

recommended that truck movements to and from the site be restricted to between 7.00 am and 6.00 pm Monday to Saturday, and 8.00 am to 6.00 pm Sunday.

**Department comment**

The Department agrees with the Panel's view that operational noise levels can comply with relevant noise criteria. Further, the Department concurs with the Panel's view that truck movements be restricted to daytime hours to ensure compliance with DECC noise limits. This is a recommended condition.

Noise limits

**Panel comment**

The Panel considered noise modelling results prepared by the Proponent, and noise limits suggested by DECC. The Panel agreed with the noise limits suggested by DECC and recommended noise limits be consistent with DECC noise limits.

The following table outlines the suggested noise limits:

<i>Residential location</i>	<i>Day</i>	<i>Evening</i>	<i>Night</i>		
	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (9hrs)	L <sub>A1</sub> (1 min)
1 Grafton St, Balmain	54	48	48	45	59
Datchett St, Balmain	49	44	44	41	54
33 Adolphus St, Balmain	36	35	35	35	60
2 Point St, Pyrmont	40	35	35	35	61

Table 3 – Panel and DECC recommended noise limits

The following figure illustrates the location of the residential locations where noise limits apply.



Figure 6 – Noise limits at residential locations

### Department comment

The Department agrees with the Panel's and DECC's proposed noise limits which will ensure the amenity of the surrounding environment is maintained.

#### Twenty four hour operations

### Panel comment

The Panel considered the predicted noise levels from trucks entering and leaving the site 24 hours, 7 days a week to have the potential to exceed the appropriate night time and evening noise operational criteria and sleep disturbance criteria. The Panel considered that a precautionary approach be adopted and restrict movements to between 7.00 am and 6.00 pm Monday to Saturday, and 8.00 am to 6.00 pm Sunday.

The Panel stated that night time operational activities of commercial vessel refuelling, sewerage pump out and associated vessel arrivals and departures would cause minimal disturbance to the surrounding area as the predicted noise levels are 2 to 3dB below the appropriate noise criterion and up to 10dB below sleep disturbance criterion at Grafton Street. The Panel recommended commercial refuelling, sewerage pump out and associated vessel arrivals and departures be permitted 24 hours 7 days a week.

The Panel considered that site supervision be provided for night time refuelling/sewerage pumping for commercial vessels at all times, and vessels should be encouraged to refuel during the day and evening. Reasons for all night refuelling should be logged as part of the operational management plan.

The Panel expects refuelling of recreational vessels to have minimal impact as the predicted noise levels are below the appropriate night time noise criterion for Grafton Street. The Panel recommended recreational refuelling and sewerage pump out be restricted to 5.00 am and 10.00 pm 7 days a week, and suggested site staff be on-site at all times to manage noise from people on vessels.

General operations on the hardstand and laydown area include the operation of the roll on roll off ramp, travel lift and fork lift, water blasting, etc. The Panel noted the noise predictions indicate that noise criteria can be met for daytime and evening, however recommended limiting these operations to daytime as these activities can be potentially more intrusive than the noise levels suggest.

The Panel recommended the following hours of operation for the MRSF:

<b>Activity</b>	<b>Hours of operation</b>
Refuelling and sewerage pump out for commercial vessels	7 days – 24 hours per day
Commercial boat arrivals & departure & mooring	
Office building mechanical services, e.g. A/C plant, compressors for chiller room etc	
Refuelling & sewerage pump out for recreational vessels	7 days – 5.00 am to 10.00 pm
Recreational boat arrivals & departures & mooring	
Trucks movements to and from the site	Monday- Saturday 7.00am to 6.00 pm Sunday 8.00am to 6.00 pm
All activities on the hardstand/laydown area e.g. power tools, forklift, pallet jacks, cranes, travel lift & roll on roll off ramp	
Mixed marine tenancies, commercial storage/work shed	

Table 4 – Activities and hours of operation

### Department comment

The Department agrees with the Panel's recommended hours of operation and is satisfied the hours are reasonable and acceptable. The Department recognises the role of the precinct as a major inner Harbour port and maritime location, and considers certain activities should be permitted to operate 24 hours. The Department agrees noisy activities should be restricted to daytime hours ensuring the amenity of the surrounding area is maintained.

## 5.2 HAZARDS AND SAFETY IMPACTS

### Panel comment

The Panel were not required to consider hazard and safety impacts of the proposal.

### Department comment

The MRSF would be used to store 385,000 litres of diesel and 55,000 litres of unleaded petrol to refuel recreational and commercial vessels. Fuel piping would extend underground to the five bowsers on the wharf, and continue to the three bowsers located on the concrete pontoon/mooring dolphin.

A Preliminary Hazard Analysis (PHA) was conducted as part of the EA. The PPR indicated the PHA met the requirements of *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*. The PHA demonstrated the risk associated with the proposal did not exceed the criteria of acceptability and was not significant.

The analysis identified the following incidents and scenarios as having the potential to increase the existing risk profile for the White Bay area:

- Fuel dispensing
- Bulk diesel and unleaded petrol storage
- Delivery of bulk diesel and unleaded petrol
- Transfer of fuel from tankers and to bowsers
- Collision or overturning event

The analysis also considered fuel dispenser equipment failure, tank failure (corrosion, design, fabrication, construction, maintenance), pipe leakage or rupture as part of the assessment. Environmental impacts were also assessed.

The EA outlined a number of mitigation measures that would be implemented to minimise the risks and hazards associated with the project to the surrounding environment. These are summarised as follows:

- Inherent safety and design for tanks, tank vents, piping and equipment will be designed to relevant Australian Standards
- Ignition control and management
- Fixed and mobile fire fighting equipment
- Emergency shut down
- Bunding, drainage, oily water separation system
- Operator/driver actions
- Procedures & administrative controls
- Security measures including restricting access, restriction to hazardous areas, recordable CCTV footage, fencing, random security patrols

The Department has reviewed the EA including the Preliminary Hazardous Analysis and PPR and considers that the hazard related issues of the project have been sufficiently addressed and adequate safety levels can be maintained throughout the operating life of the project. The Proponent has committed to the preparation of a Fire Safety Study in consultation with the NSW Fire Brigade.

The Departments recommends a Fire Safety Study and Operational Hazard Plan be undertaken by the Proponent prior to and during construction as part of the conditions of approval for the project. The study and Plan shall be prepared in consultation with the NSW Fire Brigades and submitted for the approval of the Director General.

The Department notes that currently a number of boat refuelling operations occur on the Harbour waters due to limited land available for land based facilities. The proposal will improve safety and reduce the potential for environmental hazards (such as fuel spillages) occurring in the Harbour by providing additional land based facilities.

### 5.3 TRAFFIC, TRANSPORT AND ACCESS IMPACTS

#### Panel comment

The Panel considered the existing use of the site for the storage of motor vehicles that arrive via ships from Glebe Island. The site operates 7 days a week 24 hours a day. Motor vehicles arrive to Berth 6 from Glebe Island via an internal access track. Trucks exit the site using the private internal access road before reaching Roberts Street.

The Panel noted that Sydney Ports Corporation provided information which indicates approximately 15,000 vehicles are stored on site per year. The site has the ability to accommodate up to 2000 vehicles at any one time, and trucks transporting vehicles off site can carry up to 7 vehicles at a time. The Panel stated using these figures approximately 30,000 vehicle and 4284 trucks movements occur on site per year, equating to approximately 82 vehicle and 12 truck movements per day, the majority of which take place during daylight hours.

The Panel considered the site's location was advantageous because of its close proximity to arterial roads, and the proposal would not adversely impact on the function of the greater White Bay area.

#### Department comment

The site is served by a private port internal access road within the White Bay port area. Access to the private road is provided off Victoria Road via Robert Street. The intersection of Mullens Street with Robert Street provided right turn access into the eastern section of Robert Street which links to the main port access road into the site and White Bay.

Robert Street between Victoria Road and Mullens Street has two travel lanes in each direction, which increases to three lanes on the approach to the Victoria Road intersection. Victoria Road connects to the Western Distributor providing linkages to the CBD, North Sydney and eastern suburbs. The City West link provides a connection from the Western Distributor to the western and south-western suburbs.

The EA considered the construction and operational traffic impacts of the proposal. A number of the submissions received during the exhibition period raised potential traffic impacts and inadequate and insufficient traffic assessment as concerns for the project.

Levels of service are defined by the RTA for urban areas and represent average delays and degree of saturation. An intersection with an LOS graded at 'A' is free from congestion, while an LOS of 'F' is heavily saturated.

The PPR provided additional traffic analysis for Victoria Road and Robert Street. The PPR states the overall intersection for Victoria Road and Robert Street would maintain an overall level of service B for peak AM and PM periods during construction and operation of the facility. The PPR noted the Robert Street left turn during AM and PM periods is at saturation, however would maintain levels of service of 'E' and 'D' respectively. The PPR highlighted the Robert Street right turn which during PM periods operates at a level of service 'F' would be most affected, potentially significantly affecting delays and queuing.

The predicted peak hour traffic generation was estimated for the duration of the construction phase at 60 vehicle movements per hour including 20 truck movements, and during the operational phase of the facility at 44 vehicle movements per hour including 14 truck movements.

The Department notes that potential traffic impacts were based on worst case scenario conditions, and that traffic generation in peak hour periods is unlikely to reach the levels suggested. Given there is an opportunity to reduce vehicle movements in peak periods, detailed traffic management plans should be prepared, and the implementation of measures identified should occur as part of the construction and operation of the project. The Proponent has committed to their preparation and has agreed to limit the number of heavy vehicles accessing the site and ensure fuel tankers do not use residential streets to access the site.

The Department considers that construction and operational traffic was adequately addressed as part of the EA and the PPR prepared for the project. To ensure that traffic is managed effectively during the construction of the project, the Department has recommended that the Proponent be required to prepare a Construction Traffic Management Plan to manage construction traffic and mitigate impacts on the Victoria Road / Robert Street intersection.

For the operational phase of the proposal, the Department has recommended as part of the Operational Environmental Management Plan, a Traffic Management Plan be prepared in consultation with the RTA and submitted to the Director General for approval.

The Department notes that given the previous uses of the site, including car storage which has recently relocated to Port Kembla, the level of traffic generated from the proposed use of the site is not considered significant.

## 5.4 AIR AND ODOUR IMPACTS

### Panel comment

The Panel was not required to consider air and odour impacts associated with the proposal.

### Department comment

The EA indicates that air and odour impacts in association with the operation of the project would be negligible and that particulate matter and dust deposition attributed to construction activities would be within DECC air quality goals at all surrounding residences.

The EA outlined the key sources of potential air and odour impacts during the operational life of the project. Notably, no antifouling or spray painting activities are proposed on site. The assessment identifies key sources as follows:

- Emissions of hydrocarbon vapour during fuel transfer, and
- Odour during sewerage removal, fuel transfer and storage.

The Proponent has advised refuelling and sewerage transfer infrastructure and equipment contains vapour recovery and control technologies to prevent air and odour emissions, including:

- Vapour check valves and locking caps at the unloading point
- Sewerage removal from vessels will be transferred directly into the main sewer line. The facility will contain a sewerage pump out system comprising single action diaphragm pump which creates a closed vacuum link between the on board sewerage tank and the land based sewer line. The system is completely enclosed preventing odour emissions.

The Department has reviewed the EA and submissions in relation to the potential impact of air and odour emissions to the surrounding environment. The Department considers air and odour related issues of the project have been adequately addressed and that vapour recovery technologies employed on site should mitigate the potential for adverse air and odour impacts. The Department recommends a condition of approval requiring the Proponent not to cause emission of offensive odours from the site under Section 123 of the *Protection Environment Operations Act 1997* throughout the operating life of the project.

## 5.5 WATER QUALITY IMPACTS

### Panel comment

The Panel was not required to consider water quality impacts associated with the proposal.

### Department comment

The EA indicates that water quality impacts associated with the construction of the facility would involve piling into the seabed to provide support for the travel lift ramp, roll on roll off ramp, wharf, temporary moorings, steel pontoon and adaptive reuse of the dolphin. Turbid water would be created during piling and this may release chemicals and toxins found in the underlying sediments. No dredging or reclamation is proposed during construction. There are no mangroves, saltmarsh or seagrass on site.

The EA states some excavation of the intertidal rock from the upper portion of the rock revetment wall would not result in significant mobilisation of sediments or pollutants into the water column, and placement of support piles would have negligible water quality impacts. The EA notes that while some sediment may be mobilised, plumes would be able to be contained using floating silt boom curtains.

The EA indicates that water impacts associated with construction activities would be temporary and localised, and therefore can be appropriately managed by bunding, floating booms and silt curtains. The Proponent has

committed to preparation of Soil and Water Quality Management Plan. A Construction Management Plan, Water Quality Management Plan and Spill Management Plan will ensure potential water quality impacts are appropriately addressed and managed and will require the Director General's approval.

The operational of the facility has the potential to impact on surrounding water quality from propeller wash by vessels, marine refuelling and wash down activities on the hard stand area. While propeller wash can affect water quality by mobilising sediments, the underlying seabed is 8-11m in depth providing adequate depth.

The Environment Assessment outlines a range of measures to minimise the risk of detrimental water quality impacts, including:

- Creation of 9 catchment zones to filter runoff and collect rainwater.
- Bunding and grading around storage tanks to ensure any leakages or spillages are contained and collected.
- All stormwater, wash down water and runoff will be collected and treated by a stormwater management system.
- All waste from the facility will be disposed off-site to a DECC approved waste management facility.
- Tank overfill control procedures.
- Customer induction training.
- Spill kits and spill clean procedures including secondary containment, spill mitigation and rapid isolation.

The Department has reviewed the EA and submissions in relation to the potential impact to surrounding water quality from the construction and operation of the MRSF. The Department is satisfied that water quality impacts from construction are temporary and localised and would not result in any adverse or long term impacts to surrounding water quality. The Department considers the Proponent, subject to implementing proposed mitigation management measures, has adequately demonstrated the risks to water quality and ecology during the operational phase of the facility would be acceptable and recommended conditions of approval will ensure the facility can meet acceptable environmental standards.

## 5.6 VISUAL IMPACTS

### Panel comment

The Panel was not required to consider visual impacts associated with the proposal.

### Department comment

The EA states the two buildings associated with the project are much smaller in scale and appearance than existing structures on site including the large container building immediately to the west of the site. Both buildings are below the 12m height limit.

The EA indicates the buildings are to the south of the residences on Grafton Street which is 20m above the level of the site and will sit behind existing gantries which are over 15m high. Hence the construction of the buildings would not give rise to overlooking or overshadowing of surrounding residences.

Submissions were made in respect to the bulk and scale of the buildings, view loss and lighting impacts. The proposed buildings address setback requirements that require buildings to be located 20m from the foreshore. The Department notes the site is characterised by large scale port infrastructure and considers the bulk and scale of the buildings appropriate to their local context.

The EA reveals that view impacts would be restricted to residential apartments at 1 Grafton Street. Some apartments do enjoy views south over the site although these views are obscured by existing buildings and gantries. While there is the potential for some south facing views to be affected by the buildings, primary views of the CBD will remain. Given existing views to the south over the site are obstructed and primary CBD views will be unaffected, the Department considers the degree of view impacts to be minor and acceptable.

An assessment of light spill was conducted as part of the EA. The results reveal that there will be an overall improvement to the lighting situation on site and a reduction in light spill. The Department notes there are significant existing lighting levels on site due to port activities, and the Proponent has adequately demonstrated lighting impacts will not be detrimental to the immediate area.

## 5.7 INAPPROPRIATE USE AND OUT OF DATE MASTER PLAN

### Panel comment

The Panel noted that following the release of the *Ports Growth Plan* by the NSW Government in October 2003, Sydney Ports Corporation released an expression of interest (EOI) for the leasing of land at Berth 6, White Bay, and the MRSF was accepted as the most appropriate use of the site as it met EOI objectives in relation to land use, asset management, environmental management, occupational health and safety, planning regulations, security obligations and berthing.

The Panel referred to the site as being within the 'Port and Employment' zone in SREP 26, where the provisions of this zone provide for the MRSF as permissible development with consent. The preparation of the Glebe Island Master Plan was a requirement of SREP 26- City West.

The Panel noted that a Bays Precinct Taskforce has been established which is looking at future land uses in the Bays Precinct. A number of submissions requested the assessment and review of the MRSF be placed on hold until the Bays Precinct Taskforce completes its study and finalises its recommendations. The Panel referred to a number of submissions which stated the Master Plan and its vision for White Bay is outdated.

The Panel stated in their report that their Terms of Reference do not allow consideration of whether there is a need for a new Master Plan, or debate the validity of relevance of the current Master Plan.

The Panel stated they had reviewed the Master Plan and SREP 26 and believes the MRSF is consistent with the strategic vision for White Bay as a site for working maritime uses.

### Department comment

The Department agrees with the Panel's view that the MRSF is an appropriate use for the site and is consistent with zoning and Master Plan objectives. The Department acknowledges that the Bays Precinct Taskforce has not completed its study or finalised its recommendations on future land uses in the Bays Precinct. The Department appreciates that, depending on future strategic land use decisions for the Bays Precinct, the proposed use of the site may not be consistent with the future use and vision for the area.

The White Bay and Glebe Island Ports Master Plan 2000 is the current Master Plan applicable to the site. This Master Plan has the status of a Development Control Plan, and strictly is not a relevant consideration under Part 3A of the EP&A Act. Nevertheless the proposal is consistent with the current zoning under Sydney Regional Environmental Plan No. 26 - City West, and the Master Plan applying to the site, and complies with the current height and setback limits.

The Master Plan does seek to exclude bulk storage of certain fuels. Although the proposal does exceed the quantity of flammable specified, this is due to the unleaded petrol component only. An appropriate hazard analysis has been made and the proposal and its safety measures are considered adequate.

The Department however notes that the long term strategic vision for the Bays Precinct may be subject to future review. The proposed MRSF can be considered as an interim facility as all buildings and associated infrastructure can be readily removed from the site with minimal costs as there is limited investment in physical improvements on the site. The Department notes that the Proponent would only have a lease on the site until 2020. Accordingly, the Department recommends the use of the site be given a time limited approval consistent with the lease up until 2020.

In addition to this proposal, on 20 December 2008 the Minister for Planning announced the relocation of the Wharf 8 Cruise Passenger Terminal from Darling Harbour to White Bay for a minimum of 5 years, while Barangaroo is developed. The proposal is considered not an inappropriate adjoining use for the proposed passenger terminal uses.

## 5.8 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Bailey's Marine Fuels Pty Ltd achieved ISO14001 Environmental Management System accreditation in 2003, and is committed to a number of sustainability targets that contribute to achieving a development that is ecologically sustainable, including:

- Rainwater from the roof of the office and storage buildings would be collected in rainwater tanks and used on site.
- Recycling of all waste.
- Collection, treatment and reuse of water.
- Rehabilitation of landscaping on the northern breakwater.
- Construction of marine infrastructure providing additional habitat for algae, encrusting biota and fish.
- Promotion and sale of biodiesel, a clean burning alternative diesel fuel produced from sustainable renewable sources.
- Commitment to offsetting carbon emissions of fuel sold at the facility. All customers will be given the option of offsetting 25%, 50% or 100% of their marine fuel emissions.
- Utilisation of recycled materials in construction.

The project application is compliant with the objects of the *Environmental Planning and Assessment Act 1979*, including the 5 accepted ESD principles, and is therefore considered to satisfactorily address ESD issues.

The ground RL for the site varies from 2.2m AHD to 4m AHD, which is consistent with the levels of other wharf areas in the surrounding bay and port area. There is no known record of flooding. In considering possible sea level rise, king tide and storm surge occurrences it is important to recognise that the site does not support human habitation; adequate environmental measures have been proposed; and any consent will be a time limited consent.

## 5.9 SOCIAL & ECONOMIC IMPACTS

The proposal will deliver a number of important social and economic benefits, including:

*Commercial refuelling* – the new development will provide a state of the art commercial refuelling facility in Sydney Harbour for commercial vessels within close proximity to the CBD.

*Working harbour*– the development will reinforce and complement the role of the precinct as a major inner Harbour port and maritime location.

*Jobs* – new jobs will be created during the construction phase of the development as well as on-going operational jobs.

*Sustainability* – the facility will increase efficiencies and introduce safe and environmentally friendly refuelling practices.

*Future uses* – the development will not preclude the future redevelopment of the Bays Precinct.

The proposed development will facilitate the continuation of port and maritime uses, which will have positive social and economic impacts to the local and wider community.

## 6 CONSULTATION AND ISSUES RAISED

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### 6.1 PUBLIC EXHIBITION DETAILS

The Project Application was exhibited from 8 November 2006 to 8 December 2006 for 30 days and was published in the newspaper. The EA was made available to the public in the Sydney Harbour Foreshore Authority's (SHFA) office, SHFA website and at Leichhardt Council's office. A two day public hearing was also held by the IHAP at Leichhardt Council Chambers on Monday 4 and Tuesday 5 February 2008.

A total of 34 written submissions were made to the Panel prior to the public hearings. Twelve submissions objected to the proposal while 22 were in support. A total of 27 people made presentations before the Panel at the public hearing, with 23 presenters objecting to the proposal, and four in support. Some members of the public lodged a written submission and presented at the public hearing.

## 6.2 SUBMISSIONS RECEIVED ON THE ENVIRONMENTAL ASSESSMENT

A total of 790 submissions were received, comprising 7 submissions from public authorities, and 783 public submissions.

The key issues raised in the public submissions include:

- Noise impacts and 24 hour operations.
- Hazard and safety impacts.
- Traffic and transport impacts
- Air and odour impacts
- Water quality impacts
- Visual impacts
- Inappropriate use and out of date Master Plan

These issues have been discussed in Section 5 of this report. It is considered the studies and reports prepared for the proposal together with the Panel's recommended conditions, DECC recommended conditions and the Department's recommended conditions have adequately addressed these issues.

## 6.3 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following submissions were received from public authorities.

### 6.3.1 Department of Environment and Climate Change (DECC)

The DECC did not object to the proposal but did make the following comments:

- The DECC is able to license the proposed facility under the Protection of Environment Operations Act 1997.
- The additional information provided by the Proponent to the Panel of Experts does not alter DECC's ability to license the proposed activity.
- DECC generally accepts the ambient noise monitoring used in the NIA.
- DECC generally accepts the intrusive criteria and screening level sleep disturbance criteria presented in the NIA.
- DECC recommends conditions of approval relating to the noise impacts of the proposal and will incorporate these conditions, where applicable into the environmental protection licence for the project.

#### Department Comment

The Department has considered DECC's comments and has imposed all recommended conditions of approval. The Department has also considered the Panel's comments and has imposed the recommended noise limits and requirement for the preparation of a Noise Management Plan. On this basis, it is considered that issues raised by DECC have been adequately addressed. Further, the facility will be required to be licensed under the Protection of Environment Operations Act 1997.

### 6.3.2 Sydney Ports Corporation

Sydney Ports Corporation supported the proposal and made the following comments:

- The PPR provides adequate assurance that potential impacts of the development will be minimised.
- The MRSF is an appropriate use of the site.
- The development should be approved based on the commitments made by the Proponent.
- The development should be approved as an unrestricted 24 hour operation, consistent with surrounding operations in the Glebe Island and White Bay port area.

### **Department Comment**

The Departments does not consider it appropriate to approve the facility's operations 24 hours 7 days a week. In the interest of preserving the amenity of surrounding residential receivers, the operational hours for noisy activities, including truck movements to and from the site should be restricted.

### **6.3.3 NSW Maritime Authority**

NSW Maritime Authority supported the proposal and requested the following conditions be imposed in the approval:

- Construction Environmental Operational Management Plan (CEMP) be prepared and submitted to NSW Maritime.
- Construction and engineering drawings and specifications for all works proposed below the Mean High Water Mark submitted to and approved by NSW Maritime.
- Design of the work carried out in accordance with NSW Maritime's Engineering Standards and Guidelines for Maritime Structures.
- Travel lift to comply with relevant Australian Standards.

### **Department Comment**

The Department agrees with the suggested recommendations of approval and will impose the conditions where required.

### **6.3.4 Department of Primary Industries**

The Department of Primary Industries did not object to the proposal and made the following comments:

- Treated timber and anti-fouling treatments are not to be used in the construction of the proposed waterway structures.
- Environmental safeguards (silt curtains, booms etc) are to be used during construction.
- There is no dredging or reclamation proposed.
- A Management Plan outlining ongoing monitoring and maintenance of stormwater controls.

### **Department Comment**

The Department will impose the conditions as suggested. With regard to dredging and reclamation, no such activities are proposed.

### **6.3.5 Sydney Harbour Federation Trust**

Sydney Harbour Federation Trust, a Commonwealth Government Agency responsible for the administration of certain Sydney Harbour Islands and other sites, supported the proposal and made the following comments:

- White Bay provides an ideal location for the facility.
- Site has close proximity to other working harbour sites and islands.
- Excellent access to main roads and freight rail line.
- Ample room for parking and storage.
- Suitable location to ensure visual, noise and amenity impacts are minimised.
- Availability of the site 24 hours.

### **Department Comment**

The Department notes the support of the Trust and considers the site is a suitable location for the proposed facility.

### 6.3.6 Leichhardt Council

Leichhardt Council, while supportive of maintaining a working harbour, raised concern that ad hoc proposals have the potential to block future or alternate development proposals. Council made the following comments:

- The proposal is in keeping with the overall directive of a working harbour and will provide for successful port redevelopment.
- Traffic Management in the EA is not adequately assessed.
- Safety concerns in relation to fuel tankers.
- Fire safety concerns.
- Noise impacts.
- Construction noise should be limited.
- Commercial refuelling is supported 24 hours.
- Recreational refuelling should be restricted to between 7.00 am and 10.00 pm
- Other associated uses 8.00 am to 6.00 pm Monday to Saturday and closed on Sundays.
- Preparation of an Operational Management Plan.
- Request site supervision.

#### Department Comment

The Department does not consider the proposal, subject to the recommended conditions, will compromise future development options for the site. The Department has reviewed the EA and PPR and considers it adequately addresses traffic impacts on the surrounding area. The PHA demonstrates hazards associated with the facility represent an acceptable level of risk and will maintain an appropriate level of public safety. Noise and operational hours have been considered by the Department, DECC and the Panel, and have been discussed earlier in the report. The Department will recommend preparation of an Operational Management Plan and require site supervision at all times.

### 6.3.7 City of Sydney Council

City of Sydney Council is not the local authority and did not object to the proposal, but made the following comments:

- Conditions of approval should minimise impacts associated with noise, light spill, deliveries, environmental hazards and hours of operation.
- Boat pre-commissioning and launching and marine businesses should be further explained.

#### Department Comment

The Department has considered the City of Sydney Council's comments and will recommend conditions to ensure issues raised by Council are adequately addressed. The PPR adequately explained boat pre-commissioning, launching and marine businesses.

## 7 PUBLIC INTEREST

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The proposed development of the Berth 6, White Bay site will provide significant benefits to the community, including:

- Cater to increased demand for additional refuelling facilities;
- Provision of greater refuelling choices and improving competition;
- Provisions of a base for the servicing of harbour islands;
- Increased employment opportunities through the additional 35 full time construction and 30 full time operational jobs generated through the development (total of approximately 65 jobs);
- Efficient use of unused Government land; and
- Allowing for alternative uses of the site in the future.

The proposal will encourage the retention of the site's port and maritime character and responds appropriately with the constraints of the site and surrounding area, ensuring the development will not have any adverse impacts on the amenity of surrounding residents.

Accordingly, the proposal is considered in the public interest for the above reasons.

## 8 CONCLUSION

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The Department has assessed the EA and considered the Independent Hearing and Assessment Panel report and the submissions in response to the proposal. The key issues raised in submissions relate to noise and 24 hour operations, traffic impacts, hazards, water and visual impacts.

Key recommendations made to the proposal include restricting noisy activities on site, imposing noise limits and preparation of noise and traffic management plans.

The Department has closely considered the Panel's report and recommendations and public and agency submissions. The Department is satisfied the Proponent's response to the key issues in their EA, PPR, additional noise information, Statement of Commitments and Department's recommended conditions will ensure there are minimal environmental impacts as a result of the proposal. The panels recommended conditions have been adopted.

The Project Application has demonstrated general compliance with relevant environmental planning instruments and has given adequate consideration to the site's capability to accommodate this type of development. The intent of the proposal meets the Port and Employment zone objectives identified for the site in SREP.

The proposal is consistent with the current zoning and Master Plan applying to the site. The Department however notes that the long term strategic vision for the Bays Precinct may be subject to future review. The proposed MRSF can be considered as an interim facility as all buildings and associated infrastructure can be readily removed from the site with minimal costs. A recommended condition requires the Proponent to consult with the Department prior to entering into a new lease, which will enable the operation and suitability of the use to be further considered by the Department

The Department has determined that the site is suitable for the proposed development and is in the public interest. Accordingly, the Department recommends that the Project Application be approved, subject to conditions.

## 9 RECOMMENDATION

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It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the Project Application, under section 75J *Environmental Planning and Assessment Act, 1979* having considered all relevant matters in accordance with (A) above; and
- (C) sign the Instrument of Approval (**TAG B**).



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3/2/2009.

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## APPENDIX A. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### Director General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 06_0037
Project	Construction and operation of a marine refuelling facility, including a commercial refuelling facility, associated fuel storage, office and bulk goods storage building, a roll on and roll off ramp, handling and lay down areas, and temporary facilities..
Location	Berth 6 White Bay, Balmain, being Lot 22 on proposed subdivision – Leichhardt Local Government Area
Proponent	Bailey's Marine Fuels Australia Pty Ltd
Date issued	8 September 2006
Expiry date	8 September 2008

General Requirements	<p>The Environmental Assessment must be prepared to a high technical and scientific standard and must include:</p> <ul style="list-style-type: none"><li>• an executive summary;</li><li>• a description of the proposal, including construction, operation, and staging;</li><li>• details of the location of the project and environmental planning provisions applicable to the site and project, including the provisions of the Glebe Island and White Bay Ports Master Plan (deemed DCP);</li><li>• justification for undertaking the project with consideration of the benefits and impacts of the proposal;</li><li>• consideration of alternatives to the project;</li><li>• an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below;</li><li>• proposed mitigation/management measures of residual environmental impacts;</li><li>• a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project; and</li></ul> <p>certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.</p>
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Key assessment requirements	<p>The Environmental Assessment must include assessment of the following key issues:</p> <ul style="list-style-type: none"><li>• <b>Air Quality</b> – the Environmental Assessment must include a comprehensive air quality impact assessment prepared in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i> (EPA, 2001), with particular focus on dust emissions during construction and operation, and the control of odours during the operation of the facility.</li><li>• <b>Noise and Vibration</b> – the Environmental Assessment must include an assessment of the predicted noise impacts resulting from construction and operation of the projects and the measures to manage any noise impacts. The noise assessment must include an assessment of the existing noise impacts at the site and must be undertaken in accordance with <i>Industrial Noise Policy</i> (EPA, 1999) and <i>Environmental Criteria for Road Traffic Noise</i> (EPA, 1999). Details should be provided of activities and associated noise that may occur outside standard business hours.</li><li>• <b>Water Quality</b> – the Environmental Assessment must include an assessment of the water quality impacts associated with development, taking into account surface water, stormwater, groundwater and impacts on White Bay. Details of the erosion, sediment and stormwater controls to be established at the site must be included, and should consider</li></ul>
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potential impacts on marine flora and fauna. The Environmental Assessment should particularly focus on mitigation measures required for the construction of the water based features of the proposal, and the prevention and mitigation measures for possible fuel spillage.

- **Traffic and Parking** – the Environmental Assessment must include a Traffic Impact Study (TIS) prepared in accordance with the RTA's publication *Guide to Traffic Generating Developments*. The TIS must include details on the nature/mode of traffic generated, transport routes, traffic volumes and the potential impact of this on local and regional roads and intersections. Details on site access, internal roadways, and parking must also be provided. The TIS must also address any impacts on water based traffic as a result of the proposed operation of the facility.
- **Visual Impact** – the Environmental Assessment must include an assessment of the visual impact of the proposal on the surrounding area, and must address the requirements of the Master Plan, with particular reference to the siting of the proposed building, and urban design principles. The Environmental Assessment must include at least one photomontage of the proposal when viewed across the waterway from Pymont Point Park.
- **General Environmental Risk Analysis** – notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. The prevention and control of potential fire and spillage hazards are of particular importance. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of these additional key environmental impacts must be included in the Environmental Assessment.
- **Additional requirements:** the consideration of the requirements of section 45 of the Protection of the Environment Operations Act 1997; detailed assessment of water, air, noise and waste management issues, particularly in relation to bulk fuel storage, vessel refuelling and vessel pre-commissioning facilities, and protection measures to be adopted during construction and operation of the facilities; provision of comprehensive details of the activities involved in the pre-commissioning of vessels; preparation and implementation of detailed Environmental Management Plans for the project; and emergency response plans to be initiated in the event of an environmental incident during the construction and operation of the facilities.

#### Consultation requirements

You must consult with the following parties during the preparation of the Environmental Assessment:

- **Department of Environment and Conservation;**
- NSW Workcover Authority;
- NSW Maritime Authority;
- NSW Roads and Traffic Authority;
- Sydney Ports Corporation;
- Leichhardt Municipal Council; and
- affected residents and relevant community groups.

As part of the consultation process the proposal will be referred to the Sydney Harbour Design Review Panel for consideration, and any comments of the Panel should be considered in developing the final design details of the building and should be address in the final Environmental Assessment. To refer the proposal to the Panel please contact Mr Mark Shanahan at the Sydney Harbour Foreshore Authority on 9240 8816.

#### Deemed refusal period

Pursuant to clause 8E(2) of the *Environmental Planning and Assessment Regulation 2000*, the deemed refusal period for the project will be 60 days.