



ACTIVITY DETERMINATION – Existing Sydney Fish Market Wharf Reconfiguration Works

Having regard to the Verification Statement, the Declaration by BBC Consulting Planners and the Review of Environmental Factors for this project addressing matters under Part 5 of the *Environmental Planning and Assessment Act 1979*, I determine that the activity proceed as described below and subject to the conditions set out in **Schedule 1**.

SITE IDENTIFICATION

STREET ADDRESS

Unit/Street No

56-60

Street or property name

Pymont Bridge Road

Suburb, town or locality

PYRMONT

Postcode

2009

Local Government Area(s)

Council of City of Sydney

Real property description (Lot and DP)

Lot 1 in DP835794

ACTIVITY DESCRIPTION

Provide a description of the activity

Existing Sydney Fish Market Wharf Reconfiguration Works

Signed.....


Tom Gellibrand
Head of Projects NSW
Infrastructure NSW

Dated..... 26 July 2021

SCHEDULE 1

Mitigation Measures/Conditions

| |
|---|
| Prior to Construction |
| Construction Traffic |
| <p>A Construction Traffic Management Plan must be prepared prior to construction and address:</p> <ul style="list-style-type: none"> • The number and type of construction vehicles anticipated during the construction period. • Haulage routes for any heavy vehicles • Measures to ensure pedestrian safety around work sites • Measures to ensure vehicular access is maintained within the existing Sydney Fish Market car park during its operating hours |
| <p>Prior to the commencement of works, a Construction Vessel Traffic Management Plan (CVTMP) prepared by a suitably qualified person shall be submitted to the satisfaction of TfNSW (Maritime) and Port Authority of NSW. The CVTMP must include the management and mitigation measures outlined in the Navigation Impact Assessment prepared by Fontalis, dated 15 July 2021.</p> |
| <p>Prior to construction, a 'Notice to Mariners' is to be issued to advise of any navigational changes.</p> |
| Design |
| <p>Prior to construction of the raised pedestrian crossing and new pedestrian pathways, details of the path markings and designs for the raised crossing must address any comments from the appointed Traffic Consultant for the project.</p> |
| <p>The detailed design of all pathways must be reviewed by the Access Consultant prior to construction of any paths or road crossings. The Applicant must address any comments from the Access Consultant in the final design of pathways and crossings.</p> |
| Structural Adequacy |
| <p>Prior to the installation of any piles, the detailed design of all marine structures must be designed to comply with NSW Maritime's <i>Engineering Standards for Maritime Structures</i> and NSW Maritime's Guidance Note Documentation and AS 4997-2005 <i>Guidelines for the Design of Maritime Structures</i>.</p> <p>The details are to be provided to TfNSW (Maritime) for approval prior to the installation of the piles.</p> |
| Seabed Disturbance |
| <p>Prior to any works on the seabed, an application is to be made under Clause 67ZN of the <i>Ports and Maritime Administration Regulation 2012</i> to use drags, grappings, or other apparatus for lifting any object or material from the bed of a port described in Schedule 1 of the Regulation.</p> <p>Approval of the Harbour Master is required prior to any works on the seabed.</p> |
| Construction Management |
| <p>All construction work is to be carried out in accordance with Construction Management Plan. The Construction Management Plan (Appendix 2 of the REF) is to be updated to:</p> <ul style="list-style-type: none"> • address biodiversity including pollution, contamination and unnecessary disturbance which could arise during construction including: <ul style="list-style-type: none"> • sediment and rock debris control; • oil/fuel/chemical storage and spill management; • machinery and engine maintenance schedule to reduce oil/fuel leakage; • low impact barge positioning to prevent propeller scouring and thrust wash onto benthic habitats; |

- minimise footprint and establish no-go zones in shallow habitats;
 - accidental waste/material overboard response (eg construction materials dropped into the bay);
 - biological hygiene (eg prevent spread of noxious species on and off the site);
 - other measure listed below.
- Detail that positioning of barges, drilling and pile driving should occur during calm conditions.
 - Ensure all lines should be suspended off the seafloor to minimise drag across benthic habitat.
 - Detail the use of a floating boom with silt curtain encompassing full works area. The curtain is to remain in place until all suspended material has settled (no visible plumes).
 - Provide details on waste storage, handling and disposal including requirements for material to be disposed of on land and not reused in the construction or left on the seafloor.
 - Measure to ensure *Caulerpa taxifolia* is not introduced to the area by using contaminated vessels and machinery. (Note: a drill head or anchor used at another site with *Caulerpa* should be thoroughly cleaned of plant propagules and sediment before being used at another location. Fragments of *Caulerpa* can remain viable for up to three days out of the water. Best hygiene practices are outlined in the NSW Control Plan for the Noxious Marine Alga *Caulerpa taxifolia* (NSW I&I 2009).)
 - Detail how gentle start-up hammering will be achieved to allow undetected aquatic fauna to leave the area and avoid hearing damage.
 - Include an Unexpected Finds Policy for any unexpected discoveries of archaeological artefacts.
 - Detail specific measures for the management of any dust or odour during the works.
 - Detail water quality monitoring to be undertaken during the construction period.
 - Details of erosion and sediment controls to be implemented during construction.

Construction Noise

Prior to the commencement of works, a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person must be prepared. The CNVMP shall address:

- Identification of the specific activities that will be carried out and associated noise sources;
- Identification of all potentially affected sensitive receivers using the construction noise objectives identified in accordance with the EPA's Interim Construction Noise Guideline, vibration objectives as identified in accordance with the document Assessing Vibration: A Technical Guideline (DEC 2006);
- identify the construction methodology and equipment to be used and the key sources of noise and vibration;
- details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
- ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
- include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria.

| During Construction |
|--|
| Protection During Construction |
| <p>A temporary hoarding or temporary construction site fence must be erected surrounding any work area before the works begin and must be kept in place until after the completion of the works if the works or work area—</p> <ul style="list-style-type: none">• could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;• could cause damage to adjoining areas by falling objects;• would permit access to the general public; or• involve the enclosure of a public place or part of a public place. |
| <p>To ensure the safety of construction personnel, staff, visitors and the general public throughout the period of construction, the contractor/s shall ensure compliance with the requirements of WorkCover NSW and the provisions of the <i>Work Health and Safety Act 2011</i> and <i>Work Health and Safety Regulation 2017</i>, and any other relevant workplace safety legislation.</p> |
| Hours of Work |
| <p>Hours of construction, including the delivery of materials to and from the site, must be carried out between:</p> <ul style="list-style-type: none">• Between 7:00am and 5:30pm Monday to Friday• Between 7:30am and 3:30pm Saturday• No working Sundays or public holidays. |
| <p>Work may be carried out outside the standard hours for construction if the work only generates noise that is:</p> <ul style="list-style-type: none">• no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the <i>Interim Construction Noise Guideline</i> (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and• (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers. |
| <p>Work may be carried out outside the standard hours for construction:</p> <ul style="list-style-type: none">• for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or• in an emergency, to avoid the loss of lives or property or to prevent environmental harm. |
| Demolition |
| <p>Any demolition must be carried out in accordance with AS 2601—2001, <i>The demolition of structures</i>.</p> |
| Community Consultation |
| <p>Complaints received shall be recorded and attended to promptly. On receiving a complaint, works shall be reviewed to determine whether issues relating to the complaint can be avoided or minimised. Feedback shall be provided to the complainant explaining what remedial actions were taken.</p> |
| <p>Prior to installation of the relocated pontoon, INSW will continue to work with the Pyrmont Heritage Fleet on relocation options.</p> |
| Contamination |
| <p>Any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or other disturbed during construction must be managed in accordance with the <i>Acid Sulfate Soils Manual 1988</i> (NSW Acid Sulfate Soil Management Advisory Committee and the EPA's Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils)).</p> |
| <p>During any works on the seabed, the <i>Acid Sulfate Soils Management Plan</i> prepared by JBS & G Australia Pty Ltd dated 26 April 2021 must be implemented:</p> |