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CITY OF SYDNEY 2030

Sydney2030/Green/Global/Connected

26 August 2013

Ref No: 2013/308598
Our Ref: R/2013/20
Your Ref No: SSD 6069

Ben Jones
Senior Planner, Industry, Social Projects and Key Sites
NSW Department of Planning
23-33 Bridge Street,
SYDNEY NSW 2000
Email: Ben.Jones@planning.nsw.gov.au

Dear Ben

RE: Request for Director-General's Environmental Assessment Requirements for Walsh Bay Art Precinct (SSD 6069)

I refer to your letter seeking input on the Director-General's Requirements (DGRs) for the proposal by Arts NSW for solidifying the existing role of Wharfs 2/3 and 4/5 in Walsh Bay as an arts and cultural hub. The project includes works to the existing finger wharfs, Shore Sheds buildings and surrounding public domain and the use of the precinct for increased performing arts and cultural events.

It is apparent that the details of the project will be developed in more detail at a later stage. Due to the conceptual nature of the project and the Preliminary Report submitted to the Department to date, it is difficult to gain any firm understanding of the project. For example, it is not possible at this stage to appreciate the scale, frequency or impacts of likely public or ticketed events; the extent of works necessary to the wharfs, sheds and aprons to accommodate the proposed cultural institutions or the timing and duration of the project.

The draft DGRs are sufficiently broad enough at this stage to capture the key issues likely to arise with the project. The City would add that the project should include a consolidated wayfinding strategy for the expanded arts precinct.

Given the conceptual nature of the project the City reiterates the consultation requirements of the DGRs and asks that it be consulted on a regular basis as the project objectives evolve and the nature of the project takes shape.

It is suggested that a working group which meets regularly could be established rather than hold one-off consultation sessions with government agencies and stakeholders. Key working group agency representatives should include City of Sydney, Office of Environment and Heritage, Sydney Harbour Foreshore Authority and Transport for NSW.

Should you wish to speak with a Council officer about the above, please contact Russell Hand, Senior Planner, on 9265 9333 or at rhand@cityofsydney.nsw.gov.au.

Yours sincerely,

Graham Jahn AM
Director
City Planning | Development | Transport

NSW EPA

Our reference: DOC12/49861, EF13/5145
Contact: J Goodwin 9995 6838

Director Industry, Social Projects and Key Sites
Department of Planning and Infrastructure
GPO BOX 39
SYDNEY 2001

Attention: Ben Jones

Dear Mr Jones

REQUEST FOR DGRs – SSD 6069 – WALSH BAY ARTS PRECINCT – PIERS 2/3, 4/5, ASSOCIATED WATERS AND SYDNEY THEATRE

Thank you for inviting the Environment Protection Authority to provide input to the Director-General's Requirements (DGRs) for the above project.

The EPA has provided detailed input to the DGRs in Attachment A. The EPA's main concern is that the DGRs ensure the proponent adequately addresses predicted environmental impacts and proposed mitigation measures, especially those associated with:

(a) remediation of site contamination (including dust control and management during remediation of the subject site and overall project site);

(b) construction-related noise and vibration (including recommended standard construction hours and respite periods for high noise impact work), dust control and management, and erosion and sediment control; and

(c) operational noise impacts on surrounding residences from sources including mechanical plant, public address and other amplified sound systems, outdoor activities and events.

Should you require clarification of any of the above please contact John Goodwin me on 9995 6838.

Yours sincerely

28/8/13

FRANK GAROFALOW
Manager, Metropolitan Infrastructure
NSW Environment Protection Authority

Enclosed – Attachment A

PO Box 668 Parramatta NSW 2124
Level 7, 79 George Street Parramatta NSW 2150
Tel: (02) 9995 5000 Fax: (02) 9995 6900
ABN 30 841 387 271
www..environment.nsw.gov.au

ATTACHMENT A

ENVIRONMENT PROTECTION AUTHORITY INPUT TO DGRs

(SSD 6069) WALSH BAY ARTS PRECINCT PROJECT

1. General

The following environmental impacts of the project need to be assessed, quantified and reported on:

- lead paint wastes (including dust emissions)
- site contamination and acid sulfate soils;
- Noise and vibration;
- Stormwater and surface water;
- Waste management;
- Air quality.

These impacts should be assessed in accordance with the additional information outlined below.

The EIA/EIS should describe mitigation and management options that will be used to prevent, control, abate or minimise identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

2. Site preparation phase

EPA notes that section 5.10 of the 'Request for Director-General's Requirements dated July 2013 briefly refers to site contamination and remediation. The EPA is concerned that the scope of the site investigations conducted to date are insufficient to adequately characterise the general contamination status of the site.

The EPA is aware that site remediation issues arose during re-development of the pier 8/9 shore sheds

Recommendation

EPA recommends that the DGRs address the need -

- to engage a suitably qualified consultant to carry out a more detailed site assessment to establish the potential for contamination at the site, and

- for the Director-General to be provided with a site audit statement by an EPA accredited site auditor under the *Contaminated Land Management Act 1997* determining site suitability for the proposed land use.

2.1 Removal, handling and disposal of lead-based paint coatings

Given the age of the structural fabric and its exposure to a marine environment, the EPA considers that it is likely that lead-based paint has been applied to various surfaces and especially to metal work on the piers and Hickson Road overbridges. The EPA also considers it prudent to investigate whether chromium-based paints may also have been applied to some metal work surfaces.

The EPA has pre-classified lead paint waste (arising otherwise than from residential premises or educational or child care institutions) as hazardous waste. And, emphasises that as such lead paint waste

Recommendation

EPA recommends that the DGRs address the likelihood of lead-based paint coatings having been applied to existing structures and the proposed measures for the identification, removal, handling and disposal of such coatings, including –

- assessing any risks to human health and the environment should contaminated dust be emitted from the site or deposited in harbour waters,
- minimising and collecting dust emissions on the site and preventing dust emissions from the site during removal of surface coatings,
- proper handling of lead-based paint wastes, and
- transporting lead-based paint wastes to a place that can lawfully accept it.

2.2 Asbestos wastes

The EPA anticipates the presence of 'special waste' in the form of asbestos waste. Clause 42 to the Protection of the Environment Operations (Waste) Regulation 2005 prescribes special requirements relating to asbestos waste. The EPA provides additional guidance material at its web-site http://www.environment.nsw.gov.au/waste/asbestos/index.htm.

Recommendation

EPA recommends that the DGRs address the identification, removal, handling, transport and disposal of asbestos wastes. And that the Director-General consider requiring the proponent to consult with Workcover NSW concerning the proper management and control of asbestos.

2.3 Acid Sulfate Soils

The EPA is also aware that Acid Sulfate Soils Risk Maps indicate a high probability of acid sulfate soils, especially the harbour bottom sediments.

Recommendation

EPA recommends that the DGRs address the assessment and management of any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) in accordance with the 1998 *Acid Sulfate Soils Manual* published by the NSW Acid Sulfate Soil Management Advisory Committee (ASSMAC).

3. Construction phase

The EPA raises a number of environmental concerns about environmental impacts during the construction phase of the development which should be addressed by the DGRs.

3.1 <u>erosion and sediment control</u>

The EPA emphasises the importance of not commencing any earthmoving or piling work until appropriate erosion and sediment controls are in place. Similarly, the EPA considers that daily inspection of erosion and sediment controls is fundamental to ensuring timely maintenance and repair of those controls.

Recommendation

EPA recommends that the DGRs address erosion and sediment control measures for landward activities in accordance with the guidance material provided in the so-called 'Blue Book', being Managing Urban Stormwater Soils and Construction, 4th Edition published by Landcom.

Recommendation

EPA recommends that the DGRs address sediment control measures to be undertaken during any disturbance of bottom sediments including piling work.

3.2 <u>noise and vibration</u>

The EPA considers that the project is likely to generate significant noise and vibration impacts on surrounding residences and other noise sensitive land uses during construction.

Guidance material is available on the EPA web site including downloadable copies of –

- the Interim Construction Noise Guideline (2009), and
- Assessing Vibration: a technical guideline (2006).

Interim Construction Noise Guideline (ICNG) section 4.5 specifies construction activities proven to be particularly annoying to nearby residents or otherwise likely to generate noise with impulsive, intermittent, low-frequency or tonal characteristics. The EPA anticipates that those activities generating noise with particularly annoying characteristics would be subject to a regime of intra-day respite periods where –

(a) those activities are only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every three hours, and

(b) driven/hammer piling are further restricted to be only undertaken over a continuous period of 3 hours between 8.00 am and 12.00 pm Monday to Friday and a continuous periods of 3 hours between 1.00 pm and 5.00 pm Monday to Friday, and

(c) 'continuous' means any period during which there is less than an uninterrupted 60 minute respite between temporarily halting and recommencing any of the activities mentioned in paragraphs (a) and (b) above.

Recommendation

EPA recommends that the DGRs require the proponent to –

(a) identify surrounding noise sensitive land uses, and

(b) undertake a noise and vibration impact assessment of construction activities, especially any such activities -

  (i) likely to generate noise with annoying characteristics,

  (ii) likely to generate vibration impacts on surrounding land uses, or

  (ii) proposed to be undertaken outside the recommended standard hours discussed in Interim Construction Noise Guideline.

Recommendation

EPA recommends that the DGRs require the proponent to closely liaise with non-residential noise sensitive uses, such as theatres and rehearsal facilities, concerning the scheduling of high noise or vibration impact work such as impact piling.

3.2.1 recommended construction hours and respite periods

Interim Construction Noise Guideline section 2.2 (p.8) specifies the recommended standard hours for construction outside which long experience shows increasing levels of community concern about construction noise impacts.

At the same time, the EPA accepts that certain emergency work may need to be undertaken urgently (other than during the standard recommended hours) in order to avoid –

- loss of life,
- damage to property, or
- environmental harm.

Recommendation

EPA recommends that the DGRs require the proponent to address:

(a) the issue of construction hours as recommended in Table 1 Chapter 2 of the Interim Construction Noise Guideline, July 2009;

(b) the special circumstances under which construction might be carried out outside the recommended standard hours (example: for emergency work required to be carried out urgently to avoid –

- loss of life,
- damage to property, or
- environmental harm;

(c) intra-day 'respite periods' for construction activities identified in the Interim Construction Noise Guideline as being particularly annoying to surrounding residents and other noise sensitive receivers; and

(d) special restriction intra-day respite periods during those days when impact or hammer piling is being undertaken.

3.2.2 Reversing and movement alarms

The EPA has identified the noise from 'beeper' type plant movement alarms to be particularly intrusive and is aware of feasible and reasonable alternatives. Transport for NSW (nee Transport Construction Authority), Barangaroo Delivery Authority/Lend Lease and Leighton Contractors (M2 Upgrade project) have undertaken safety risk assessments of alternatives to the traditional 'beeper' alarms. Each determined that adoption of 'quacker' type movement/reversing alarms instead of traditional beepers on all plant and vehicles would not only maintain a safe workplace but also deliver improved outcomes of reduced noise impacts on surrounding residents.

Interim Construction Noise Guideline Appendix C provides additional background material on this issue.

Recommendation

EPA recommends that the DGRs require the proponent to address safety risk assessment of construction activities to determine whether it is practicable to use audible movement alarms of a type that would minimise the noise impact on surrounding noise sensitive receivers, without compromising safety.

3.3 <u>dust management and control (general)</u>

Bulk earthworks and demolition activities inevitably generate dust.

Recommendation

EPA recommends that the DGRs address the dust management and control measures to be implemented to –

(a) minimise dust emissions on the site, and

(b) prevent dust emissions from the site including into the harbour.

3.4 concrete rinse water and waste solids

Concrete rinse water and concrete waste must not be directly or indirectly discharged onto the premises or into the harbour.

3.5 Waste control and management (general)

All wastes generated during the project must be properly assessed, classified and managed in accordance with the EPA's guidelines to ensure proper treatment, transport and disposal at a landfill legally able to accept those wastes.

The EPA further anticipates that, without proper site controls and management, mud and waste may be tracked off the site during the course of the project.

Recommendation

EPA recommends that the DGRs address the proponent's obligations to ensure that :

(1) all wastes generated during the project are assessed, classified and managed in accordance with the "*Waste Classification Guidelines Part 1: Classifying Waste*" (Department of Environment Climate Change and Water, December 2009);

(2) the body of any vehicle or trailer, used to transport waste or excavation spoil from the premises, is covered before leaving the premises to prevent any spill or escape of any dust, waste, or spoil from the vehicle or trailer; and

(3) mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, is removed before the vehicle, trailer or motorised plant leaves the premises.

Recommendation

EPA recommends that the DGRs address the proper management of concrete agitator truck and concrete pump rinse water as well as unused or waste concrete solids in order to prevent pollution of waters.

4. Operational Phase

The EPA anticipates that the development is likely to generate potentially unacceptable noise impacts (including those from public address, theatre bell and other amplified sound systems, mechanical ventilation systems, fire evacuation system testing and outdoor activities and special events) during its operation.

Assessments of predicted operational noise impacts should be undertaken in accordance with the *New South Wales Industrial Noise Policy, January 2000* with background noise levels measured in accordance with the 'long method'

Assessments of predicted operational vibration impacts should be undertaken in accordance with *Environmental Noise Management Assessing Vibration: a technical guideline, February 2006* (published by the then Department of Environment and Conservation)

Recommendation

EPA recommends that the DGRs require the proponent to:

(a) identify surrounding noise sensitive land uses including residences;

(b) identify likely operational noise sources; and

(c) undertake a noise and vibration impact assessment of operational activities in accordance with guidance material in the NSW Industrial Noise Policy and related application notes, especially any such activities that are -

  (i) likely to generate noise with annoying characteristics,

  (ii) likely to generate vibration impacts on surrounding land uses, or

  (ii) proposed to be undertaken outside 'day-time' as defined in the NSW Industrial Noise Policy or on a Sunday or public holiday.

Ben Jones
Industry, Social Projects and Key Sites
Planning & Infrastructure
Email: ben.jones@planning.nsw.gov.au
Your ref: SSD 6069

NSW Police Force
www.police.nsw.gov.au

Request for DGRs, State Significant Development, Walsh Bay Arts Precinct – Pier 2/3 and Wharf 4/5, Hickson Road, Dawes Point (SSD 6069).

Dear Ben,

Thank you for the opportunity to provide feedback in relation to Walsh Bay Arts Precinct – Pier 2/3 and Wharf 4/5, Hickson Road, Dawes Point (SSD 6069). Superintendent Craig Sheridan, Commander, NSWPF State Planning Unit has asked me to respond back to you. The Walsh Bay Arts Precinct falls within the City Central/Rocks Local Area Command (Central Metropolitan Region).

NSWPF is supportive in principle in relation to the proposal for development within the Walsh Bay Arts Precinct (WBAP) as an opportunity to develop the site within the scope outlined within the 'Stage 1 application' dated July 2013. There are a number of considerations which I will outline within this submission which we (NSWPF) would recommend are considered within the planning approval and development process.

Crime Prevention Through Environmental Design (CPTED)
The development proposal indicates activation of new public spaces for performances, festivals and other outdoor performances. Additionally it indicates options to develop bars, cafes and restaurants within the Walsh Bay Arts Precinct (WBAP).[1] It is our submission that CPTED should be a strong feature of the design for the public areas and also the way in which in particularly new bars and restaurants within WBAP are placed. There are a number of considerations around this in relation to;

1. Reducing the likelihood of crime (including alcohol related crime) and anti social behaviour within the precinct.
2. Reducing the likelihood of attack/disruption to the public performance areas as a 'mass gathering' event location.

NSWPF would be keen to work with the developers of the WBAP to provide advice in relation to strategies to minimise the risks as outlined above. The activation of the WBAP with good sightlines, lighting, guardians, territorial reinforcement and surveillance (CCTV as well as natural surveillance) are but some of the strategies which are recommended.

[1] WBAP concept overview p16 July 2013

State Planning Unit
Major Events & Incidents Group
Level 5, Sydney Police Centre, 151-241 Goulburn Street, Surry Hills NSW 2010
Telephone 02 9336 5813 Facsimile 02 9336 5847 ENet 25813 EFax 25847 TTY 9211 3776 (Hearing/Speech impaired)
ABN 43 408 613 180

Places of Mass Gathering[2]

Additionally with the potential of the WBAP to grow into a significant development site including the activation of the performance areas and public areas that the national approach for protection of places of mass gathering is based on the following principles be incorporated into the development and ongoing operation site operation as follows;

- counter-terrorism preparedness for places of mass gathering focuses on the protection and safety of people.
- all levels of government contribute to the prevention, preparedness, response and recovery from a terrorist incident, including local government.
- event managers and owners and operators of places of mass gathering are responsible for taking reasonable steps to ensure the protection and safety of people.
- prevention and preparedness arrangements for protection from terrorism are underpinned by an intelligence-led, risk management approach.
- security arrangements for places of mass gathering recognise the dynamic nature of the terrorist threat and are responsive to changes in the security environment, and effective security outcomes in complex mass gathering environments require cooperation and coordination between all stakeholders.

Crime and Disorder

It is recognised within the WBAP proposal that there is likely to be a range of events that would take place within the public domain as site activations. It is important from a NSWPF perspective that the consultation and engagement between the NSWPF and the managers and event operators within the WBAP is a key feature of the development. Specifically to this is consultation in relation to event management plans, security management plans and other plans in relation to alcohol and site management (including pedestrian and vehicle movements) for events within the public domain as well as those which would reasonably be foreseen to have impacts upon traffic, transport and local residents.

Traffic and Pedestrian Impacts

The development of the WBAP as well as site activations is likely to have significant impact in relation to vehicle access and pedestrian access to the site. Major events such as the Vivid Festival have seen significant crowds moving around the Harbour foreshore areas as well as significant vehicular challenges (parking and access) due to crowds. The increase in focus on events and festivals for WBAP is something that NSWPF would be keen to be part of discussion with key agencies to contribute to strategies to manage this aspect of the development.

Public Amenities, Noise and Crowds

The presence of bars, restaurants as well as festivals or other activations within the public domain are great ways to bring people to a location. The management of the patrons after leaving or being part of a festival in relation to noise as well as access to public toilets and facilities is suggested as a consideration for this development proposal. It is recommended that consideration be given within the WBAP development as to how for these types of activations public amenities such as toilets will be located (trucked in or on site development). Crowds moving from major event sites without easy access to toilets and facilities often have a negative impact upon local residents and businesses due to a lack of facilities. A recent

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2

http://www.nationalsecurity.gov.au/agd/www/nationalsecurity.nsf/page/information_for_business_protection_of_places_of_mass_gathering to major events example of a lack of facilities around a major event was the Vivid Festival 2013 which saw the only significant public facilities around Circular Quay Railway Station. This led to large queues which also impacted on the ability of other persons to have easy access through the public areas within the Rail/Ferry hub.

The management of crowds including public transport options to manage access and egress is a key element that needs to be considered as part of the WBAP development. Just as CPTED principles provide a framework around working to reduce crime, the development of new public space areas for events and festivals needs to have strong consideration as to management of crowds (capacity/access/egress/evacuation) to minimise the risk of crowd crush as well as public disorder.

NSWPF is as outlined supportive in principle of the WBAP proposal and is happy to work with stakeholders by providing advice around the issues identified in the current submission and any other future plans and submissions in relation to WBAP.

I hope this is of assistance.

Yours sincerely,

Michael Fuller
Detective Senior Sergeant
Manager, Intelligence, Risk & Planning
State Planning Unit,
Major Events & Incidents Group
NSW Police Force
1 September 2013

570 George Street
Sydney NSW 2000
All mail to GPO Box 4009
Sydney NSW 2001
T +61 2 131 525
F +61 2 9269 2830
www.ausgrid.com.au

23rd August 2013

NSW Planning & Infrastructure
23-33 Bridge St
Sydney NSW 2000

Attn: Ben Jones

RE: SSD 6069 Walsh Bay Arts Precinct

I refer to your letter dated 13th August concerning the above development.

Ausgrid wishes to advise that until proposed electrical load details can be provided for this development, that provision may need to be made for accommodation of an electricity substation within the premises.

The existing electricity supply to this location provided by sub S.4807 Pottinger Hickson fortunately has considerable spare capacity at the time of writing, but the actual requirement for extra electricity network capacity cannot be determined until proposed electrical loads for the development are known.

Any enquiries on this matter may be made to the undersigned on 9663 9403, or via email: sreed@ausgrid.com.au

Regards,

Stephen Reed
Engineer – Customer Operations
Ausgrid

PCU047367

Sydney WATER

Department of Planning
Received
21 AUG 2013
Scanning Room

19 August 2013

Attention: Ben Jones

Ms Heather Warton
Director – Industry, Social Projects and Key Sites
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Director General's Requirements – Walsh Bay Arts Precinct (SSD_6069)

Dear Mr Jones,

Thank you for your letter requesting details of key issues and assessment requirements for the development at Walsh Bay. Sydney Water has reviewed the proposal and provides the following comments for the Department's consideration.

Sydney Water requirements for Environmental Assessment
To provide the developer with detailed servicing advice, Sydney Water needs the environmental assessment to include the following:

1. *Integrated Water Management Plan* – the Integrated Water Management Plan should include any proposed alternative water supply, proposed end uses of potable and non-potable water, demonstration of water sensitive urban design and any water conservation measures.

2. *Infrastructure Management Plan* – the proponent needs to provide Sydney Water with information on the required water and wastewater services, and any augmentation that may be required for the proposed project. This will allow Sydney Water to determine the impact of the proposed project on its existing services and identify any augmentation requirements. When determining landscaping options, the proponent should take into account that certain tree species can cause cracking or blockage of Sydney Water pipes.

Sydney Water Servicing
Sydney Water will further assess the impact of individual developments when the proponent applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney Water requests the Department of Planning to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.

The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

Sydney Water e-planning
Sydney Water has an email address planning authorities to use to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced.

If you require any further information, please contact Jordan Faeghi of the Urban Growth Branch on 02 8849 4649 or e-mail jordan.faeghi@sydneywater.com.au

Yours Sincerely

Cassandra Loughlin
Growth Planner, Growth Strategy
Urban Growth

NSW GOVERNMENT | Transport for NSW

PCU047479

Department of Planning
Received
27 AUG 2013
Scanning Room

Heather Warton
Director, Industry, Social Projects and Key Sites
Department of Planning and Infrastructure
23-33 Bridge Street
Sydney NSW 2000

Attention: Mr Ben Jones

Requests for Director-Generals Environmental Assessment Requirements for Walsh Bay Arts Precinct (SSD 6069) Pier 2/3, Wharf 4/5, Hickson Road, Dawes Point (Sydney City Local Government Area)

Dear Mr Jones

Thank you for your letter dated 13 August 2013 requesting Transport for NSW (TfNSW) provide input into the DGRs for the proposed Walsh Bay Arts Precinct development in Dawes Point.

TfNSW has reviewed the *Walsh Bay Arts Precinct, Stage 1 State Significant Development* Application, *Request for Director-General's Requirements,* dated July 2013, prepared by MG Planning. The DGRs contains most of the relevant traffic and access requirements and issues that need to be addressed in the Environmental Assessment for the proposed development. TfNSW recommends the following additions to Section 7: Transport and Accessibility (Construction and Operation) in the DGRs:

- Assess the cumulative traffic and transport impacts on the local road network considering other approved and planned developments in the area, in particular Barangaroo redevelopment project.
- Details of all service vehicle movements and loading dock arrangements.

Should you have any questions regarding this matter, please contact Mark Ozinga on 8202 2198 or Mark.Ozinga@transport.nsw.gov.au

Yours sincerely

21/8/13

Mark Ozinga
Manager, Land Use and Transport Planning
Planning and Programs

CD13/15967

Comment by Fisheries NSW
Fisheries NSW advises the following potential concerns and the detailed requirements in Attachment A:

- shading of marine vegetation (e.g. kelp, seagrass etc) from newly constructed over-water decking or pontoons
- harm of marine vegetation during construction
- sedimentation or turbidity related impacts to the aquatic environment during construction.

The environmental assessment must address the potential for these impacts and state any measures to mitigate such impacts (e.g. the use of mesh decking to mitigate shading impacts on underlying marine vegetation, where these are significant).

For further information please contact Carla Ganassin, Fisheries Conservation Manager, (Wollongong office) on 4254 5527 or at carla.ganassin@dpi.nsw.gov.au.

Comment by NSW Office of Water

The NSW Office of Water advises:
(i) it supports the proposed environmental assessment as detailed in the request for Director General requirements, noting that it includes "potential impacts on groundwater and details any proposed mitigation measures".
(ii) the expanded list of assessment requirements, where relevant, detailed in Attachment B.

For further information please contact Janne Grose, Planning and Assessment Coordinator (Penrith office) on 4729 8262 or at janne.grose@water.nsw.gov.au.

Future referrals
To avoid confusion and assist timely responses in future, all referrals should be made to DPI as a whole, at: landuse.enquiries@industry.nsw.gov.au. Hard copy referrals (printed documents, CD's etc) should be posted to:
Land Use Planning Coordinating Officer
Department of Primary Industries
Locked Bag 21
Orange. NSW 2800

Attachment A

Walsh Bay Arts Precinct (SSD 6069)
Request for Input into Director General Requirements
Comment by Fisheries NSW

Note that Fisheries NSW recommends that development proposals comply with the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)* (referred to hereafter as P&GLs). A list of general information requirements for developments and standard precautions and mitigation measures are outlined in Section 3.1 of these Guidelines. Refer: http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation.

A: General Requirements

(i) site address and contact details.
(ii) property description (e.g. Lot and DP numbers).
(iii) a clear description of the proposal including details of construction methods and materials.
(iv) map(s) of the development area and adjacent areas - this should include nearby waterways, adjacent infrastructure (such as jetties) and land use.
(v) clear photographs of the site, including photographs of any riparian and aquatic vegetation present (including pest species such as Caulerpa taxifolia).
(vi) location of any recreational fishing areas within the subject waterway.
(vii) a description of the potential direct and indirect impacts on recreational fishing from the development.
(viii) a clear description of aquatic environments including:
a. fish in the locality, including threatened and protected species, populations, ecological communities, pest species or presence of 'critical habitat' under the *Fisheries Management Act* (FM Act) or the (Commonwealth) *Environmental Protection and Biodiversity Conservation Act* (EPBC Act),
b. an aquatic and riparian vegetation survey map of the area which shows the location and/or coverage of saltmarsh, mangrove, seagrass, macroalgae, and riparian vegetation,
(ix) details of the nature, timing, magnitude and duration of the proposed disturbance to the aquatic environment.
(x) assessments of predicted impacts upon any threatened species (fish and marine vegetation) (i.e. completion of a 7-part test and/or species impact statement(s)) and other aquatic flora and fauna.
(xi) details of any mitigation measures to limit environmental impacts.
(xii) details of the general regional context, any protected areas, other developments in the area, and/or cumulative impacts.
(xiii) notification of any other matters relevant to the particular proposal and of interest to Fisheries NSW.

Dredging and reclamation activities
(i) purpose of works
(ii) type(s) and distribution of marine vegetation in the vicinity of the proposed works
(iii) method of dredging to be used
(iv) timing and duration of works
(v) dimension of area of works including levels and volume of material to be extracted or placed as fill
(vi) nature of sediment to be dredged, including Acid Sulphate Soil, contaminated soils, etc
(vii) method of marking area subject to works
(viii) environmental safeguards to be used during and after works
(ix) measures for minimising harm to fish habitat under the proposal
(x) spoil type and source location for reclamation activities
(xi) method of disposal of dredge material
(xii) location and duration of spoil stockpiling, if planned.

Activities that damage marine vegetation
(i) type of marine vegetation to be harmed
(ii) map and density distribution of marine vegetation
(iii) reasons for harming marine vegetation
(iv) methods of harming marine vegetation
(v) construction details
(vi) duration of works/activities
(vii) measures for minimising harm to marine vegetation under the proposal and details of compensatory habitat development to replace lost vegetation.
(viii) method and location of transplanting activities or disposal or marine vegetation.

B. Aquatic habitat assessment

The aim of the aquatic assessment should be to define the presence of 'key fish habitat' within the study site, adjacent areas (upstream and downstream), and the broader regional area. There may be a range of potential fish habitats that could be impacted by a particular activity. Some points to consider include:
(i) geomorphic characteristics of the waterway (i.e. what characteristics of a CLASS 1-4 waterway does it have (see Table 2 in P&GLs),
(ii) description of local wave and current regimes (in tidal areas),
(iii) description of the water quality (e.g. discolouration, sedimentation, turbidity, pH, dissolved oxygen, nutrients),
(iv) types of surrounding land use (e.g. agricultural, urban, aquaculture),
(v) condition of riparian vegetation (i.e. present or absent. Are the species native or exotic? Is the density of vegetation thick or sparse?),
(vi) condition of marine vegetation (i.e. information on type, species, shoot density and/or percentage cover. Is the vegetation continuous or sparse in coverage? What is the aerial extent? Is the vegetation healthy or degraded? Is wrack (dead seagrass or macroalgae) present?,
(vii) substrate type (e.g. rock, sand, gravel, silt),
(viii) presence of any listed threatened or protected aquatic species or 'critical habitat' under the FM Act and EPBC Act

C. Assessment of likely impacts

(i) indicate the location, nature and extent of habitat removal or modification (both direct and indirect) which may result from the proposed action;
(ii) discuss the potential impact of the modification or removal of habitat (potential direct and indirect sources of impact are stated in the letter with this attachment).

Note: In defining the proposal area, discussion must be provided in regard to possible indirect effects of the proposal on species/habitats in the area surrounding the subject site, for example, through altered hydrological regimes, soil erosion or pollution.

D. Ameliorative measures

The environmental assessment should consider and provide detail on how the proposal has been or may be modified and managed to minimise impacts and conserve aquatic habitat on the subject site and in the study area.

End Attachment A

Attachment B

Walsh Bay Arts Precinct (SSD 6069)
Request for Input into Director General Requirements
Comment by NSW Office of Water

Relevant Legislation

The Environmental Impact Statement (EIS) should take into account the objects and regulatory requirements of the *Water Act 1912* and *Water Management Act 2000* (WMA 2000), as applicable. Proposals and management plans should be consistent with the Objects (s.3) and Water Management Principles (s.5) of the WMA.

Water Sharing Plans

The proposal is within the area covered by the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources* and the *Water Sharing Plan for the Greater Metropolitan Region Groundwater sources*. The WSPs prepared under the provisions of the WMA 2000 establish the rules for access to, and the sharing of water between the environmental needs of the surface or groundwater source and water users. The EIS needs to:

(i) Demonstrate how the proposal is consistent with the relevant rules of the WSPs including rules for access licences, distance restrictions for water supply works and rules for the management of local impacts in respect of surface water and groundwater sources, ecosystem protection, water quality and surface-groundwater connectivity.

(ii) Provide a description of any site water use (amount of water from each water source) and management including all sediment dams, clear water diversion structures with detail on the location, design specifications and storage capacities for all the existing and proposed water management structures.

(iii) Provide an analysis of the proposed water supply arrangements against the rules for access licences and other applicable requirements of any relevant WSP.

Refer to: *http://www.water.nsw.gov.au/Water-Management/Water-sharing/default.aspx* .

Relevant Policies

The EIS should take into account the following policies (as applicable):

(i) NSW State Rivers and Estuary Policy (1993);
(ii) The NSW Wetlands Management Policy (1996)
(iii) NSW State Groundwater Policy Framework Document (1997)
(iv) NSW State Groundwater Quality Protection Policy (1998)
(v) NSW State Groundwater Dependent Ecosystems Policy (2002);
(vi) Aquifer Interference Policy (2012)
(vii) Office of Water Guidelines for Controlled Activities (2012).

Refer: http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/default.aspx

Groundwater Assessment
It is noted a waterfront square is to be located at the southern end of the wharves and there is to be a series of terraces to create an outdoor amphitheatre connected to the water. The draft DGRs require that the potential impacts on groundwater is addressed. The inclusion of this issue in the DGRs is supported.

To ensure the sustainable and integrated management of groundwater sources, the EIS needs to include adequate details where relevant to assess the impact of the project on all groundwater sources including:
(i) the predicted highest groundwater table at the site.
(ii) any works likely to intercept, connect with or infiltrate the groundwater sources.
(iii) any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
(iv) a description of the flow directions and rates and physical and chemical characteristics of the groundwater source.
(v) the predicted impacts of any final landform on the groundwater regime.
(vi) the existing groundwater users within the area (including the environment), any potential impacts on these users and safeguard measures to mitigate impacts.
(vii) an assessment of the quality of the groundwater for the local groundwater catchment
(viii) an assessment of groundwater contamination (considering both the impacts of the proposal on groundwater contamination and the impacts of contamination on the proposal).
(ix) how the proposed development will not potentially diminish the current quality of groundwater, both in the short and long term.
(x) measures for preventing groundwater pollution so that remediation is not required.
(xi) protective measures for any groundwater dependent ecosystems (GDEs).
(xii) proposed methods of the disposal of waste water and approval from the relevant authority.
(xiii) the results of any models or predictive tools used.

Where potential impact/s are identified the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any dependent groundwater environment or water users, including information on:
(i) any proposed monitoring programs, including water levels and quality data
(ii) reporting procedures for any monitoring program including mechanism for transfer of information.
(iii) an assessment of any groundwater source/aquifer that may be sterilised from future use as a water supply as a consequence of the proposal.
(iv) identification of any nominal thresholds as to the level of impact beyond which remedial measures or contingency plans would be initiated (this may entail water level triggers or a beneficial use category).
(v) description of the remedial measures or contingency plans proposed.
(vi) any funding assurances covering the anticipated post development maintenance cost, for example on-going groundwater monitoring for the nominated period.

<u>Licensing</u>

If the proposal is likely to intercept or use groundwater, a licence may be required from the NSW Office of Water under Part 5 of the *Water Act 1912*. The Office of Water will assess the need for water licence once more detailed project information is provided.

All proposed groundwater works, including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified in the proposal and an approval obtained from the NSW Office of Water prior to their installation.

End Attachment B