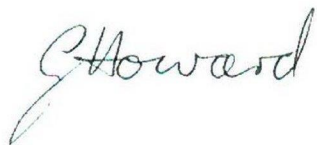
Noise

As noted previously in correspondence dated 13 April 2011, noise impacts may be generated both during the construction and operations phase of development at the Premises. It is recommended that conditions of consent be imposed to limit construction and operating hours to those identified in the Noise and Air Quality Assessment prepared by Wilkinson Murray Pty Ltd dated May 2008. Further, it is recommended that a condition be imposed requiring the implementation of respite periods for impact piling operations which generate noise impact levels greater than 75dBA at any noise sensitive receiver.

OEH would appreciate the opportunity to review the draft conditions of consent for this development prior to determination of the application.

If you have any queries regarding this matter please contact Dana Alderson on 9995 6851 or dana.alderon@environment.nsw.gov.au.

Yours sincerely

 31/10/11

**Director Metropolitan
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Office of Environment and Heritage
Department of Premier and Cabinet**