

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure modification
Application number and project name	MP 10_0069 – MOD 6 – Modification to White Bay Cruise Passenger Terminal
Applicant	Port Authority of New South Wales
Approving authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under s.5.25 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the modification subject to the recommended conditions.

A copy of the instrument of modification is available at:

<https://www.planningportal.nsw.gov.au/major-projects/project/24106>

A copy of the Planning Secretary's Modification Assessment Report is available at:

<https://www.planningportal.nsw.gov.au/major-projects/project/24106>

Date of decision 27 August 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters identified in the statutory context section of the Planning Secretary's Modification Assessment Report;
- all information submitted to the Department of Planning, Industry and Environment during the assessment of the application;
- the findings and recommendations in the Planning Secretary's Modification Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Modification Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the modification are as follows:

- the amendments to the project would maximise use of a government asset.
- the project has been endorsed by the NSW Government by being a key component of:
 - o The Greater Sydney Regional Plan and Eastern City District Plan;
 - o State Infrastructure Strategy 2018-2038; and
 - o Transformation Plan: The Bays Precinct, Sydney.
- the issues raised by the community and public authorities during consultation and in submissions have been considered and adequately addressed through the existing and recommended conditions of approval; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 20 November 2019 until 18 December 2019 (28 days) and received 31 submissions from the public, including 26 objections, primarily from residents living within proximity to the project site, one from the City of Sydney Council and one from Inner West Council.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Modification Assessment Report and by the decision maker include noise and traffic impacts. Other issues are addressed in the Planning Secretary's Modification Assessment Report.

Issue	Consideration
Noise impacts - Concern for sleep disturbance and poor amenity due to late-night noise. - Noise from patrons arriving and leaving the terminal. - Lack of transparency with noise monitoring from functions. - Concern for greater noise impacts as music and patron noise is amplified across the water.	<i>Assessment</i> - Noise modelling demonstrates that larger functions, with extended operational hours, would be compliant with the existing noise limits, subject to appropriate mitigation measures. - Additional car park supervision and loading/unloading of coaches on the southern side of the terminal building would minimise noise associated with patrons arriving at and leaving the terminal. - Placement of speakers on the southern side of the terminal building would provide effective shielding to residents of Balmain. <i>Recommended Conditions/Response</i> - The Department has recommended a trial period for the increase to function size, extension to function hours and change to outdoor background music limit for a minimum of three years. - The Department has recommended that the Proponent be required to update the Operational Environmental Management Plan, and associated sub-plans, prior to holding a function with more than 500 patrons. - The Department has recommended a condition to require the Proponent to install a noise limiter on all audio equipment which is capable of limiting and controlling amplified music to ensure compliance with the existing LA10 noise limits for functions prescribed in Condition D4. - The Department has recommended a condition to require noise monitoring be carried out for large functions with outdoor activities from 6:00 pm and up to 12:30 am in the area to the south of the cruise terminal building.
Traffic and transport impacts - The impact of larger functions on traffic and availability of parking on local streets. - Concern that inadequate parking would not be provided for larger functions. - Concern for lack of adequate transport to service larger functions.	<i>Assessment</i> - Traffic modelling shows that functions up to 2,500 patrons would generate less traffic than a typical cruise ship arrival or departure day. - Adequate parking is proposed on-site through an additional 200 parking spaces on WB4 and Traffic Management Plans would be implemented for larger functions to encourage use of public transport and chartered coaches/ferries.

Recommended Conditions/Response

- The approval limits access to the site for patrons via James Craig Road and parking within the White Bay Passenger Cruise Terminal.
- The Department has recommended that the Proponent be required to update the Operational Environmental Management Plan and the Operational Transport, Traffic and Access Management Plan, prior to holding a function with more than 500 patrons.
- The Department has recommended a trial period for functions with up to 2,500 patrons to verify the operational traffic impacts.

Community and amenity impacts

- Operations until midnight not appropriate in an urban area with families.
- Proponent needs to consider quality of life of residents.
- The proposal would have too many impacts on the surrounding residents.
- The facility is not compatible with a medium density residential suburb.
- Lack of notification and meaningful community engagement with local residents for previous functions.
- Cumulative impact of nearby construction projects on the local community.
- Inadequate justification to intensify the use of the site for functions.

Assessment

- The proposed modification is consistent with the approved use of White Bay as a cruise terminal and function centre and is located within a working port.
- The extension to function hours is not likely to generate significant additional noise and the Proponent has committed to providing staff to supervise patrons in the car park when vacating the site.

Recommended Conditions/Response

- The Department has recommended that a trial period be implemented to allow the Proponent to verify impacts to amenity and the ability to effectively control patron noise.
- The Department has recommended that the Proponent notify surrounding residents, Council and the Police seven (7) days prior to functions incorporating amusement rides or similar activities, or outdoor activities in the WB4 hardstand area or WB5 car park between 6:00 pm and 12:30 am.