

2nd July 2012

RECEIVED

- 5 JUL 2012

Director-General



The Director General  
NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

ABN: 92 379 942 845  
7-15 Wetherill Street, Leichhardt NSW 2040  
PO Box 45, Leichhardt NSW 2040  
Phone: (02) 9367 9222 Fax: (02) 9367 9111  
TTY: 9568 6758  
Email: leichhardt@lmc.nsw.gov.au  
www.leichhardt.nsw.gov.au

Dear Sir

**Re** Application No.: MP 10\_0069 MOD 3  
**Proponent:** Sydney Ports Corporation  
**Project:** White Bay Cruise Passenger Terminal

Further to my previous letter dated 2<sup>nd</sup> April 2012 – copy attached, I am writing to:

1. advise you that Council has not yet received a response to this letter
2. explain the details of Council's objection to the subject modification.

By way of background, Council has previously expressed its concerns regarding the approach of Sydney Ports when consulting stakeholders. In the case of the matters that relate to Modification 3, Sydney Ports placed restrictions on the number of people who could attend and in doing so discouraged local residents from participating. As such the community consultation was more akin to a focus group than a genuine dialogue with local residents.

Notwithstanding the above, Council participated in process undertaken by Sydney Ports. At the conclusion of the process Sydney Ports by way of letter dated 16<sup>th</sup> April 2012 – a complete copy of which is attached for your information, requested Council to indicate "its preferred public access option to the White Bay foreshore for its local residents and the broader community". In doing so Sydney Ports nominated the options of:

- Foreshore access via Grafton Street and Roberts Street
- Foreshore access via Roberts Street only.

Council formally considered the matter at its meeting on 24<sup>th</sup> April 2012 and responded to Sydney Ports – both verbally and in writing, advising that:

- i) it believed that multiple access points were required to make public access beneficial to the residents of the Balmain Peninsula
- ii) it believed that the matter of public access to the foreshore should be further consulted through the Bays Precinct Taskforce before Council could provide its final response in relation to this matter
- ii) confirming Robert Street as the initial point of access, pending the outcome of the work of the Bays Precinct Taskforce.

At no time did Council agree to there being only one point of access to the White Bay Cruise Terminal from the surrounding residential neighbourhoods. As such Council wishes to object in the strongest terms, to the proposed modification.

It therefore follows that the current access arrangements should be maintained as is until such time as an alternative option has been developed and endorsed by the Bays Precinct Taskforce, a Taskforce whose membership comprises both Sydney Ports and Leichhardt Council.

Should you require any further information regarding the contents of this letter, please do not hesitate to contact Peter Conroy on 9367 9098.

Regards

A handwritten signature in black ink, appearing to read 'Peter Conroy', written over the word 'Regards'.

Peter Conroy  
Director Environmental and Community Management  
Leichhardt Municipal Council



2<sup>nd</sup> April 2012

The Director General  
NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001



ABN: 92 379 942 845  
7-15 Wetherill Street, Leichhardt NSW 2040  
PO Box 45, Leichhardt NSW 2040  
Phone: (02) 9367 9222 Fax: (02) 9367 9111  
TTY: 9568 6758  
Email: leichhardt@lmc.nsw.gov.au  
www.leichhardt.nsw.gov.au

Attention: Mr. Glenn Snow

**Re**     **Application No.:** MP 10\_0069  
          **Proponent:** Sydney Ports Corporation  
          **Project:** White Bay Cruise Passenger Terminal

I am writing to you in relation to the subject matter and in your role as the responsible Planning Authority for the subject development proposal.

As you will be aware, the approval for the subject matter was issued on 2<sup>nd</sup> February 2011, subject to 74 conditions. A number of conditions are yet to be satisfied and a number of the conditions require the applicant to either:

- o "consult" the Council, or
- o prepare documents in "consultation" with the Council.

As such, we are writing to seek your assistance in the resolution of the following points:

**1. Order in which conditions are addressed**

Moving through the conditions in a logical sequence. Some conditions need to be resolved, eg those relating to Traffic and Parking, before other conditions eg Signage Strategy and Landscaping, can be satisfied. Unless you move through conditions in a logical sequence you run the risk of making decisions that at worst compromise future decisions or at best require conditions to be re-worked at a later date.

It is Council's view that at the moment the conditions are being considered out of sequence. Any assistance you can provide in determining the order in which conditions are attended to would be appreciated.

**2. Consultation**

The development of an acceptable "consultation" methodology for including Council in the resolution of conditions. It is Council's view that a well considered "consultation" methodology could embody the following:

- o An initial meeting between the applicant and the Council, at which time Council would have an opportunity to outline its concerns/points
- o An opportunity for the applicant to consider Council's position and prepare options for addressing the matters raised by Council and presenting those options to Council
- o An opportunity for both the applicant and the Council to nominate their preferred response to the condition in question and document the reasons for their position
- o An opportunity for community input regarding the views expressed by Council and Sydney Ports.

By adopting an approach similar to that outlined above, the Department of Planning would have some context upon which to base their assessment of the response to the condition.

### **3. Special Event status**

Determining that an activity is a "Special Event" permits the operator to implement special actions to manage the event. When an activity occurs on a limited number of occasions throughout the year, this is an understandable response.

However, the approved Cruise Terminal and Corporate Function Centre use has the potential to operate in excess of 200 times per annum. As such Council seeks your assistance in determining what is an acceptable methodology to manage this "special event", given:

- o The sites proximity to established residential neighbourhoods
- o That the local road network is already at capacity at certain times
- o Port uses have been in decline during the past 10 years
- o The significant turnover in the local population over the past 10 years
- o Assessing a Special Event normally requires an analysis of its impact on the "non - event community" – Refer RTA Guide to Traffic & Transport for Special Events"

### **4. Conditions of Approval**

The following is a list of the conditions that Council believes need to be worked through in a more collaborative fashion:

- B3. The Proponent shall design, construct and maintain all internal road works, including servicing areas and car parks, pedestrian and cycle facilities to meet the following requirements:
- (a) compliance with the provisions of relevant Australian Standards, RTA standards and guidelines;
  - (b) the provision of delineated pedestrian and cycle access from Robert Street to the White Bay Wharf No.5 Cruise Passenger Terminal;
  - (c) installation of clear signage to demarcate all vehicle movements within the site;
  - (d) installation and maintenance of any landscaping on the Site so as not to affect driver sight distance for vehicles entering and exiting the Site; and
  - (e) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.
- B4. The Proponent shall work with cruise ship operators to facilitate shuttle bus services operating between the cruise passenger terminal and the Sydney CBD, on cruise ship days. The shuttle service shall aim to provide passengers, crew and terminal workers with a viable transport option and shall operate at a frequency commensurate with demand.
- B6. The Proponent shall minimise the loss of parking resulting from changes to Robert Street, and shall design and construct Robert Street, south and west of Buchanan Street so as to address the following requirements:
- (a) maintain existing pedestrian access and provide clearly delineated and accessible pedestrian access to the site;
  - (b) maintain existing 2 way vehicular access;
  - (c) facilitate Council's Strategic bike network and provide clearly delineated cycle connections to Buchanan Street and the White Bay Wharf No.5 Cruise Passenger Terminal, and
  - (d) provide parallel parking on both sides of the road.

The changes shall be designed in consultation with the RTA, Council and shall be designed in accordance with appropriate road standards, including the RTA's Road Design Guide.



- B7. The Proponent shall, prior to the construction of the access road, investigate the provision of an additional 25 car parking spaces within the vicinity of Robert Street and shall report the outcomes of this investigation to the Director-General.
- B8. The Proponent shall ensure public access to the foreshore of White Bay Wharf No.5 is maintained during the daytime when it is not required for port operations. Public access to the foreshore of White Bay Wharf No.5 during functions shall be maintained to the greatest extent practicable.
- B11. The Proponent shall, prior to operation and in consultation with the RTA and Council, develop a signage strategy to facilitate appropriate access to the site for patrons and servicing vehicles. The signage strategy shall be implemented prior to the operation of the project.
- B17. The Proponent shall prepare and implement a **Landscape Plan** for the project. The Plan shall be prepared by appropriately qualified person(s) and shall present a landscape design for the project. The Plan shall be consistent with the Glebe Island and White Bay Master Plan and shall include, but not necessarily be limited to:
- (a) identification of design principles and standards based on local environmental values, land use and urban design context, heritage values, sustainable design and maintenance, passenger and community safety, security, privacy, and information, and relevant design standards and guidelines;
  - (b) location and identification of existing and proposed landscaping, including the use of flora species endemic to the locality, including the use of mature shade trees and the landscaping of car park areas and access routes, including between Robert Street and the proposed access road;
  - (c) design details of the built landscape elements of the project, including the short term car park, coach and minibus parking areas;
  - (d) graphics for key elements including sections, sketches, perspective views, etc; and
  - (e) standards, procedures and methods to maintain landscaped areas.

In preparing the Plan, the Proponent shall consult with the Sydney Harbour Foreshore Authority and Council. The Plan shall be submitted for the approval of the Director-General prior to the construction of the project, unless otherwise agreed by the Director-General.

- B33. The Proponent shall prepare and implement a **Community Communication Strategy** to provide mechanisms to facilitate communication between the Proponent (and its contractors), the Environmental Representative and community stakeholders (particularly adjoining landowners) on construction progress and management. The Strategy shall include, but not be limited to:
- (a) identification of stakeholders to be consulted as part of the Strategy;
  - (b) procedures and mechanisms for the regular dissemination of information to community stakeholders and users of the local and regional road network on construction progress and matters associated with environmental management;
  - (c) integrating the Community Communication Strategy into existing community liaison forums operated by Sydney Ports Corporation;
  - (d) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the project;
  - (e) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from the community stakeholders in relation to the environmental management and delivery of the projects; and



- (f) procedures and mechanisms to be implemented to resolve any issues/disputes that arise between parties on the matters relating to environmental management and the project delivery.

Issues that shall be addressed through the Community Communication Strategy include (but are not necessarily limited to); traffic management (including access and construction vehicle management), hazardous material removal, landscaping/urban design matters, and noise and vibration mitigation and management, including construction hours.

The Proponent shall maintain and implement the Strategy throughout construction. The Strategy shall be approved by the Director-General prior to the commencement of construction.

- C2. All vehicles to be used during construction must be parked within the project site area. No parking is to occur outside the project site, on local streets.

C12. As part of the Construction Environmental Management Plan for the project required under condition C11 of this approval, the Proponent shall prepare and implement:

- (a) a **Construction Traffic and Site Access Management Plan** to detail how the construction traffic impacts of the project will be managed. The Plan shall be prepared in consultation with the RTA, Council and emergency services and shall include, but not be limited to:
  - i) the identification of haulage routes and access points from the construction site, and measures to minimise potential access conflicts;  
NSW Government 13 Department of Planning and Infrastructure
  - ii) the identification of construction vehicle volumes and detailing measures to minimise peak time congestion;
  - iii) the identification of construction activities that would require disruption of traffic and the arrangements for traffic management; and
  - iv) the maintenance of public and private access for all transport modes.
- (b) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts would be minimised and managed. The Plan shall include, but not be limited to:
  - i) identification of construction noise and vibration objectives to manage noise from construction activities;
  - ii) details of construction activities and an indicative schedule for construction works;
  - iii) identification of construction activities that have the potential to generate noise and vibration impacts on surrounding infrastructure and land uses;
  - iv) detail what reasonable and feasible actions and measures would be implemented to minimise impacts;
  - v) procedures for notifying receivers of construction activities that are likely to affect their amenity, as well as procedures for dealing with and responding to complaints; and
  - vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded and reported; and, if any exceedance is detected how any non-compliance would be rectified.
- (c) a **Construction Soil and Waste Management Plan** to detail how excavated, demolished and imported materials will be managed throughout construction. The Plan shall include, but not necessarily be limited to:
  - i) how spoil and fill material generated by the project will be sought, handled, stockpiled, reused and disposed;



- ii) management of spoil and stockpile locations, including consideration of flood events;
- iii) details of disposal sites and the volumes of spoil to be transported to each site;
- iv) an Acid Sulfate Soils Management Plan prepared with regard to the Acid Sulfate Soils Manual (Acid Sulfate Soil Management Advisory Committee, 1998) or update, including a contingency plan to deal with the unexpected discovery of actual or potential acid sulfate soils and water quality monitoring procedures;
- v) details of contaminated soil and appropriate management, disposal and monitoring measures;
- vi) details of hazardous materials, including asbestos and asbestos-contaminated materials and appropriate management, disposal and monitoring measures; and
- vii) a contingency plan to be implemented in the case of unanticipated discovery of contaminated material during construction.

D6. Functions that are likely to generate an audible noise at any sensitive receiver shall be limited to 7:00am to 11:30pm, 4 days in any week, unless otherwise agreed by the Director-General. All patrons are to vacate the site by 12:00 midnight. The Proponent is to provide appropriate venue management staff to supervise patrons vacating the site to ensure that noise and disturbance is minimised.

D7. The operation of amusement rides shall only occur 5 times a year. The operation of amusement rides and similar outdoor activities shall only be undertaken between 7:00am and 10:00pm Monday to Saturday and between 9:00am and 6:00pm Sundays or public holidays, unless otherwise agreed by the Director-General.

D16. As part of the Operational Environmental Management Plan for the project required under condition D15 of this approval, the Proponent shall prepare and implement:


- (a) an **Operational Transport, Traffic and Access Management Plan**. The plan is to be prepared in consultation with the RTA, Transport NSW, Council and Emergency Services. The plan is to detail measures to manage the operational traffic impacts for the project, and shall have consideration of the Guide to Traffic and Transport Management for Special Events. The Plan shall include but not be limited to:
  - i) standard operational traffic management measures and procedures used during cruise ship and function operations for a range of expected operational scenarios, including measures to reduce peak AM and PM vehicle movements;
  - ii) special events procedures to manage traffic and car parking impacts during non-standard events (such as arrival of large cruise ships, early arrival or late departure of cruise ships) that are likely to cause extensive queuing and traffic delays;
  - iii) parking arrangements for long term stays;
  - iv) priority infrastructure for taxis and hire cars to enter and exit the site during cruise ship visits;
  - v) predicted traffic volumes, types and routes;
  - vi) a Workplace Travel Plan to promote the use of the shuttle bus service and public transport, walking and cycling by employees;
  - vii) a Transport Access Guide to inform passengers patrons of transport options to the site, including the shuttle bus service;
  - viii) the maintenance of safe pedestrian and cycle access from Robert Street to White Bay Wharf No.5;

- ix) the provision of safe public access to the foreshore; and NSW Government 17 Department of Planning and Infrastructure
  - x) a procedure for handling traffic and access complaints that includes recording, investigating, reporting and follow-up action.
- (b) an **Operational Noise Management Plan** is to be prepared in consultation with Council. The plan is to detail measures to manage the operational noise impacts for the project, including but not limited to:
- i) identification of noise sources and scenarios associated with the operation of the project, including for cruise ship days and functions;
  - ii) noise mitigation measures to be applied during the use of the project during cruise ship days and functions;
  - iii) selection of quiet equipment and plant consistent with the noise limit requirements of this approval;
  - iv) maintenance regimes of all equipment to ensure correct working order;
  - v) a monitoring and recording regime for cruise ship operations and functions; and
  - vi) a procedure for handling noise complaints that includes recording, investigating, reporting and follow-up action.
- (c) an **Operational Odour Management Plan** to outline measures to minimise odour impacts associated with the operation of the project. The Plan shall include, but not necessarily be limited to:
- i) identification of all point and diffuse sources of odour associated with the operation;
  - ii) a detailed description of the odour mitigation methods and management practices that will be used to ensure offensive odour impacts do not occur off site;
  - iii) a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all point and diffuse sources of odour;
  - iv) details of proposed contingency measures should odour impacts occur; and
  - v) a procedure for handling potential odour complaints that includes recording, investigating, reporting and follow-up action.
- (d) an **Operational Air Quality Management Plan** to detail measures to manage the air quality impacts of the project and to ensure the operation of the project addresses the air quality criteria identified in Condition B28. The Plan shall include, but not necessarily be limited to:
- i) identification of all sources of sulfur dioxide (SO<sub>2</sub>) and solid particles associated with the operation of the project;
  - ii) identification of potential air quality impacts from the operation of the project;
  - iii) an air quality monitoring programme to confirm the air quality performance of the project during cruise ship days;
  - iv) a description of SO<sub>2</sub> and solid particle mitigation measures and management practices that could be implemented should exceedences of the air quality criteria in Condition B28 occur as a result of the project;
  - v) demonstration how the requirements of condition B30 (Shore to Ship Power) have been considered;
  - vi) an outline of all responsibilities regarding air quality management for all employees; and
  - vii) a periodic review of the air quality management plan, which includes a review of the extent to which the air quality criteria have been met, complaints from external stakeholders, effectiveness of mitigation measures and any other changing circumstances.



Any assistance you could provide in relation to the resolution of points 1-4 above would be greatly appreciated. Should you require any further information regarding the contents of this letter, please do not hesitate to contact Peter Conroy on 9367 9098.

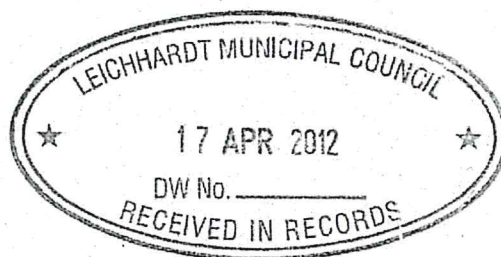
Regards

A handwritten signature in black ink, appearing to read 'Peter Conroy', with a stylized flourish at the end.

Peter Conroy  
Director Environmental and Community Management  
Leichhardt Municipal Council

16 April 2012

Mr Peter Conroy  
Director, Environmental & Community Management  
Leichhardt Municipal Council  
PO Box 45  
LEICHHARDT NSW 2040



Dear Peter,

**White Bay Cruise Passenger Terminal – Public Access**

As you are aware the Project Approval provides for public access to the foreshore of White Bay 5 during the daytime when it is not being used for port operations and, subject to the nature of the function, on some days when functions are being conducted at the facility.

Further to the independently facilitated workshops held on 9 February 2012 and 1 March 2012, and consultation with Leichhardt Municipal Council regarding the locations for public access, Sydney Ports Corporation (Sydney Ports) has undertaken further community consultation with nearby residents regarding this matter. The outcomes from this survey are discussed later in this correspondence.

As a result of the comments received from the community during this process, Sydney Ports is seeking Council's feedback for Sydney Ports' preferred public access options prior to progressing with a modification to its Project Approval.

At the first workshop on 9 February 2012 Sydney Ports received the following feedback from participants:

1. 24 hour, 7 day per week access to a more extensive area of the White Bay foreshore was requested;
2. public access from either Stephen Street or White Bay Park (as identified in the Project Approval) is not supported by the community;
3. at least two points of public access are desirable to provide a continuous link along the White Bay precinct between the Cruise Passenger Terminal and Robert Street;
4. access from Booth Street is desirable;
5. a clear desire for a more easterly point of access than Stephen Street (i.e. Grafton Street) was expressed; and
6. The availability of public amenities was also raised.


Based on community feedback received from the first workshop, at the second workshop held on 1 March 2012 Sydney Ports presented participants with its evaluation of the relevant merits of each option and a preferred solution for public access. The evaluation of the options also took into consideration operational impacts, and ongoing maintenance and capital costs.

The five (5) options discussed at the first workshop were considered in the evaluation, as well as three (3) additional options along Grafton Street which were generally identified by workshop participants.

At this second workshop participants were also advised that:

- 24 hour per day access to the port area is problematic for Sydney Ports for public safety and security reasons. This position is supported by local representatives of the NSW Police. Accordingly, public access will be limited to daylight hours only, and to the foreshore adjacent to the White Bay 5 Cruise Passenger Terminal.
- Sydney Ports would make toilet facilities available at those times when public access is available; and
- vehicles with disabled parking permits would be allowed access to the terminal short term car park at those times when public access is available.





Sydney Ports advised the workshop participants that if the location for public access is not provided from either Stephen Street or White Bay Park a modification to the Project Approval may be required, for which Council support would be sought.

The preferred solution presented to workshop participants included a proposal to provide two (2) locations for public access, the primary access point being from Robert Street and the secondary access point from Grafton Street (near Adolphus Street) to the foreshore of White Bay 5.

As you may recall, while Grafton Street was the preferred public access point from the first workshop, the participants who attended the second workshop did not clearly support the Grafton Street (near Adolphus Street) access point.

As requested by Council at a meeting held on 15 March 2012, Sydney Ports has undertaken a targeted survey of residents located near the proposed access point at Grafton Street. The survey included seeking feedback on whether public access should be provided via Grafton Street to the White Bay foreshore area as well as seeking feedback on the preference of providing such an access point at either the eastern or western end of Grafton Street.

The survey of 89 nearby residences was undertaken between 30 March 2012 and 2 April 2012 and included face-to-face interviews, as well as providing the opportunity for respondents to submit completed questionnaires by mail. Please refer to the enclosed map at Attachment 1 for an indication of the survey catchment area. A total of 29 responses were received by Sydney Ports and the results of the survey are provided for your information in the table below.


Question	Yes	No	Nil Response
Do you support public access being provided via Grafton St?	11	15	3
Do you support public access being provided at the western end of Grafton St?	11	15	3
Do you support public access being provided at the eastern end of Grafton St?	11	15	3

**Results from Grafton Street Resident Survey on Public Access (March - April 2012)**

Although the results of the survey did not favour access from Grafton Street, Sydney Ports has committed to provide public access to the foreshore of White Bay 5 and intends to comply with its obligations in this regard.

In order to complete the assessment of all options, Sydney Ports has subsequently investigated the feasibility of providing public access from the eastern corner of Grafton Street using a bridge arrangement (which was raised independently with Sydney Ports after the workshop process). Due to the high cost of providing a bridge (up to \$0.5M) from the eastern end of Grafton Street and the impact the bridge would have on the terminal building and port access road, this option cannot be incorporated into the project without significant impacts.

Sydney Ports has also committed to investigate with Council and Sydney Water options for public access via Booth Street in the future while taking into consideration the recommendations from the Bays Precinct Taskforce regarding future land use(s) for the White Bay Port precinct.



In summary Sydney Ports' current Project Approval allows for public access to be provided either via Stephen Street or White Bay Park. Based on the feedback Sydney Ports received at the workshops held earlier this year, it was clear that the community does not support public access from either of these locations. While there is community support for public access being provided via Grafton Street, Sydney Ports has also received feedback that public access via Grafton Street may not be locally supported. Hence, Sydney Ports would appreciate Council indicating its preferred public access option to the White Bay foreshore for its local residents and broader community from the two options listed below:


- from Grafton Street (near Adolphus Street) and from Robert Street; or
- from Robert Street only.

Both of these options will require a modification to the Project Approval, which Sydney Ports intends to seek in the near future.

**To ensure the design and construction of public access can be completed in a timely manner, and at a location that is desirable to the community, I request that you seek Council support for one of the above options prior to 26 April 2012.**

If you require any further information, please contact Sydney Ports' Senior Project Manager, Mr Duncan Stirling on 9296 4999.

Yours sincerely,



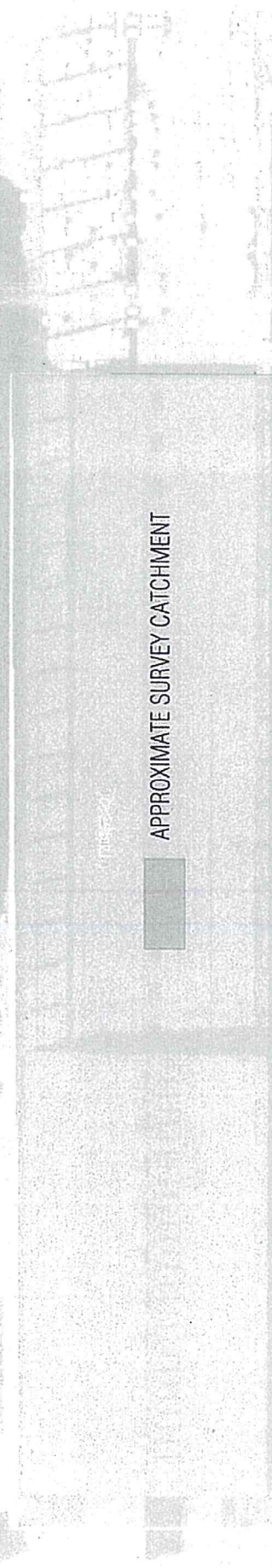
Shane Hobday

**General Manager, Safety, Security and Environment**

Encl.

Attachment 1 – Survey Catchment





### APPROXIMATE SURVEY CATCHMENT