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SSD 8924 and SSD 8925

8/12/17

Ms Ellen Lennix
Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Dear Ms Lennix

SSD 8924 and SSD 8925 – SYDNEY FISH MARKETS – SEARs

I am writing to you in reply to your invitation to the NSW Environment Protection Authority (EPA) to provide input to the draft SEARs for the above project.

The EPA understands that the proposed development involves –

- (a) SSD 8924 – the project concept plan and demolition of existing structures, and
- (b) SSD 8925 – construction and operation of the fish market.

The EPA notes that the proponent is a ‘public authority’ within the meaning of the *Protection of the Environment Administration Act 1991* and that the EPA has general responsibility under that Act for, amongst other things,:

- (a) ensuring that the best practicable measures are taken for environment protection in accordance with the environment protection legislation and other legislation, and
- (b) coordinating the activities of all public authorities in respect of those measures,

water pollution (site preparation, demolition and construction)

The EPA notes the majority of the development site is located over the waters of Sydney Harbour and the landward portion forms the highly modified harbour foreshore in the locality.

The EPA emphasises that it is an offence to cause or permit pollution of waters and that the proponent is expected to identify and implement all such measures as may be necessary to prevent any such pollution.

The EPA understands that the development includes significant demolition and construction works over harbour waters and adjacent to the existing sea wall/armoured foreshore.

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Appropriate control and management measures must be in place throughout the site preparation, demolition and construction phases of the project to prevent any matter falling, descending, being washed, being blown or percolating into harbour waters.

The EPA expects that throughout the duration of proposed works the proponent would -

- (a) quarantine that part of the harbour comprising the development site from the rest of the harbour so as to contain and facilitate clean up of any matter that is caused or permitted to fall, descend, be washed, be blown or percolate into harbour waters, and
- (b) to monitor the part of the harbour required by paragraph (a) to be quarantined and in the event that any matter is caused or permitted to fall, descend, be washed, be blown or to percolate into that part of the harbour during site preparation, demolition and construction, then the proponent would immediately –
 - (a) identify and remove that matter from the harbour, and
 - (b) implement such additional control and management measures as may be necessary to prevent further pollution of waters.

Given the estimated duration of demolition works and the likely duration of subsequent construction works as well as the nature of the development site, the EPA further anticipates a system of 'locks' is implemented to ensure water craft movements to and from the quarantined area of the harbour do not compromise segregation of the quarantined area from the harbour.

site contamination and acid sulfate soils

The EPA anticipates that –

- (a) the harbour floor, marine sediments and landward fill materials within and immediately adjacent to the development site are likely to be contaminated to some degree as a result of previous industrial and maritime uses, and runoff from the local road network, and
- (b) soils comprising the harbour floor and adjacent landward areas are likely to comprise acid sulfate soils (ASS).

Acid sulfate soils may only be disposed of at a waste facility legally able to receive such waste. Any waste containing acid sulfate soils must be classified in accordance the EPA's waste classification guidelines Part 4. The EPA's waste classification guidelines are readily available at its web site via the following link –

<http://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

demolition (site contamination)

The EPA expects that proposed demolition of existing structures within the development site would not commence until adequate assessment of contamination of shore-side areas of the site and marine sediments (including ASS and potential ASS) is undertaken and all necessary remedial action is implemented and validated.

demolition and construction (noise)

The EPA notes with concern the proximity of the development site to surrounding residences, 'Sydney Secondary College' high school and public reserves. The EPA further understands Ultimo public school is to be temporarily relocated to a section of Wentworth Park and any noise impact assessment should include potential impact on that school.

The EPA anticipates noise impacts, particularly during demolition and construction phases of the development and, potential vibration impacts on the high school and nearby residences during any pile driving activities.

The EPA emphasises the need to implement appropriate noise mitigation and management measures, including :

- (a) compliance with standard construction hours as recommended in Table 1 to the EPA's Interim Construction Noise Guidelines,
- (b) intra-day respite periods for highly intrusive noise generating work such as grinding, jack hammering, concrete and masonry sawing, rock breaking and pile driving (in close consultation with the Department of Education and Sydney Secondary College),
- (c) to the extent of any inconsistency the standard construction hours referred to in paragraph (a) prevail over construction hours that may have been adopted by the City of Sydney, and
- (d) where pile installation requires calm conditions, use of a jack up barge instead of reliance on night-time pile installation.

operational noise impact assessment

The EPA anticipates that noise impact assessment for the project would be undertaken in accordance with the EPA's '*Noise Policy for Industry, October 2017*' which sets assessment noise levels, consistent methods and best practice measures to manage industrial noise, and is based on the latest scientific research regarding noise's health effects.

The proponent may readily obtain a copy of the *Noise Policy for Industry, October 2017* and the associated guide to the Policy via the following link to the EPA's web site:

[http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

The EPA emphasises that properly establishing background noise levels in accordance with guidance material (Fact Sheets A and B) in the Noise Policy for Industry, October 2017 (NPI) is fundamental to a consistent approach to the quantitative assessment of noise impacts of development and that, any background noise monitoring undertaken must provide at least a '... week's worth ...' of valid data.

operational water pollution

The EPA understands that the fishing fleet, ferries and other vessels are likely to attend the fish market and anticipates that dockside activities are likely include amongst other things -

- sewage/sullage pump out,
- vessel refuelling,

- waste collection and storage,
- catch offloading,
- vessel mooring, and
- vessel maintenance.

scheduled activities requiring an environment protection licence

Schedule 1 to the Protection of the Environment Operations Act 1997 identifies those activities that may not be carried on except under a current environment protection licence.

An environment protection licence may be required in respect of scheduled 'marina and boat repairs' activities such as -

- (a) boat construction/maintenance (general) with capacity to handle more than 5 vessels longer than 5 metres at any time, and
- (b) boat moorings and storage with capacity to handle more than 80 vessels (excluding rowing boats, dinghies and other small craft) at any time.

general

The environmental impact statement (EIS) should assess, quantify and report on:

- site contamination;
- acid sulfate soils;
- hazardous materials likely to be encountered during demolition and site preparation;
- measures to prevent pollution of Sydney Harbour;
- noise impacts during demolition, construction and construction-related work;
- waste management in the context of the waste management hierarchy;
- runoff control during demolition, construction and construction-related work;
- noise impacts arising from the operation of the development;
- operational water quality impacts;
- water conservation, including practical opportunities to implement water sensitive urban design principles;
- energy efficiency, including practical opportunities to minimise energy consumption from non-renewable sources; and
- cumulative environmental impacts.

The proponent should ensure that the EIS is sufficiently comprehensive and detailed to allow the EPA to determine the extent of the impact(s) of the proposal. The EIS should both:

- (a) 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; and
- (b) include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.

The EPA has identified the following site specific concerns based on the information (including the draft SEARs) supplied to it by Department of Planning and Environment:

- (a) the need for a detailed assessment of potential site contamination, including information about groundwater;
- (b) identification, handling, transport and disposal of any acid sulfate soil containing waste that may be encountered during demolition, site preparation and construction;
- (c) identification, handling, transport and disposal of any asbestos waste and lead-based paint that may be encountered during demolition, site preparation and construction;
- (d) demolition, construction and construction-related noise impacts (including recommended standard construction hours and intra-day respite periods for highly intrusive noise generating work) on noise sensitive receivers such as surrounding residences, Sydney Secondary College and nearby public reserves;
- (e) demolition, site preparation, bulk excavation and construction phase dust control and management,
- (f) demolition, site preparation, bulk excavation and construction phase erosion and sediment control and management;
- (g) demolition, site preparation, bulk excavation and construction phase waste management, including waste classification in accordance with EPA guidelines and off-site disposal of concrete waste and rinse water;
- (h) operational noise impacts on noise sensitive receivers (especially surrounding residences and Sydney Secondary College) arising from operational activities such as
 - public address systems,
 - waste collection services,
 - dock-side operations (including vessel maintenance),
 - mechanical services (especially air conditioning and refrigeration plant), and
 - reversing/movement alarms on trucks, vans, mobile plant (e.g. forklifts) and fixed plant (e.g. cranes/hoists);
- (i) the need to assess feasible and reasonable noise mitigation and management measures to minimise operational noise impacts on noise sensitive receivers, including the potentially most affected surrounding residences and Sydney Secondary College;
- (j) operational waste management in accordance with the waste management hierarchy;
- (k) operational water quality impacts of dock side and mooring activities (including whether any 'marina and boat repair' activities exceed threshold for an environment protection licence);
- (l) practical opportunities to implement water sensitive urban design principles, including stormwater re-use for grounds maintenance and toilet flushing; and

- (m) practical opportunities to minimise consumption of energy generated from non-renewable sources and to implement effective energy efficiency measures, including passive solar design.

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

Yours sincerely



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