



DOC24/419379-03

Industry Assessments
Department of Planning, Housing and Infrastructure
GPO Box 39
SYDNEY NSW 2001

23 July 2024

Dear Ms. D'souza

Request for Input: Jetty, Ramp and Pontoons – 1856 Pittwater Road, Church Point (Lot 329 DP 46686) - SEARs 1902

I refer to your email to the NSW Environment Protection Authority (EPA) on 29 May 2024 requesting the EPA's input to the Secretary's Environmental Assessment Requirements (SEARs) for the above proposal at 1856 Pittwater Road, Church Point (the premises). The proposal constitutes both Designated and Integrated Development under the Environmental Planning and Assessment Act 1979.

The EPA understands that the proposal is for the construction of a new arm to the existing marina to provide 40 additional berths and removal of swing moorings.

The EPA has responsibilities for pollution control and environmental management for scheduled activities under the Protection of the Environment Operations Act 1997 (POEO Act). Scheduled activities are defined under schedule 1 of the POEO Act.

The Marina and boat repair activities undertaken at the premises are currently licensed under environment protection licence (EPL) No. 10890. The proposal may also require the licensee to apply to vary the environment protection licence if approved.

We have considered the details of the proposal as described in the information provided and we have identified the information we believe should be included in the Environmental Impact Assessment (EIS) in Attachment A. In carrying out the assessment the proponent should refer to the relevant guidelines identified at Attachment B.

The EIS should be prepared in accordance with the Department of Planning, Industry and Environment guideline "Marina's and Related Facilities: EIS guideline (1996)" to ensure the specific environmental impacts for this project are adequately addressed. In carrying out the assessment, the applicant should refer to the relevant guidelines as listed in Attachment A and any relevant industry codes of practice and best practice management guidelines.

The applicant should be made aware that any commitments made in the Environmental Assessment may be formalised as approval conditions and may also be placed as formal licence conditions.

If you have any further enquiries about this matter, please contact myself on 9995 5646.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Trevor', is located below the 'Yours sincerely' text.

TREVOR WILSON
Manager Operations
Environment Protection Authority



ATTACHMENT A:

ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The following information must be provided in the Environmental Impact Statement (EIS) to enable the EPA to accurately assess the environmental implications of the proposed activity. The EIS must adequately describe the development proposal and the existing environment controls including air, noise, water, soil, chemicals and waste (baseline conditions).

For any potential impacts relevant for the assessment of the proposal, a detailed analysis of the impacts of the proposal on the environment, including the cumulative impact of the proposal on the receiving environment (especially where there are sensitive receivers) must be provided. The methodology used and assumptions made in undertaking the analysis should be described. An indication of the level of confidence in the predicted outcomes and the resilience of the environment to cope with the predicted impacts should also be included.

The EIS should also describe any mitigation measures and management options proposed to prevent, control, abate or mitigate environmental impacts associated with the proposal, and to reduce risk to human health. This should include an assessment of the effectiveness and reliability of the measures. The EIS should also outline any proposed approach (such as an Environmental Management Plan) that will demonstrate how commitments made in the EIS will be implemented.

THE PROPOSAL

The objectives of the proposal should be clearly stated and refer to:

- The size and type of the proposed operation;
- The nature of the processes and the products, by-products and waste produced;
- The use or disposal of products or wastes;
- The anticipated level of performance in meeting required environmental standards and cleaner production principles;
- The staging and timing of the proposal including any plans for future expansion; and
- The proposal's relationship to any other industry or facility.

THE PREMISES

The EIS should identify all the processes and activities proposed to be undertaken at the premises. This should include details of:

- A site plan prepared by a registered surveyor clearly showing the boundaries of any proposed premises that will be subject to an EPL and the proposed location of any discharge points to be covered by an EPL;
- Ownership and/or land use details of any premises and land likely to be affected by the proposed development;
- Maps and/or aerial photographs showing the following:
 - The location of the proposed facility and details of the surrounding environment and land uses;
 - The proposed layout of the premises;
 - All equipment proposed to be used at the premises;
 - The location of any environmentally sensitive areas such as conservation areas, wetlands, creeks or streams, watercourses and stormwater systems;
- Chemicals, including fuel used on the premises and proposed methods of transportation, and storage; and
- Methods to mitigate any expected environmental impacts of the development.



WATER MANAGEMENT

Issues to consider which could impact water quality from direct, secondary or cumulative effects of the marina construction or operation should include:

- Potential accidental, incidental, deliberate or managed discharge or release of material from shore or water-based activities.
- The proposed type, quantity and location of all chemicals to be stored at project facilities. Any changes in size or location of fuel or chemical storage areas at the premises should be identified. Spill management measures, including items such as bunding, and emergency procedures should be clearly outlined. General information on bunding and spill control requirements can be found at: <http://www.epa.nsw.gov.au/mao/bundingspill.htm>
- Chemical and other contaminant from spillage of fuels or lubricants, scrapings, washings, paintings, antifoulants, material used in jetty construction (including any chemicals used for preservation of materials) or other potentially harmful chemicals. The EIS should identify any changes in fuel or chemical storage areas at the premises.
- Dredging or other construction or operational activities leading to changes in nutrients and contaminant levels, salinity, stratification, sediment or changes in flushing.
- Changes in water movement patterns, groundwater hydrology, flushing and sediment transport processes and mechanisms from –
 - a) Demolition, erection or maintenance of structures,
 - b) Earthworks; dredging, reclamation, excavation or landfill, and
 - c) Boating activities

Hydrological impacts and issues that the EIS should also consider for the construction and day to day operations of the marina include:

- Existing drainage patterns;
- The range of water heights;
- Daily flushing regime;
- Flood levels; and
- The flood liability of sites and adjacent land.

The goals of the project should include the following;

- No pollution of waters (including surface and groundwater), except to the extent authorised by EPA (i.e. in accordance with an Environment Protection Licence);
- Contaminated water (including effluent, leachate, process waters, wash down waters, polluted stormwater or sewage) is captured on the site and collected, treated and beneficially reused, where this is safe and practicable to do so;
- The methodology, data and assumptions used to design any pollution control works and assess the potential impact of the proposal on water quality (including from any disturbed underwater sediments), must be fully documented and justified.
- Details of the site drainage and any natural or artificial waters within or adjacent to the development (including all facilities associated with the project) must be identified and the surface water management systems measures proposed to mitigate potential impacts of the development on these waters. The proposed surface water management system must detail how these waters could adversely impact the repository in the short and long term and the mitigation measures proposed.



NOISE AND VIBRATION IMPACTS

The project has the potential to impact several sensitive receivers and recreational users of the land and water surrounding the premises. The EIS should therefore:

- Identify all noise sources from the development (including both construction and operational phases). Details should be provided on all potential noisy activities, including ancillary activities such as transport of goods and raw materials; and
- Specify the times of operation for all phases of the development and for all noise producing activities.

A noise impact assessment should be undertaken which considers construction and operational noise for the proposal, and must include the following:

- Assessment of operational impacts, in accordance with the *Noise Policy for Industry* (EPA, 2017). [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\);](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017);)
- Assessment of construction noise associated with the proposal, in accordance with the *Interim Construction Noise Guideline* (EPA, 2009). <http://www.epa.nsw.gov.au/noise/constructnoise.htm>
- Assessment of vibration from construction activities, in accordance with *Assessing Vibration: A technical guideline* (EPA, 2006) <http://www.epa.nsw.gov.au/noise/vibrationguide.htm>

The EIS should include the most appropriate noise mitigation measures (both controls and management measures) and expected noise reduction for both construction and operational noise. Where practicable and feasible, this may include, but is not limited to:

- Selecting quiet equipment and construction methods;
- Noise barriers;
- Scheduling of activities;
- Community liaison.

AIR QUALITY

The EIS should:

- identify all potential air pollutants from construction and operational activities;
- estimate emissions by quantity, size (for particles), source and discharge points;
- describe the impacts and significance of pollutant concentrations on the environment, human health, amenity and regional ambient air quality standards or goals;
- demonstrate how the proposal will minimise adverse effects on the amenity of local residents and sensitive land uses; and
- describe in detail the measures or controls proposed to ensure compliance with the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

DANGEROUS GOODS AND CHEMICAL TRANSPORT, STORAGE AND HANDLING

The EIS should provide details regarding the transport, handling, storage and use of dangerous goods, chemicals and products, including fuel use on the premises. The EIS should describe any proposals to minimise the potential for leakage or the migration of pollutants into the air, land or waters from the premises.



MONITORING PROGRAMS

The EIS should include details of any monitoring and reporting proposed to be undertaken during construction or operation in relation to noise emissions, air quality, water quality or waste management.

GENERAL WASTE

The EIS should:

- Identify, characterise and classify all waste that will be generated on-site through excavation, demolition or construction activities, including proposed quantities of waste, in accordance with the *NSW EPA Waste Classification Guidelines (2014)*;
- Provide details on how any waste generated will be handled and managed on-site to minimise pollution, and
- Provide details of the control measures to be implemented in order to minimise erosion, sediment and leachate run-off at the premises during construction and operation.

INCIDENT MANAGEMENT

The EIS should include a comprehensive assessment of the potential for incidents to occur at any stage of the project, the measures to be used to minimise the risk of incidents and the procedures to be employed in the event of an incident, and the contingency actions if planned incident mitigation measures are inadequate.

BEST PRACTICE GUIDELINES

The proponent should consult the document *Environmental Actions for Marinas, Boatsheds and Slipways (DEC, 2007)* in preparing the EIS. A copy of this guideline is available on the EPA's website: <http://www.epa.nsw.gov.au/resources/clm/EnvironmentalActionMarinasBoatshedsSlipways2007.pdf>

Title	Web address
Relevant Legislation	
Environmental <i>Planning and Assessment Act 1979</i>	https://www.legislation.nsw.gov.au/#/view/act/1979/203
<i>Protection of the Environment Operations Act 1997</i>	https://www.legislation.nsw.gov.au/#/view/act/1997/156/full
<i>Contaminated Land Management Act 1997</i>	https://www.legislation.nsw.gov.au/#/view/act/1997/140
<i>Environmentally Hazardous Chemicals Act 1985</i>	https://www.legislation.nsw.gov.au/#/view/act/1985/14
<i>Waste Management Act 2000</i>	https://www.legislation.nsw.gov.au/#/view/act/2000/92
Licensing	
Guide to Licensing	http://www.epa.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
POEO (Clean Air) Regulation 2010	https://www.legislation.nsw.gov.au/#/view/regulation/2010/428/historical2016-11-01/full
Approved methods for modelling and assessment of air pollutants in NSW (2016)	http://www.environment.nsw.gov.au/resources/air/ammmodelling05361.pdf
Assessment and management of odour from stationary sources in NSW (DEC, 2006)	Technical framework: https://www.environment.nsw.gov.au/resources/air/20060440framework.pdf Technical notes: https://www.environment.nsw.gov.au/resources/air/20060441notes.pdf
Noise and Vibration	
Interim Construction Noise Guidelines (EPA, 2017)	https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline
Noise Policy for Industry (EPA, 2017)	https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)
NSW Road Noise Policy (EPA, 2011)	https://www.epa.nsw.gov.au/publications/noise/201236-nsw-road-noise-policy
Assessing Vibration: a technical guideline (DEC 2006)	https://www.epa.nsw.gov.au/noise/vibrationguide.htm
Australian and New Zealand Environment Council: Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZECC 1990)	https://www.epa.nsw.gov.au/resources/noise/ANZECBlasting.pdf
Soils	
Managing Urban Stormwater: Soils and Construction (Landcom, 2004)	https://www.environment.nsw.gov.au/stormwater/publications.htm
Waste	
Waste Classification Guidelines (EPA, 2014)	https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines
Protection of the Environment Operations (Waste) Regulation 2014	https://www.legislation.nsw.gov.au/regulations/2014-666.pdf
Environmental Guidelines: Solid Waste Landfills, Second edition (EPA, 2016)	https://www.epa.nsw.gov.au/~media/EPA/Corporate%20Site/resources/waste/solid-waste-landfill-guidelines-160259.ashx
EPA's Energy from Waste Policy Statement	https://www.epa.nsw.gov.au/wastestrategy/energy-from-waste.htm
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	https://www.epa.nsw.gov.au/wastestrategy/warr.htm



NSW Resource Recovery Orders and Exemptions	https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/current-orders-and-exemption
Water	
Water quality monitoring – NSW Approved Methods	https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/licensing-under-poeo-act-1997/licensing-to-regulate-water-pollution/approved-methods-for-sampling-and-analysing-water-pollutants
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
National Water Quality Management Strategy: Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ, 2000)	http://www.waterquality.gov.au/anz-guidelines/Documents/ANZECC-ARMCANZ-2000-guidelines-vol2.pdf
National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ, 2000)	http://www.waterquality.gov.au/anz-guidelines/Documents/ANZECC-ARMCANZ-monitoring-reporting.pdf
Using the ANZECC Guidelines and Water Quality Objectives in NSW (EPA, 2006)	https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/water/anzeccandwqos06290.pdf
Environmental Guidelines: Storage and Handling of Liquids (EPA, 2007)	https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/compliance-audit-program/chemical-storage-handling-and-spill-management/storing-and-handling-liquids-trainers-manual
The NSW State Groundwater Policy Framework Document (DLWC, 1997)	http://www.water.nsw.gov.au/__data/assets/pdf_file/0008/547550/avail_ground_nsw_state_groundwater_policy_framework_document.pdf
The NSW State Groundwater Quality Protection Policy (DLWC, 1998)	http://www.water.nsw.gov.au/__data/assets/pdf_file/0006/548286/nsw_state_groundwater_quality_policy.pdf
National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 1995)	https://www.water.wa.gov.au/__data/assets/pdf_file/0020/4925/8728.pdf
Marinas and Related Facilities: EIS Guideline (DUAP, 1996)	https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/marinas-and-related-facilities-eis-guideline-1996-10.pdf?la=en