

Your reference: MP09_0205
Our reference: DOC10/50569
Contact: Jennifer Sage, 9995 6856

Mr Daniel Cavallo
A/Director, Government Lands and Social Projects
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attn: Ms Amy Ravitz-Williams

Dear Mr Cavallo,

Environmental Assessment for Expansion of Jones Bay Wharf (MP09_0205)

I refer to your letter dated 5 November 2010 inviting comments from the Department of Environment, Climate Change and Water (DECCW) on the Environmental Assessment (EA) for the expansion of Jones Bay Wharf.

The development of the wharf will increase the capacity of the marina from 33 to 73 berths. Based on the information provided in the EA, the proposed development does not meet the criteria for marinas and boat repairs listed in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). Therefore the local council will be the appropriate regulatory authority for the purposes of the POEO Act and an environmental protection licence will not be required.

DECCW has reviewed the EA and considers the key issues to be –

- Construction noise
- Water quality impacts
- Waste management

These issues are detailed in Attachment A.

Should you require any further information, please contact Jennifer Sage on 9995 6856.

Yours sincerely,

Monica Collins 23.12.10.

MONICA COLLINS
Acting Director Metropolitan
Environment Protection and Regulation

The Department of Environment and Climate Change NSW is now known as the Department of Environment, Climate Change and Water

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

Department of **Environment and Climate Change** NSW



Attachment A

Environmental Assessment for Expansion of Jones Bay Wharf (MP09_0205)

Construction noise

DECCW notes that the proponent intends to carry out construction activities outside of the standard hours recommended in DECCW's *Interim Construction Noise Guidelines* (2009).

To minimise noise impacts during the construction phase, DECCW recommends that construction activities be restricted to between –

- 7:00am and 6:00pm Monday to Friday; and
- 8:00am and 1:00pm on Saturdays.

No construction work should be carried out on Sundays or public holidays.

The Noise Assessment undertaken by Wilkinson Murray (Appendix L) has identified that residents at Darling Island Road are likely to be highly affected by construction activities scheduled to occur during Phases 2 and 3 of the project (piling and pontoon placement), with noise levels predicted to exceed the assessment criteria.

To minimise noise impacts, the hours of construction during these activities should be restricted to provide respite periods, taking into account times identified by the community when they are less sensitive to noise and whether the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

The EA includes a Statement of Commitment (No. 36) to implement the recommendations made by Wilkinson Murray in the Noise Report dated August 2010. However the Noise Assessment provided as Appendix L of the EA is dated September 2010 and does not make any recommendations to manage noise impacts.

DECCW considers that the proponent should be required to develop and implement a Construction Noise Management Plan that identifies appropriate controls to mitigate noise impacts on sensitive receivers. This should include –

- The identification of sensitive receivers;
- Approved hours of construction work and work to be undertaken;
- A description of all reasonable and feasible work practices that will be applied to minimise noise impacts; and
- Methods of community consultation including notification and complaint handling.

Water quality impacts

Construction

DECCW notes that an assessment of contamination has not been undertaken for the sediments at the Jones Bay Wharf site. The Aquatic Ecology Assessment undertaken by Marine Pollution Research Pty Ltd notes that the sediments of Jones Bay Wharf are likely to be contaminated due to historical industrial uses; however continued use of the wharves has required continual dredging, so contamination is likely to be light compared to the remainder of inner Darling Harbour.

The sediments of the site are likely to be mobilised during piling operations during the construction phase of the project, with the associated possibility of mobilising contaminants to the water column. DECCW notes this is not considered to be significant, as the turbidity arising from pile driving is small and settles rapidly.

To minimise the impact of turbidity and any associated contaminants on water quality in Jones Bay, the construction methods should be limited to pile driving, and there should be no trenching in or dredging of the sediments of Jones Bay.

Furthermore, the proponent should be required to install silt curtains and floating booms around the project site for the duration of the construction phase. These curtains should remain in place until the water quality inside the silt curtains returns to background turbidity levels in waters immediately outside the silt curtain.

Operation

DECCW notes that the project includes installation and operation of a reticulated vacuum sewage pump-out system. The proponent should be required to train all staff in the operation of the pump-out facility.

All equipment associated with both construction and operation of the project should be operated and maintained in a manner that minimises the potential for spills or leaks of oil or grease into Darling Harbour. The proponent should also be required to keep on site at all times equipment capable of responding to a worst case oil spill. All staff should be trained in the use of this equipment.

Waste management

DECCW notes that the sewage pump-out facility is a potential odour source from the site. The Qualitative Air Quality Assessment (AECOM, September 2010) at Appendix J has not formally assessed odour emissions, but notes that such emissions would be managed through a Waste Management Plan for the site.

DECCW considers that the proponent should be required to develop and implement a detailed Waste Management Plan that, among other things, identifies appropriate controls to mitigate odour sources from the site.

All wastes imported to or generated by the project should be assessed and managed in accordance with the *Waste Classification Guidelines, Part 1: Classifying Waste* (DECCW, 2008). All wastes generated from the project should be beneficially reused, recycled or directed to a waste facility lawfully permitted to accept the materials.