



Glebe Island Silos Temporary Capacity Increase ○

*Development Application
Assessment
(DA 9967)*



November 2019

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Cover photo

Glebe Island Silos (Source: New South Wales Government)

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Glossary

Abbreviation	Definition
Applicant	Cement Australia Pty Ltd
CIV	Capital Investment Value
Consent	Development Consent
Council	Inner West Council
DA	Development Application
Department	Department of Planning, Industry and Environment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
GSC	Greater Sydney Commission
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RTS	Response to Submissions
Secretary	Secretary of the Department of Planning, Industry and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SREP 26	<i>State Regional Environmental Plan No.26 – City West</i>
SREP SHC	<i>State Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>
SSD	State Significant Development
SSP SEPP	<i>State Environmental Planning Policy (State Significant Precincts) 2005</i>



Executive Summary

Cement Australia Pty Ltd (the Applicant) seeks development consent for the temporary increase in the annual cement throughput capacity from 500,000 tonnes per annum (tpa) to 600,000 tpa of the Glebe Island Silos at Lot 12 Sommerville Road, Rozelle.

The proposed development involves the temporary increase in the annual cement throughput capacity of 500,000 tpa to 600,000 tpa which will result in the increase of shipments from 42 ships to a maximum of 50 ships per year.

The Glebe Island Silos were constructed in the 1970s as a grain storage terminal and in 1994, part of the silo complex was modified to accommodate the storage of cement. The Port Authority of New South Wales is the registered owner of the site and is currently leased and operated by the Applicant. The operations of the site include the shipment of concrete material into White Bay which is transferred by conveyer from the vessel to the storage silos. Cement is subsequently unloaded from the silos into tanker trucks for distribution across the Sydney Metropolitan area.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the development application (DA) and accompanying Statement of Environmental Effects (SEE), notified the surrounding landowners, Inner West Council (Council) and relevant State government authorities.

Seven submissions were received during the exhibition period including four from government agencies, one from Council and two from the general public. Of the seven submissions received, two objections were received from the general public however, Council provided comment.

The Applicant provided a Response to Submissions Report (RTS) on 20 October 2019 addressing the submissions made including information requested by the Department.

Assessment

The Department has assessed the SEE, the submissions and the RTS and concludes the key assessment issues are noise impacts, traffic and air quality.

Summary

The Department considers the proposed temporary throughput capacity increase of the Glebe Island Silos will facilitate the supply of demand for cement material to support infrastructure and development projects within the Sydney Metropolitan area and the overall growth of Sydney. The Department considers potential environmental impacts of the temporary increase are minor and will have minimal cumulative impacts on the locality. The Department considers the impacts can be effectively managed by the recommended conditions of consent.

The Department concludes the development would not result in any adverse environmental impacts and therefore recommends development consent be granted, subject to conditions.



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1. Introduction

1.1 Background

This report provides an assessment of a development application (DA 9967) lodged by Ethos Urban Pty Ltd on behalf of Cement Australia Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks consent to increase the annual throughput capacity of cement material from 500,000 tonnes per annum (tpa) to 600,000 tpa at the Glebe Island Silos, Rozelle for a period of 18 months.

A request was made by the Applicant to the Department of Planning, Industry and Environment (the Department) on 10 April 2019 to consider the proposed temporary increase of annual throughput capacity as non-designated development under Part 2, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). On 7 May 2019, the Director, Industry Assessments advised the Applicant that the proposed development is considered to be non-designated development in accordance with Part 2, Schedule 3 of the EP&A Regulation.

1.2 The Site

The Glebe Island Silos are located at Lot 12 Sommerville Road, Rozelle on Glebe Island between White Bay and Rozelle Bay within the Inner West local government area (LGA) (**Figure 1**). The Glebe Island Silos consist of 30 silos owned by the Port Authority of NSW, the Applicant leases and operates 16 of the silos on land legally described as Lot 12 DP 1170710. The site is approximately 3,740 square metres (m²) in size and is irregularly shaped.

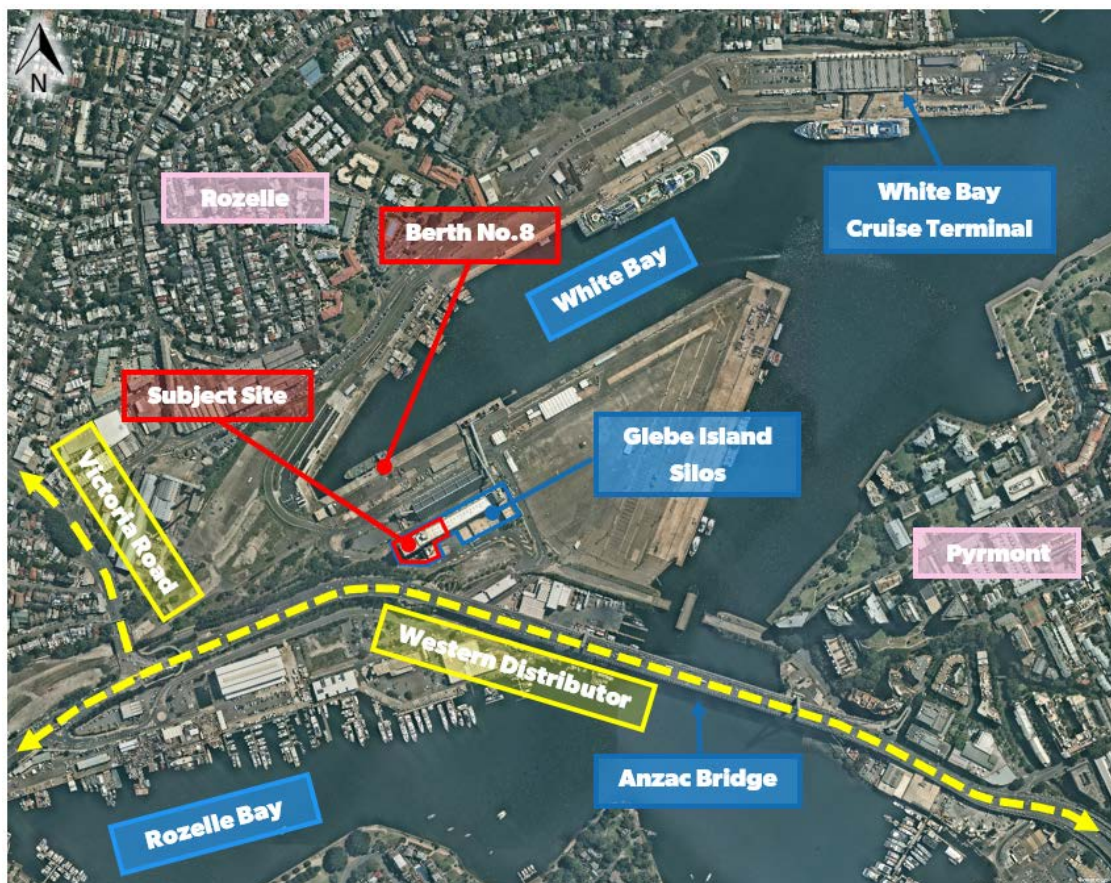


Figure 1 | Local Context Map

The site is identified as being located within the Bays Area State significant precinct under the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) which consists mainly of industrial and shipping related facilities. To the south of the site consists marina and boating facilities along the Rozelle Bay wharf frontage and the Anzac Bridge to the south-west. To the east of the site is the disused White Bay Power Station along with light and general industrial development. Adjacent, White Bay, to the north of the site, consists of a barge wharf and medium density residential development. Further north-east, along White Bay, is the White Bay Cruise Terminal.

Access to the Glebe Island Silos site is provided via Solomons Way adjoining to the south of the site. Connection to the City-West Link Road/ Victoria Road is provided to the site via James Craig Road and Sommerville Road to the south of the site. In addition, cement shipments to the site are serviced by the barge wharf adjacent the site to the north on White Bay (see **Figure 1**).

1.3 Approval History

The previous approvals and other relevant applications for the site include:

D.A.350/91

On 16 October 1991, the then Leichhardt Municipal Council granted development consent for the operation of a bulk cement terminal utilising 16 of the existing 30 silos on Glebe Island with a maximum annual throughput of cement of 500,000 tpa.

D.A.350/91 has been modified on two separate occasions. Modification 1 (MOD 1) was approved by the then Director, Urban Assessments as delegate of the Minister for Planning on 4 March 2002 which modified the existing conditions of consent. Modification 2 (MOD 2) was approved by the Sydney Harbour Foreshore Authority as delegated planning powers from the then Minister for Infrastructure, Planning and Natural Resources on 9 September 2003 for the amendments to the site plan, truck stationing and material handling systems.

MP 05_0060

On 29 June 2006, the then Minister for Planning approved MP 05_0060 for silo strengthening works of four of the Glebe Island silos pursuant to the repealed Part 3A of the EP&A Act, including:

- the construction of new concrete footings within the perimeter of the four silos
- the construction of new columns within the base of the four silos
- the removal of six windows
- the construction of new internal concrete wall lining.

DA 9985

On 26 September 2019, the Director, Industry Assessments as delegate for the Minister for Planning and Public Places approved DA 9985 for silo strengthening works of 12 of the Glebe Island silos pursuant to Part 4 of the EP&A Act, including:

- new concrete foundations and columns
- concrete reinforcement to internal silo linings
- new sections of reinforced concrete perimeter walls under the silos
- temporary relocation and refurbishment of offices, amenities room, store room and equipment room.



2. Project

2.1 Description of the Development

The Applicant proposes the temporary increase in the annual throughput capacity of cement at the Glebe Island silos from 500,000 tpa to 600,000 tpa for a period of 18 months at Lot 12 Sommerville Road, Rozelle.

The main components of the proposed temporary increase in annual cement throughput are summarised in **Table 1**.

Table 1 | Main Components of the Project

Aspect	Description
Development Summary	Temporary increase in the annual throughput capacity of cement from 500,000 tpa to 600,000 tpa of the existing bulk storage facility for a period of 18 months
Operational Hours	24 hours per day 7 days per week
Traffic	12 tanker trucks per hour, approximately 81 tanker trucks per day
Shipping	Maximum 50 shipping vessels per year

2.2 Uses and Activities

The Glebe Island Silos consists of 30 storage silos aligned in two rows of 16 at a height of 32 m (see **Figure 2**). The Applicant leases and operates the 16 westerly silos of the site as a bulk storage facility for cement materials with an annual throughput capacity of 500,000 tpa. The facility receives cement shipments from vessels via Berth No.8 adjacent the site to the north at White Bay which is transferred to the silos via a conveyor and associated unloading infrastructure located at Berth No.8. Cement is then dispatched to tanker trucks adjoining to the south of the silos which features three loading ports with associated weighbridges. The three weighbridges have the capacity to accommodate four trucks per hour allowing a maximum dispatch rate of 12 tanker trucks per hour.

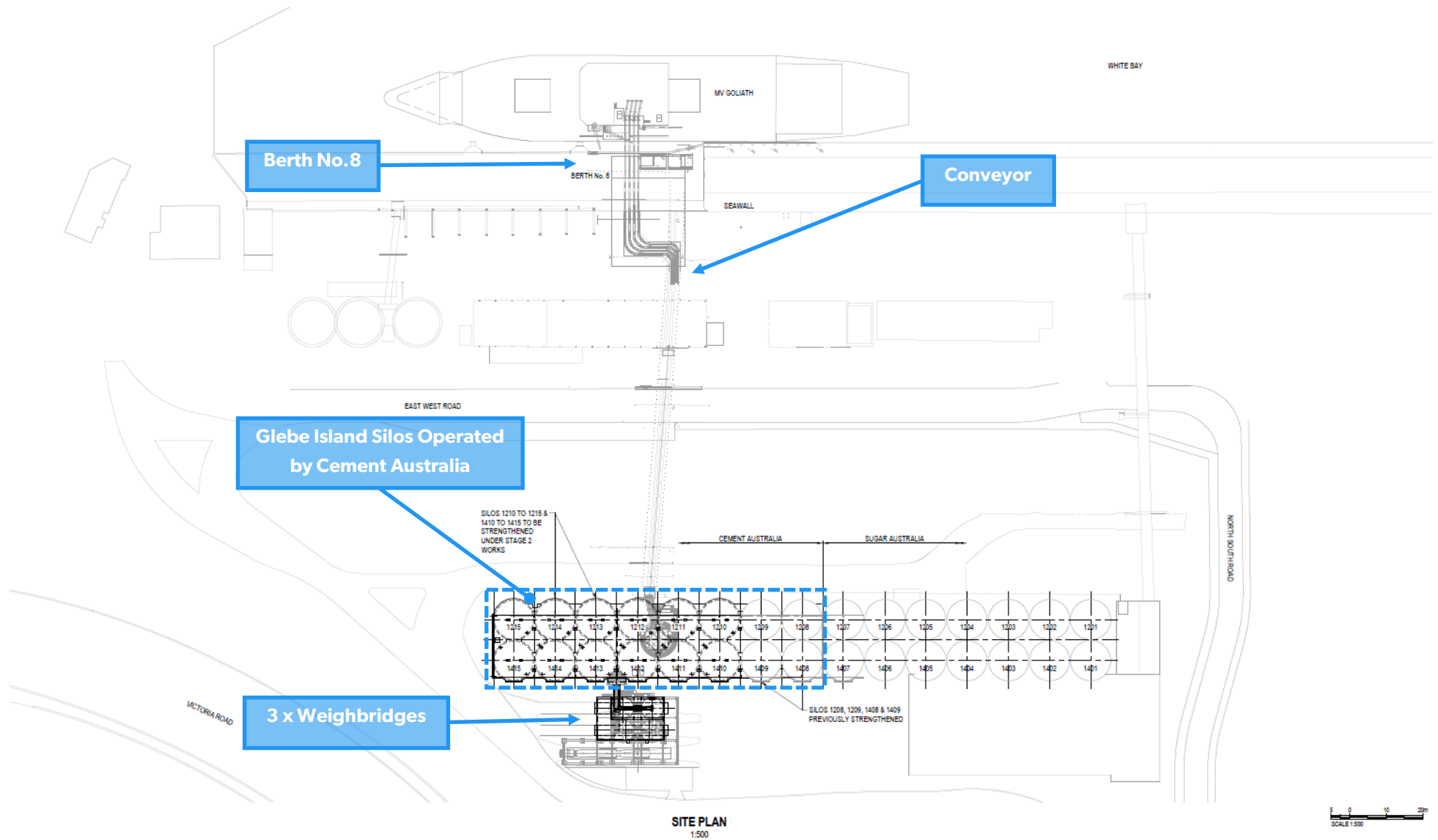


Figure 2 | Development Layout



3. Strategic Context

3.1 Greater Sydney Regional Plan

The vision of the Greater Sydney Region Plan 2018, *A Metropolis of Three Cities* falls within the integrated planning framework for Sydney (see **Figure 3**) and seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

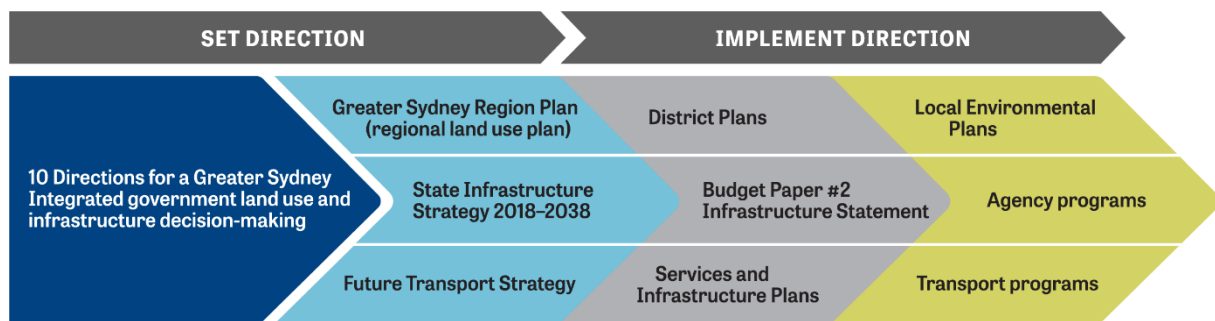


Figure 3 | Integrated Planning for Greater Sydney

The Inner West Council is located within the Eastern Harbour City. The proposed development supports the directions and objectives of the Plan, in particular Objective 16 which encourages freight and logistics networks to be competitive and efficient by improving the efficiencies in the storage and supply of cementitious materials in Sydney's east.

3.2 Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The Eastern City District covers the Inner West LGA. The DA is consistent with the Eastern City District Plan as it is consistent with priority E12 which is to retain and manage industrial and urban services land. Furthermore, the plan identifies the Bays Precinct as an industrial and urban services precinct that is to be retained.



4. Statutory Context

4.1 Part 4 Development

The site is located on Glebe Island in the Sydney Harbour Port and Related Employment Lands with a capital investment value of less than \$10 million that is carried out by a person other than a public authority in accordance with the SPP SEPP.

In addition, the development is not considered to be designated development in accordance with Part 2, Schedule 3 of the EP&A Regulation as the Director, Industry Assessments advised the Applicant that the proposed development is considered to be non-designated development on 7 May 2019.

Accordingly, the proposal does not meet the criteria for State significant development as outlined in schedule 6, clause 4 of the SSP SEPP, and is subsequently classified as a Part 4 development under the EP&A Act.

4.2 Permissibility

The site is identified as being located within the Port and Employment zone under Sydney Regional Environmental Plan No.26 – City West.

A use is only permissible within this zone if the consent authority is satisfied a proposed use is consistent with at least one of the following zone objectives:

- to facilitate the continuation of commercial port uses
- to allow a range of commercial port facilities
- to encourage development on Glebe Island and land adjoining White Bay which requires close proximity to the port
- to encourage a mix of land uses which generate employment opportunities, particularly in relation to port and maritime uses
- to allow a mix of uses which generate employment opportunities in the White Bay Power Station site
- to provide for the ongoing rail access to the port and related activities
- to provide pedestrian and cyclist links with surrounding public access networks
- to encourage port-related uses which optimize use of existing rail facilities
- to provide road and rail access to port activities.

The Department as delegate of the consent authority, is satisfied the proposed temporary increase of annual cement throughput capacity is consistent with the objectives as it facilitates the continuation of commercial port uses and encourages development on Glebe Island. The development is therefore permissible with consent in the Port and Employment zone and may determine the application.

4.3 Consent Authority

In accordance with clause 4 of Schedule 5 of the SSP SEPP, the Minister for Planning & Public Spaces is the consent authority for the application. The development is on land identified as Glebe Island in the Sydney Harbour Port and Related Employment Lands Map with a capital investment value (CIV) of less than \$10 million and is carried out by a person other than a public authority.

The development is on land identified as Glebe Island on the Sydney Harbour Port and Related Employment Lands Map with a capital investment value of less than \$10 million and is carried out by a person other than a public authority.

In accordance with the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine this application as:

- the relevant Council has not made an objection
- there are no more than five public submissions in the nature of objection
- a political disclosure statement has not been made.

4.4 Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 5** and **Appendix C**. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

4.5 Environmental Planning Instruments

Under sections 4.15(1)(a)(i) and (ii) of the EP&A Act, the consent authority is required to consider any environmental planning instrument (EPI) or proposed instrument that is of relevance to the DA. The following EPIs apply to the proposed development:

- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- Sydney Regional Environmental Plan No.26 – City West (SREP 26)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)
- State Environmental Planning Policy (Coastal Management) 2018

A detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix G**. The Department is satisfied the development complies with the relevant provisions of these EPIs.

4.6 Objects of the EP&A Act

In accordance with the EP&A Act, the Department has considered the proposal with regard to the relevant objects of the EP&A Act (**Table 2**) and conclude it is satisfactory.

Table 2 | Consideration of the Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	<ul style="list-style-type: none"> • the DA would provide opportunities for growth the site and continue to facilitate infrastructure and development within Sydney.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	<ul style="list-style-type: none"> • the Department has considered the encouragement of ecologically sustainable development (ESD) in its assessment of the proposal (see Section 4.7). The Department is satisfied the proposal can be carried out in a manner that is consistent with the principles of ESD.
(c) <i>to promote the orderly and economic use and development of land</i>	<ul style="list-style-type: none"> • the development is a permissible use which would promote the orderly and economic continuation of existing port-related development onsite.

(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<ul style="list-style-type: none"> the Department's assessment in Section 6 of this report demonstrates that, with the implementation of recommended conditions of consent, the impacts of the development can be mitigated and/ or managed to ensure an acceptable level of environmental performance.
(f) <i>to promote the sustainable management of built and cultural heritage</i>	<ul style="list-style-type: none"> the development does not include any physical construction works and is considered to have no impact on the existing built and cultural heritage of the site.
(g) <i>to promote good design and amenity of the built environment</i>	<ul style="list-style-type: none"> the development does not include any physical construction works and is considered to have no impact on design and amenity of the built environment.
(h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	<ul style="list-style-type: none"> the development does not include any physical construction works and is considered to have no impact on the construction and maintenance of buildings.
(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	<ul style="list-style-type: none"> the Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government authorities. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
(j) <i>to provide increased opportunity for community participation in environmental planning and assessment</i>	<ul style="list-style-type: none"> the application was exhibited in accordance with Schedule 1 Clause 7 of the EP&A Act to provide public involvement and participation in the environmental planning and assessment of this application.

4.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department has considered the development does not involve any physical construction works and is temporary in nature. The temporary throughput capacity increase is considered to not present any further impacts on ecology while enabling the continued distribution of cement material to meet the current demands of product for infrastructure and development projects within the greater Sydney Metropolitan area.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

5. Engagement

5.1 Consultation by the Department

In accordance with Schedule 1 of clause 7 of the EP&A Act and the EP&A Regulation, the Department publicly exhibited the application. The Department:

- made it publicly available from **11 June 2019** until **25 June 2019**:
 - on the Department's website
 - at the Department's Sydney Office (320 Pitt Street, Sydney)
 - at Inner West Council (7-15 Weatherill Street, Leichhardt),
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Inner West Council by letter
- advertised the exhibition in the Inner West Courier.

5.2 Summary of Submissions

During the exhibition period, a total of seven submissions were received, including four from government agencies, one from Council and two submissions from the general public. Of the seven submissions received, two objections were received from the general public. A copy of each submission is included in **Appendix C**.

Council did not object to the modification but raised concern regarding the cumulative impact of development and infrastructure projects within the Bays Precinct including traffic generation. In addition, Council requested an assessment of employee movements be conducted, the preparation of a Plan of Management and the maximum number of truck movements to be restricted by imposing a condition of consent.

EPA did not object to the modification and noted the SEE had appropriately considered potential environmental impacts and that no significant environmental impacts are likely to occur.

OEH did not object to the modification and provided no comment.

RMS did not object to the modification and provided no comment.

TfNSW did not object to the modification and provided no comment.

The two **Public** submissions received both objected to the development and raised comments. The submissions identified the noise assessment of the SEE did not account for the noise generated from the unloading of equipment and operation of machinery on the berthed vessels and the temporary increase of days ships are docked per year will reduce the amount of reprieve residents have from noise impacts. The submissions additionally noted that some vessels do have low noise emissions and requested the development be restricted the use of such vessels for the operation.

The Department also provided comment on the application, requiring the Applicant to clarify the current annual rate of ships berthed at the facility to provide context for the increased shipping numbers per annum.

5.3 Response to Submissions

On 2 October 2019, the Applicant provided a Response to Submissions (RTS) report to address the issues raised in the submissions by Council and the general public.

Council reviewed the RTS report and advised the Department it has no further comments on the temporary capacity increase. In addition, Council requested to be included in the proposed Cumulative Traffic Working Group mentioned in the RTS.



6. Assessment

The Department has considered the SEE, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the development. The Department considers the key assessment issues are:

- Traffic Impacts
- Noise Impacts

A number of other issues have also been considered in the Department's assessment. These issues are considered to be minor and are addressed in **Table 3** in **Section 6.3**.

6.1 Traffic Impacts

The proposed temporary 18 month increase of annual cement throughput from 500,000 tpa to 600,000 tpa has the potential to generate further traffic impacts on the Bays precinct beyond that previously approved as the temporary increase will include an increase of truck and ship movements including days per year of ships berthed at the facility.

The temporary increase is proposed to result in an additional 13 trucks dispatched per day presenting an increase from 68 trucks per day to 81 trucks per day. Furthermore, the temporary increase anticipates an additional 4 – 8 ships per year being an increase from 42 ships per annum to a maximum of 50 per annum.

The SEE identifies the temporary increase would not exceed the current peak hourly capacity for truck movements of 12 trucks per hour as the existing three weighbridges are restricted to four vehicles per hour. However, the SEE indicates the facility will be operating at the peak capacity rate of 12 trucks per hour more frequently during the 18-month period. The SEE further stipulates the facility operated at peak throughput capacity on 54 occasions out of 4,140 hours of operation during the 2018 calendar year, being a rate of 1.3%.

The SEE additionally considered an alternative for the proposed temporary increase which would be to haul 100,000 tpa of cement via tanker trucks from Newcastle and Port Kembla into Sydney. The alternative of hauling cement via tanker truck would result in an increase of 1,800 additional truck movements within Sydney to distribute the cement material to satisfy the current market demand and was considering unviable with significant impacts on Sydney's road network.

Submission was received from Council during the exhibition period which raised concern for the cumulative impacts of traffic associated with development and infrastructure projects within the Bays Precincts. In particular, Council requested the applicant account for the heavy vehicle movements generated per day from construction works in the locality. Additionally, Council requested the operations of the site be restricted to no more than the proposed 81 trucks per day.

The Applicant provided an RTS report to address Council's issues regarding traffic impacts. The Applicant advised a Cumulative Traffic Working Group (CTWG) has been established comprising of the Port Authority of NSW, RMS, and major infrastructure project teams within the locality to manage cumulative traffic impacts within the area. The RTS further clarifies the temporary increase would result in less than one additional truck movement per hour on an annual average. In addition, the RTS confirmed the anticipated increase of four to eight ships per year would result in a maximum of 46 – 50 ships berthed at Glebe Island. The Applicant consulted with the Sydney Harbour Master

in the preparation of the RTS which confirmed the additional four to eight ships would have a negligible impact on port operations.

Council subsequently reviewed the RTS and advised the Department that Council had no further comments on the DA but, requested to be included in the CTWG. The Department notes that RMS provided no comments in its submission on the DA.

The Department has considered there will be no increase in peak traffic volume resulting from the temporary increase as the site infrastructure remains restricted to dispatching 12 trucks per hour from the facility. Furthermore, the temporary increase will result in a net increase of heavy vehicle movements of less than one truck per hour on a yearly average. The Department notes a CTWG has been established for the locality to effectively manage the cumulative traffic impacts resulting from infrastructure and development works within the area, which will also factor in the site's operations.

In addition, the Department has considered the additional four to eight ships berthed per year at Glebe Island would have a negligible impact on port operations and vessel traffic within the Sydney Harbour which has been supported by the Sydney Harbour Master.

The Department's assessment concludes the additional traffic generated from the temporary capacity increase will have a negligible impact on the locality existing road performance and a negligible impact on port operations and vessel traffic within Sydney Harbour. The Department recommends the Applicant prepare and implement an Operational Environmental Management Plan (OEMP) for the duration of the 18-month temporary period to manage operational traffic associated with the site in consultation with Council.

6.2 Noise Impacts

The temporary increase in capacity may generate additional noise impacts on surrounding residential receivers due to the increase in annual vehicle movements as well as the increase in ships berthed at the facility and the noise generated from the associated cement unloading machinery.

The site's current operations involve approximately 42 shipments per year of cement to the site to be stored in the silos and subsequently dispatched by tanker truck throughout the Sydney Metropolitan area. Vessels are berthed at White Bay for up to 32 hours to unload cement shipments into the silos. The proposed temporary increase would result in an additional four to eight shipments per year, resulting in vessels being berthed at White Bay for unloading an additional five to eleven days per year.

The SEE notes the additional shipments per year will not result in an increase in the peak noise generation of the facility and will not affect the EPL as only one vessel may be berthed at a time in White Bay to unload cement. However, this noise will be experienced over five to eleven more days within the year. The SEE concludes that as the peak operating conditions per day will not be changed, the maximum instantaneous noise of the site's operations will subsequently not be changed.

During the exhibition period, two submissions were received from the general public in the form of objections relating to the potential noise impacts of the temporary capacity increase. The submissions raised concerns regarding the noise generated from vessel equipment, equipment operating hours and the noise complaints process implemented by the Port Authority of NSW. The submissions noted the most noise generated from the site was through the operation of ship cranes and vacuum pumps for offloading cement. Furthermore, the submissions both requested restrictions be made on the type of vessels accepted for shipments as some vessels are considered by the submitters as being noisier than others. The submissions also raised concerns the additional five to eleven days of ship activities would reduce sensitive receivers' annual reprieve from the site's noise impacts. Lastly, submissions commented on the timeliness of response and the inaction taken by the Port Authority of NSW in handling complaints.

The EPA provided a submission on the DA stating that no significant environmental impacts are considered likely to occur from the temporary capacity increase.

The Applicant provided an RTS which addressed the two objections made by the general public. The Applicant reiterated in the RTS that the temporary increase will not increase the peak noise intensity and would not change the worst-case noise scenario of the site's operations. Furthermore, the RTS noted the proposal would incur a minor increase in the facility operating at peak levels. The RTS notes the site does not use cranes for the facility's operations.

The Department acknowledges complaints handling for the facility is managed by the Port Authority of NSW and is not considered to be within the scope of this Development Application.

The Department considers the temporary capacity increase will not result in an increase in the peak noise generation at any one time but will increase the annual extent of noise generation due to the additional five to eleven vessels berthed at White Bay for the unloading of cement shipments. Furthermore, the Department is satisfied the worst-case noise scenario of the site's operations will not be changed as a result of the temporary capacity increase. The Department notes the concerns raised in the submissions from the public and considers measures should be implemented to manage and mitigate noise generated by vessels and during the unloading processes of the facility. The Department also notes the throughput capacity increase is temporary for an 18-month period, with all minor impacts being short term in nature.

The Department's assessment concludes the temporary throughput capacity increase will have a negligible impact on the existing acoustic amenity of the locality and will not increase the maximum extent of noise generated at any given time by the operation. The Department considers management measures should be implemented to ensure site operations are conducted in accordance with the existing EPL. The Department recommends an OEMP be prepared and implemented which includes noise management and mitigation measures for the operation of the facility for the extent of the 18-month temporary period.

6.3 Other Issues

Table 3 | Summary of other issues raised

Issue	Findings	Recommended Condition
Air Quality	<ul style="list-style-type: none"> The temporary throughput capacity increase includes an additional five to eleven days per year with a vessel berthed at White Bay and an additional 13 trucks dispatched from the site per day. The increase in vehicles associated with the facility may present an increase in emissions, impacting on air quality. The SEE notes the relevant air quality pollutants associated with site operation include sulfate dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO) and particulate matter (PM₁₀ and PM_{2.5}). The SEE used modelling undertaken for the Hanson Concrete Batching Plant and Aggregate Import Terminal proposal at Glebe Island (SSD 8544) which assessed an additional two to three shipments per week at a throughput capacity of 1 million tpa. The modelling identified the incremental and cumulative concentrations of air quality pollutants would be below EPA's air quality criteria and make a minimal contribution to long term cumulative air pollutant concentrations. 	<ul style="list-style-type: none"> OEMP to be prepared and implemented including air quality management and mitigation measures.

- The SEE additionally notes the proposed increase in vessels is of a temporary nature and is unlikely to have a significant impact on long-term air pollutant concentrations.
- The EPA provided a submission on the DA which stated that no significant environmental impacts are considered likely to occur from the temporary capacity increase.
- The Department acknowledges the proposed increase will not result in an increase in peak air pollutant emissions as the temporary increase will not increase the peak operational capacity of the facility.
- The Department has considered the odour modelling provided in the SEE and accepts the temporary increase will have a minimal impact on cumulative air pollutant concentrations and is below the EPA's air quality criteria.
- To manage any residual impacts associated with the temporary increase, the Department recommends air quality management and mitigation measures been provided in an OEMP to effectively manage air pollutants during the extent of the 18-month temporary period.

Heritage

- | | |
|---|---|
| <ul style="list-style-type: none"> • The Department notes the Glebe Island Silos are a listed item under the NSW State agency heritage register and the local SREP 26 register. • The SEE stipulates no physical works are proposed as part of the temporary throughput capacity increase and as such will have no impacts on the heritage fabric of the Glebe Island Silos. • No submissions raised concerns or objections to the temporary increase regarding heritage. OEH stated there were no heritage concerns with the proposal. • The Department considers there to be no physical impacts to the heritage item and that the temporary increase in throughput capacity would have a negligible impact on the historical fabric of the Glebe Island Silos. | <ul style="list-style-type: none"> • N/A |
|---|---|



7. *Evaluation*

The Department has assessed the proposed DA, SEE, RTS and considered the submissions provided by Council, government agencies and the general public. The Department has also considered the objectives and matters for consideration under section 4.15 of the EP&A Act. The Department considers the DA is acceptable on the basis that:

- the proposal would result in minimal environmental impacts
- the proposal would facilitate infrastructure project demand in the Sydney Metropolitan area
- the proposal is consistent with the existing use of the site and is of temporary nature
- satisfactory mitigation measures would be put in place to manage potential impacts.

The Department is satisfied the temporary throughput capacity increase can be effectively managed through the preparation and implementation of an OEMP. The Department has imposed conditions requiring the OEMP to be submitted to the Planning Secretary for approval prior to the commencement of operation, being the 18-month temporary throughput capacity increase.

Overall, the Department is satisfied the impacts of the temporary throughput capacity increase are minimal and does not adversely change the existing operations of the facility.



8. Recommendation

It is recommended the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 9967, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Recommended by:


Shaun Williams
Planning Officer
Industry Assessments

Recommended by:


Joanna Bakopanos
Team Leader
Industry Assessments



9. Determination

The recommendation is: **Adopted by:**

Chris Ritchie

Director

Industry Assessments

29/11/19.



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Statement of Environmental Effects, prepared by Ethos Urban Pty Ltd, dated 22 March 2019 – http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9967

Appendix B – Considerations under section 4.15

Section 4.15 of the EP&A Act requires the consent authority, when determining a development application, must take into consideration the following matters:

Table 4 | Section 4.15 matters for consideration

Issue	Consideration
(a) the provisions of: <ul style="list-style-type: none"> i. any environmental planning instrument, and ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and iii. any development control plan, and iiia. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and iv. the regulations 	<ul style="list-style-type: none"> • detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report. • No proposed instrument applicable to the development application. • No development control plan is applicable to the development application. • No planning agreements have been entered under section 7.4. • The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<ul style="list-style-type: none"> • The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes the environmental impacts will be minor and can be appropriately managed through the recommended conditions of consent.
(c) the suitability of the site for the development,	<ul style="list-style-type: none"> • The development is to temporarily increase the annual throughput capacity of cement material for the existing shipping and cement storage facility, being a permissible form of development with consent in the Port and Employment zone under Sydney Regional Environmental Plan No.26 – City West.
(d) any submissions made in accordance with this Act or the regulations,	<ul style="list-style-type: none"> • All matters raised in submissions have been summarized in Section 4 of this report and have been considered as part of the assessment of the proposed development in Section 5 of this report.
(e) the public interest	<ul style="list-style-type: none"> • The development would facilitate the demand of cement material for infrastructure and development projects across the Sydney Metropolitan area. • The environmental impacts of the development are considered to be low and appropriately managed by the recommended conditions.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of Section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- Sydney Regional Environmental Plan No.26 – City West (SREP 26)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)
- State Environmental Planning Policy (Coastal Management) 2018.

State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)

The State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State (State Significant Precincts) for the benefit of the State.

Under clause 4, Schedule 6 of the SSP SEPP, the proposed development is within the area identified as Glebe Island on the Sydney Harbour Port and Related Employment Lands Map, has a capital investment value (CIV) of less than \$10 million and is carried out by a person other than a public authority. Therefore, in accordance with the SSP SEPP, the Minister for Planning is the consent authority for the application.

Sydney Regional Environmental Plan No.26 – City West (SREP 26)

Sydney Regional Environmental Plan No.26 – City West (SREP 26) provides planning principles for development within the area identified as City West. The site is located within the Bays Precinct part of the City West, and therefore SREP 26 is applicable to the site. However, the development application (DA) is temporary in nature and relates to the existing use of the site as a shipping facility for the storage and distribution of cement material. In addition, the DA does not propose any physical works to be undertaken to facilitate the temporary capacity increase. The proposed temporary throughput capacity increase is considered to be consistent with the provisions of the SREP 26.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP) provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area, and the relevant provisions of the SHC SREP have been considered in **Table 6**.

Table 6 | SHC SREP consideration

Assessment Criteria		Comments
Part 1 Preliminary		
Cl. 2 Aims of the Plan	This clause sets out the aims with respect to the Sydney Harbour Catchment and established the principles for the purpose of enabling these aims to be achieved.	The temporary increase is consistent with the aims of this plan as it will not impede on the catchment, foreshore and waterways.
Cl. 3 Land to which plan applies	Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Foreshores and Waterways Area.	The site is located within the Foreshores and Waterways Area as identified in the zoning map.
Part 2 Planning Principles		

Cl. 13 Sydney Harbour Catchment	Provides a set of planning principles for land within the Sydney Harbour Catchment.	The temporary capacity increase is consistent with the planning principles for the Sydney Harbour Catchment as it will have a minimal impact on the natural environment and assets including, hydrological, ecological and geomorphological processes and water quality.
Cl. 14 Foreshores and Waterways Area	Provides a set of planning principles for land within the Foreshores and Waterways Area.	The development is consistent with the planning principles for the Foreshores and Waterways Area as it will have a minimal impact on the natural assets and unique environmental qualities of Sydney Harbour.
Cl. 15 Heritage conservation	Provides a set of planning principles for heritage conservation.	The Development is considered to have a minimal impact on the site and conserves the heritage significance and fabric of the Glebe Island silos.

Part 3 Foreshores and Waterways Area

Division 1 Development Control

Cl. 16 Zones indicated on Zoning Map	Land is zoned in accordance with the zoning map.	The site is on land adjacent to the waterway zoned W1 – Maritime Waters.
Cl. 17 Zoning objectives	<p>The objectives of the W1 – Maritime Waters Zone are as follows:</p> <ul style="list-style-type: none"> to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally to allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations to promote equitable use of the waterway, including use by passive recreation craft. 	The increased annual shipments of cement to the facility have been confirmed with the Sydney Harbour Master to have a minimal impact on the existing harbour traffic network.

Division 2 Matters for consideration

Cl. 20 General	The matters referred to in Division 3 must be considered by the consent authority.	The Department has considered the relevant matters below.
Cl. 21 Biodiversity, ecology & environmental protection	The consent authority must take into consideration the matters list in the clause in relation to biodiversity, ecology and environmental protection.	The temporary capacity increase is considered to have a minimal impact on the biodiversity and ecology of the Sydney Harbour. Furthermore no construction works are proposed as part of the DA.

Cl. 22 Public access to, and use of, foreshores and waterways	The consent authority must take into consideration the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways.	No construction works are proposed as part of the DA.
Cl. 23 Maintenance of a working harbour	The consent authority must take into consideration the matters listed in relation to the maintenance of a working harbour.	No construction works are proposed as part of the DA.
Cl. 24 Interrelationship of waterway and foreshore uses	The consent authority must take into consideration the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses.	The temporary capacity increase involves the continued use of foreshore and waterway related uses.
Cl. 25 Foreshore and waterways scenic quality	The consent authority must take into consideration the matters listed in relation the maintenance, protection and enhancement of the scenic quality of foreshores and waterways.	No construction works are proposed as part of the DA.
Cl. 26 Maintenance protection and enhancement of views	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of views.	No construction works are proposed as part of the DA.

Division 4 Miscellaneous

Cl. 59 Development in vicinity of heritage items	The consent authority must assess the impact of the proposed development on the heritage significance of heritage items within the vicinity of the development.	The Department has assessed the heritage impacts of the development in Section 6 of this report. The development is considered to have minimal impacts on the heritage significance of heritage items.
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State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management SEPP gives effect to the objectives of the *Coastal Management Act 2016* from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria tailored for each coastal management area. The consent authority must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site as being located within the Coastal environment area and Coastal use area. Land within these areas are subject to clause 13 and 14, however as the site is located on land within the Foreshores and Waterways Area of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, clauses 13 and 14 of the Coastal SEPP do not apply.

Rozelle and Blackwattle Bays Maritime Precincts Master Plan 2004

SREP 26 identifies the Bays Precinct as a working waterfront for port and other maritime purposes and requires the preparation of a master plan for the precinct. The Rozelle and Blackwattle Bays Maritime Precincts Master Plan (Master Plan) was prepared by the Department on behalf of the Road & Maritimes Service (RMS) (the then Waterways Authority) and sets the program and principles for the rejuvenation of the maritime precinct. The Master Plan provides land use guidelines and urban design principles within the Bays Precinct includes site specific urban

design controls encompassing building heights, setbacks, site coverage, access, landscaping and public domain requirements. The Department has considered the requirements of the Master Plan in the assessment of the proposal and concluded the proposed development would not affect the Marina's compliance with the Master Plan as no physical construction works are proposed.

Appendix D – Submissions

A copy of the Submissions received by the Department can be found on the Department's website, at the following link:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9967

Appendix E – Response to Submissions Report

A copy of the Applicants Response to Submissions report can be found at the Department's website, at the following link:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9967

Appendix G – Recommended Instrument of Consent

A copy of the Instrument of Consent can be found on the Department's website, at the following link:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9967