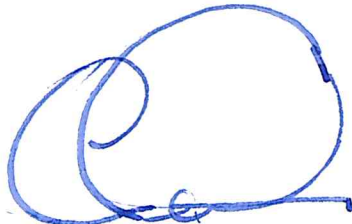


# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 27 February 2013, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Chris Wilson  
**Executive Director**  
**Development Assessment Systems and Approvals**

Sydney

28 MARCH

2014

### SCHEDULE 1

**Project Approval:**

MP06\_0037 granted by the Minister for Planning and Infrastructure on 12 June 2009

**For the following:**

Establishment of a marine supply and refuelling facility at Lots 1 and 3 Berth 6, White Bay, Balmain, including:

- Construction of a two-storey commercial office and storage building;
- Construction of a bulk storage building;
- Construction of refuelling infrastructure; and
- Construction of three temporary moorings, wharf, travel lift ramp, roll on roll off ramp and steel pontoon.

**Modification No. 4:**

Modifications include:

- Internal changes to Building 1 to provide caretaker's accommodation within the building;
- Internal changes to Building 2 to facilitate the storage of up to 50 small boats;
- Four new single-storey buildings to be used as offices and amenities;
- Car parking spaces increased from 30 to 42 with changes to location and layout of parking; and
- New floating pontoons.

## SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

### PART A – ADMINISTRATIVE CONDITIONS

a) **Condition A1 is amended as follows (shown bold italics & struck-through):**

#### **A1 Development description**

- 1) Development approval is granted only to carrying out the development described in detail below:
  - Construction of a 2 storey commercial office and storage building *with caretaker's accommodation*;
  - Construction of a bulk storage building *to be used for dry boat storage for up to 50 boats*;
  - Construction of refuelling infrastructure; ~~and~~
  - Construction of 8 temporary moorings, wharf, travel lift ramp, roll on roll off ramp ~~and~~ *steel pontoon and new floating pontoons*; ~~and~~
  - *Construction of 4 new single-storey buildings to be used as offices and amenities.*
- 2) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.
- 3) Building identification signage does not form part of this approval. Any signage for the buildings will be subject to separate development applications.

b) **Condition A2 is amended as follows (shown bold italics & struck-through)**

#### **A2 Development in Accordance with Plans**

The development will be undertaken in accordance with the Environmental Assessment dated September 2006 prepared by Kellogg Brown & Root Pty Ltd, including all Appendices *as amended by the documents set out in Condition A3* and the following drawings:

<b>Architectural (or Design) Drawings prepared by Allen Jack and Cottier Architects <i>as amended by plans drawn by Paul Carrick &amp; Associates and Blani Blu Design &amp; Architecture</i></b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A1000	01	Site Elevations	31/07/2006
A2101	01	Building 1 - Level 1 Plan	31/07/2006
A2102	<del>01</del>	<del>Building 1 - Level 2 Plan</del>	<del>31/07/2006</del>
A2103	01	Building 1 - Roof Plan	31/07/2006
A2201	01	Building 1 - Elevations North & South	31/07/2006
A2202	01	Building 1 - Elevations	31/07/2006

A2301	01	Building 1 - Sections	31/07/2006
A3401	04	Building 2 - Level 1 Plan	31/07/2006
A3201	04	Building 2 - Elevations & Sections	31/07/2006
<b>101</b>	<b>B</b>	<b>Site Plan - Approved Structures + Proposed Amendments</b>	<b>Nov 2013</b>
<b>110</b>	<b>A</b>	<b>Building 1 Level 2 Plan Caretakers Suite Inclusion</b>	<b>Oct 2013</b>
<b>120</b>	<b>A</b>	<b>Building 2 Layout</b>	<b>Nov 2013</b>
<b>121</b>	<b>A</b>	<b>Building 2 Elevation &amp; Section</b>	<b>Nov 2013</b>
<b>122</b>	<b>A</b>	<b>Building 2 Elevation &amp; Section</b>	<b>Nov 2013</b>
<b>130</b>	-	<b>Office 1 Sheet 1</b>	<b>8/11/2013</b>
<b>131</b>	-	<b>Office 1 Sheet 2</b>	<b>8/11/2013</b>
<b>140</b>	-	<b>Office 2 Sheet 1</b>	<b>8/11/2013</b>
<b>141</b>	-	<b>Office 2 Sheet 2</b>	<b>8/11/2013</b>
<b>Marine Structures Drawings prepared by Patterson Britton &amp; Partners</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
6356-SK1	D	General Arrangement Plan	24/04/2006
6356-SK2	D	Sections	24/04/2006
6356-SK3	D	Sections	24/04/2006
6356-SK4	D	Details	24/04/2006
<b>Concept Plan prepared by Kellogg Brown &amp; Root</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
-	4	Concept Plan incorporating the proposed land-based and water-based structures	May 2006
<b>Fuel Tank schematics and elevations prepared by Cooper Engineering Services Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>

CESWB005	1	Fuel P&1D	30/01/2006
CESWB007	1	Civil Details	17/03/2006

c) **Condition A3 is amended as follows (shown bold italics & struck-through)**

**A3 Development in Accordance with Documents**

The development will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report* prepared by Kellogg Brown & Root Pty Ltd dated September 2006;
- (2) Architectural Plans prepared by Allen Jack + Cottier Architects dated 31 July 2006;
- (3) Marine Structures Plans prepared by Patterson Britton & Partners Pty Ltd dated 24 April 2006;
- (4) Fuel tank schematics prepared by Cooper Engineering Services Pty Ltd, various dates;
- (5) Traffic Impact Assessment prepared by Arup dated 20 March 2007;
- (6) Preferred Project Report prepared by Kellogg Brown and Root Pty Ltd dated July 2007 and Addendum dated 20 November 2007;
- (7) Environmental Noise Survey Report prepared by Bridges Acoustics Pty Ltd dated 8 April 2008;
- (8) Additional Noise Information for Panel of Experts Report dated 9 April 2008;
- (9) Statement of Commitments dated July 2007;
- (10) As modified by *White Bay Berth6 – Marine Refuelling and Supply Facility Section 75W Modification Request*, prepared by Aecom Australia Pty Ltd and dated 30 January 2012 and Response to Submission dated 14 June 2012;
- (11) ***As modified by White Bay Berth 6 – Dry Boat Storage Section 75W Modification Request, prepared by Aecom Australia Pty Ltd and dated 12 July 2013 30 January 2012 and Response to Submission dated 18 December 2013.***

d) **Condition A7 is amended as follows (shown bold italics and struck-through):**

**A7 Hours of Operation**

The hours of operation for the facility are restricted as follows:

Activity	Day	Time
Mixed marine tenancies & commercial storage & work sheds & <b><i>dry boat storage use</i></b>	Monday - Saturday Sunday and Public Holidays	7.00 am to 6.00 pm 8.00 am to 6.00 pm
All activities on hardstand / lay down areas eg. power tools, travel lifts, roll on roll off ramp, cranes forklifts		
Truck movements to and from the site		
General deliveries		

Disposal & collection of garbage, including cans & bottles from vessels		
Recreational vessel arrivals, departures and mooring	Monday - Sunday	5.00 am to 10.00 pm
Recreational vessel refuelling and grey water sewerage pump out * (refer to Condition F15)		
Commercial vessel arrivals, departures and mooring	Monday - Sunday	Any time
Commercial vessel refuelling and grey water and sewerage pump out * (refer to Condition F15)		
Commercial offices		
Office building mechanical services e.g. A/C plant, compressors for chiller room etc		

e) **Insert new Condition A8 as follows:**

**A8 Alternative layout of offices, amenities, and parking**

If Sydney Ports Corporation resumes control of the northern portion of the site to create a new roadway and truck turning area, the plans approved in Condition A2 may be amended by the following plans:

<b>Architectural (or Design) Drawings prepared by Paul Carrick &amp; Associates and Blani Blu Design &amp; Architecture</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
201	B	Site Plan - Approved Structures + Proposed Amendments	Nov 2013
230	-	Office 1 Sheet 1	6/11/2013
231	-	Office 1 Sheet 2	6/11/2013
240	-	Office 2 Sheet 1	6/11/2013
241	-	Office 2 Sheet 2	6/11/2013

## **PART B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- f) **Condition B2 is amended as follows (shown bold italics and struck-through):**

### ***B2 Marine Infrastructure***

Prior to the issue of a ~~any~~ Construction Certificate ***for marine-based structures***, appropriate fully detailed dimensioned drawings and specifications must be submitted to and approval by ~~NSW Maritime Authority~~ ***Roads and Maritime Services (RMS)*** in writing. The drawings and specifications are to:

- (1) comply with ~~NSW Maritime's~~ ***RMS's*** Engineering Standards and Guidelines for Maritime Structures and ***RMS's*** Guidance Note: Documentation.
- (2) fully and clearly describe all new works for land below the Mean High Water Mark and all their components and interconnections, and
- (3) demonstrate the structural components have been designed by a practising consulting structural Civil Engineer and experienced in the design of maritime structures.

***A copy of the RMS approved plans for the marine-based structures approved under Modification 4 of this approval shall be submitted to Planning and Infrastructure prior to the issue of the relevant Construction Certificate.***

- g) **Insert new Condition B14 as follows:**

### ***B14 BCA Classification Caretaker's Residence***

Prior to the issue of a construction certificate in relation to Building 1, it must be demonstrated to the satisfaction of the certifying authority that the caretaker's residence will not be a Class 2 residential dwelling under the Building Code of Australia.

## **PART E – PRIOR TO OCUPATION OR COMMENCEMENT OF USE**

- h) **Insert new Condition E8 as follows:**

### ***E8 Referral to RMS***

Prior to the commencement of the dry boat storage use, any brochures or documents to be provided to customers with regards to vessel movements shall be referred the Roads and Maritime Services (RMS) for comment, and amended in accordance with RMS advice.

- i) **Insert new Condition E9 as follows:**

### ***E9 BCA Classification Caretaker's Residence***

Prior to the issue of an occupation certificate in relation to Building 1, it must be demonstrated to the satisfaction of the certifying authority that the caretaker's residence is not a Class 2 residential dwelling under the Building Code of Australia.

**SCHEDULE 3**  
**Proponent's Statement of commitments**

j) **The following commitments are added:**

Item	Commitment	Timing
Code of Practice	<p>The Code of Practice would set out the following procedures with regard to dry boat storage activities and clients:</p> <ul style="list-style-type: none"> <li>- Dry boat storage would be accessible between:               <ul style="list-style-type: none"> <li>• 7:00am and 6:00pm on Mondays to Saturdays.</li> <li>• 8:00am and 6:00pm on Sundays.</li> </ul> </li> <li>- In the event that boats return the facility after 6:00pm, they would be required to tie up to the wharf to be lifted out of the water and transferred to dry storage the following day during operational hours.</li> <li>- Access times and security arrangements.</li> <li>- Car parking locations.</li> <li>- Safe pedestrian access.</li> <li>- Arrangements for late returns.</li> <li>- Noise considerations for neighbouring properties.</li> </ul>	Prior to the commencement of relevant operations.
Light spill	Additional lighting required for the project would be designed in accordance with Australian Standards ( <i>AS 4282 – 1997 Control of the Obstructive Effects of Outdoor Lighting</i> ).	Prior to the commencement of construction.
Hydrology and water quality	<p>The OEMP would include the following measures specific to the minimisation of hydrology and water quality impacts during the operation of the de-fouling and anti-fouling activities.</p> <p>BMFA would undertake the following:</p> <ul style="list-style-type: none"> <li>- Installation of a filtering system before runoff from the wash down bay enters the waste water treatment system, so large solids and biota are separated for easy collection and disposal;</li> <li>- De-fouling would occur only within the bunded wash down area.</li> <li>- Disposing of the remaining waste water to be disposed of to the sewer following treatment, subject to approval from Sydney Water.</li> <li>- Classifying and storing solids removed from the wash down bay within bunded waste disposal area for collection from a licensed waste disposal contractor.</li> <li>- Applying anti-foul paint using rollers, brushes or airless spray guns, and not traditional automotive compressed air spray guns. This would minimise emissions to hardstand surfaces.</li> <li>- If vessel spray painting is required, spraying would be conducted as far away from open water as possible.</li> <li>- Using vacuum sanders to capture dust emissions where mechanical sanding is required, to eliminate the risk of dust particles settling on</li> </ul>	Prior to the commencement of operation and during operation.

Item	Commitment	Timing
	<p>hardstand areas and being transported by stormwater.</p> <ul style="list-style-type: none"> <li>- Using a containment tray during the application of anti-foul paint, with brushes, rollers and paint. The tray would be placed in the immediate area of the paint application to minimise the potential for spillage.</li> <li>- Storing and preparing all anti-fouling paint within a covered bunded area.</li> <li>- Sweeping hardstand areas daily and/or following the completion of the activity (whichever is the sooner).</li> <li>- Implementing protocols to respond to environmental conditions, such as rescheduling de-fouling and application of anti-foul paint to avoid periods of windy weather or using a temporary structure (tarpaulins) to minimise potential water quality impacts.</li> <li>- Providing spill response equipment for any spills during anti-fouling activities.</li> <li>- Incorporating de-fouling and anti-fouling activities into the Incident Response Plan and staff training.</li> <li>- The OEMP would also include the following measures specific to washdown of boats coming in and out of dry storage racks:</li> <li>- All vessels would be washed down in the allocated wash down bay. This water would drain to the specified tank for treatment prior to disposal or re-use.</li> </ul>	
Air quality	<p>The OEMP would include the following measures specific to the minimisation of air quality impacts during the operation of the de-fouling and anti-fouling activities. BMFA would undertake the following:</p> <ul style="list-style-type: none"> <li>- Applying anti-foul paint using rollers, brushes or airless spray guns. These would reduce the amount of overspray, paint usage and the release of volatile organic compounds and odours.</li> <li>- Using vacuum sanders to capture dust emissions where mechanical sanding is required.</li> <li>- Implementing protocols to respond to environmental conditions, such as rescheduling de-fouling and application of anti-foul paint to avoid periods of windy weather or using a temporary structure (tarpaulins) to prevent spray drift during painting and sanding.</li> <li>- Sweeping hardstand areas daily and/or following the completion of the activity (whichever is the sooner) to minimise the accumulation of dust and/or paint chips (with all paint chips collected for appropriate disposal).</li> <li>- Ensuring lids are placed on all chemical containers so vapour cannot escape unnecessarily.</li> </ul>	Prior to the commencement of operations.
Waste	<p>The Waste Management Plan for the operation of the Project, which would be included in the OEMP, would include the following measures for the management of biological and contaminated wastes associated with de-fouling and anti-fouling activities:</p> <ul style="list-style-type: none"> <li>- Waste materials requiring removal from the site would be classified, handled and stored onsite in accordance with the Waste Classification Guidelines: Part 1 Classifying Waste (DECCW, 2009) until collection by a contractor for disposal at a suitability licensed landfill or waste management facility.</li> <li>- Biological and contaminated wastes of all types would be kept in sealed</li> </ul>	Prior to the commencement of relevant operations.

Item	Commitment	Timing
	<p>containers and removed by licensed contractors who are advised of the type of waste, and records would be kept of all such disposed wastes.</p> <ul style="list-style-type: none"> <li>- All waste from the project would be stored undercover to prevent rain running through the waste and polluting the surrounding waters.</li> <li>- Waste would be secured onsite at all times to prevent litter and water pollution.</li> <li>- Regular sweeping and vacuuming of hardstand areas following anti-fouling application.</li> <li>- Anti-fouling residues would be classified as contaminated wastes due to the presence of biocides. These residues would be collected and safely stored to prevent them entering surrounding waters, and would be disposed of offsite.</li> <li>- When antifouling paints have been removed from old vessels (more than 10 years old), it would be assumed that the paint residue contains tributyltin unless tests prove otherwise, and the paint residue would be disposed of at facility that is licensed to accept this type of waste. Anti-foulants removed from vessels constructed before the 1970s may contain a variety of hazardous substances including arsenic, mercury and DDT, and would be disposed of at facility that is licensed to accept this type of waste.</li> <li>- To keep with the facility being as waste-minimal as possible, the following practices would be implemented during anti-fouling activities to limit the amount of waste produced: <ul style="list-style-type: none"> <li>• Reusing plastic trays. When dried product builds up in the tray, the tray would be flexed to break the bond between the product and the tray. The product would then be removed and disposed of appropriately and the tray would be reused.</li> <li>• Saving excess or unused anti-fouling paint for future uses.</li> <li>• Maintaining and reusing paint brushes. There would be one brush for each antifouling product used, and they would be stored in a tin of water so paint does not harden on the brush and can be reused.</li> </ul> </li> </ul>	
Traffic and transport	<p>The Construction Traffic Management Plan would be reviewed and updated if required, prior to the start of construction as part of the Construction Environmental Management Plan.</p> <p>As part of the preparation of the CTMP, consultation would be undertaken with Sydney Ports, TfNSW and NSW Roads and Maritime Services.</p>	Prior to the commencement of construction.
Visual	<p>BMFA would ensure that:</p> <ul style="list-style-type: none"> <li>- Consultation is undertaken with Sydney Ports Corporation with regard to landscaping across the site.</li> </ul>	Prior to commencement of construction.
Hazard and risk	<p>BMFA would review the Fire Safety Study (FSS) and confirm the need for additional infrastructure (including water pressure requirements) prior to the commencement of construction.</p> <p>BMFA would also ensure that the following measures are implemented:</p> <ul style="list-style-type: none"> <li>- The proposed buildings would be designed and provided with fire fighting equipment in order to meet the relevant Australian Standards and the Building Code of Australia Standards.</li> <li>- The floating pontoons would be equipped with appropriate fire fighting</li> </ul>	Prior to the commencement of construction.

Item	Commitment	Timing
	<p>equipment such as fire hose reels.</p> <ul style="list-style-type: none"> <li>- The OEMP/Code of Practice would contain the following: <ul style="list-style-type: none"> <li>• All safety requirements of staff and site managers to minimise risk during operation of the boat storage facilities and vessel transport vehicles on site.</li> <li>• Engineering loadings for the stacks to which the facility would comply.</li> <li>• Commitments and guidelines for customers.</li> <li>• Role and guidelines for the 24/7 occupation of the caretakers' residence.</li> </ul> </li> </ul>	