

Your reference: MP11\_0001  
Our reference: DOC13/7436  
Contact: Jacqueline Roberts

Ms Karen Jones  
Director  
Metropolitan and Regional Projects South  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

Dear Ms Jones

**Exhibition of Environmental Assessment, Construction of the Sydney Heritage Fleet Maritime Facility, 3 Bank Street Pyrmont (MP 11\_0001)**

I refer to your letter in regards to the abovementioned environmental assessment exhibited for the construction of the Sydney Heritage Fleet Maritime Facility located at 3 Bank Street, Pyrmont, received by the Environment Protection Authority (EPA) on 4 March 2013.

The EPA has reviewed the documentation exhibited on the Department of Planning and Infrastructure's (DOPI) website in relation to this proposed development.

Contamination

The Proponent has stated that it has been unable to undertake its own investigation into potential soil and groundwater contamination at the proposed development site due to the current restriction on access. Given the history of the site, a soil investigation should be undertaken prior to the commencement of works on site to determine the nature and extent of potential contamination. The investigation should consider the lateral and vertical extent of fill material, results of the investigations already conducted, potential for groundwater contamination, potential indicators of landfill gas / contaminant vapour issues (i.e. organic/putrescible fill material or volatile contaminants in soil), and the design of, and potential soil disturbance associated with, the proposed development.

It is recommended that DOPI impose a condition requiring the preparation of a contamination assessment involving soil sampling and analysis prior to the commencement of works on site.

Contaminated Sediment – Blackwattle Bay

In the absence of sediment sampling and analysis at the area of the water-based component of the development, the focus of the development should be on minimising sediment disturbance during construction and operation. Measures to minimise disturbance should include displacement piling and use of silt curtains during construction, and controlling vessel movements during operation.

It is recommended that DOPI impose a condition requiring the Proponent to take all reasonable steps to minimise sediment disturbance during construction and operation of the proposed development, to be detailed in a Construction Environmental Management Plan and Operational Environmental Management Plan.

## Noise

### a) Construction Phase

The Proponent should undertake noise mitigation measures during the construction phase, notably during piling activities to reduce the noise impact on sensitive receivers. Noise mitigation measures must be detailed in the construction noise management plan to give assurance that noise limits as outlined in the Noise Impact Assessment dated and prepared by SLR Consulting can be met.

### b) Operational Phase

The EPA notes that Project Specific Noise Assessment Criteria for operation of the proposed development was not re-assessed based on the change of scope (i.e. restorative and heavy duty maintenance will no longer be conducted at the proposed development site). The EPA proposes to adopt the Project Specific Noise Assessment Criteria as outlined by the Proponent as long as DOPI is satisfied that "heavy duty maintenance" (i.e. metal riveting and boilermaking, and the storage of heavy equipment and materials) will not be performed at the site and that the Proponent provides assurance that the noise limits identified are achievable.

## **General Terms of Approval**

The General Terms of Approval for this proposal are provided at Attachment 1. If DOPI grants the development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the development is modified by the applicant either prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, we request that the EPA be consulted about the changes before the consent is granted. This will enable the EPA to determine whether its General Terms of Approval need to be modified in light of the changes.

The EPA has also determined that it is able to issue a licence for the proposal, subject to a number of conditions (refer Attachment 1). The applicant will need to make a separate application to the EPA to obtain this licence.

If you have any questions, or wish to discuss this matter further please contact Jacqueline Roberts on (02) 9995 5259.

Yours sincerely

 15/4/13

**GREG SHEEHY**  
**Manager Sydney Industry**  
**Environment Protection Authority**

## Attachment 1

### Environment Protection Licence

1. An application to the EPA for an Environment Protection Licence under the *Protection of the Environment Operations Act 1997* for the facility must be submitted prior to the commencement of any on site works. Additional information on licensing is available in the EPA *Guide to Licensing* documents ([www.environment.nsw.gov.au/licensing/licenceguide.htm](http://www.environment.nsw.gov.au/licensing/licenceguide.htm)).
2. The operation of the facility shall have regard to the provisions of *Environmental Action for Marinas, Boatsheds and Slipways* (EPA, 2007).

### Contamination Assessment

3. A soil and groundwater assessment shall be prepared and submitted to DOPI prior to the commencement of works on site. The assessment must include, but not be limited to the following:
  - a. Assess whether the site is suitable for the proposed development;
  - b. Include an investigation of the extent and nature of any contamination of soil or groundwater in the areas that are proposed to be disturbed;
  - c. Include a site history assessment undertaken by a suitably qualified environmental consultant to identify the areas of potential concern and chemicals of potential concern; and
  - d. Undertake sampling and analysis to investigate all areas of potential concern. The report on the investigation should be prepared in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 2011).
4. Should the contamination assessment identify the presence of contaminated soil or groundwater, appropriate measures shall be undertaken to:
  - a. Remediate the site, if required; and/or
  - b. Mitigate the disturbance of contaminated soil or groundwater during demolition and construction works.

### Noise

- 5.1 Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated by Figure 5 of SLR Consulting's *Noise Impact Assessment Sydney Heritage Fleet, Pyrmont, 2009*, dated 16 January 2012.

		NOISE LIMITS dB(A)		
Locality	Location	Day	Evening	Night
		L <sub>Aeq</sub>	L <sub>Aeq</sub>	L <sub>Aeq</sub>
Bayview Towers	Pyrmont	60	50	45
Glebe Point	Glebe	58 L <sub>Aeq</sub> (15 minute)	50	45

- 5.2 For the purpose of condition 5.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.

- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

5.3 The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

5.4 For the purposes of condition 5.3:

- a) Data recorded by the Bureau of Meteorology meteorological station "Fort Denison" (station number 066022) must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

5.5 To determine compliance:

- a) with the  $L_{eq}$  and  $L_{Aeq}$  (15 minute) noise limits in condition 5.1, the noise measurement equipment must be located:
  - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the noise limits in condition 5.1, the noise measurement equipment must be located:
  - at the most affected point at a location where there is no dwelling at the location; or
  - at the most affected point within an area at a location prescribed by conditions 5.5(a) or 5.5(b).