

Modification of Major Project Approval

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

I, the Executive Director, Major DA Assessments, as delegate of the Minister for Planning, under Instrument of Delegation dated 4 March 2009, modify under section 75W of the *Environmental Planning and Assessment Act 1979*, the Project Approval referred to in Schedule 1 in the manner set out in Schedule 2.



Chris Wilson
Executive Director
Major DA Assessments
Department of Planning

Date: 18 SEPTEMBER 2009

MP 06_0037 MOD 1

SCHEDULE 1

Project approval for the construction of a marine refuelling and supply facility, at Berth 6 White Bay, Balmain (MP 06_0037) granted by the Minister for Planning on 12 June 2009, comprising:

- Construction of a 2 storey commercial office and storage building
- Construction of a bulk storage building
- Construction of refuelling infrastructure
- Construction of 3 temporary moorings, wharf, travel lift ramp, roll on roll off ramp and steel pontoon.

SCHEDULE 2

The above approval is modified as follows:

Schedule 1 - Part A - Table

Replace the existing reference to 'Bailey's Marine Fuels Pty Ltd' with the following new reference:

Application made by:	Graham Bailey Pty Ltd trading as Baileys Marine Fuels Australia
-----------------------------	---

Schedule 1 – Part C - Definitions

Replace the existing reference to 'Bailey's Marine Fuels Pty Ltd' with the following new reference:

Proponent means Graham Bailey Pty Ltd trading as Baileys Marine Fuels Australia or any party acting upon this approval.

Condition F1 – Noise Limits

Replace the existing Condition F1 – Noise Limits with the following new Condition F1:

F1 Noise Limits

The use of any part of the premises including vessel refuelling and other activities, and the operation of any plant, machinery or other equipment on the site must not exceed the sound level pressure (noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the Table

(a) Noise Limits – During operation of the facility

Residential location	Day	Evening		Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 Minute)	L _{Aeq} (15 Minute)	L _{Aeq} (9 hrs)	L _{A1} (1 Minute)
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

*The sleep disturbance limits do not apply to trucks whilst engaged in movements on the access road to enter or leave the site

(b) For the purpose of clause (a) of this condition:

- (i) Day is defined as the period from 7.00 am to 6.00 pm Monday to Saturday and 8.00 am to 6.00 pm Sundays and Public Holidays;
- (ii) Evening is defined as the period from 6.00 pm to 10.00 pm; and
- (iii) Night is defined as the period from 10.00 pm to 7.00 am Monday to Saturday, and 10.00 pm to 8.00 am Sundays and Public Holidays.

Condition F2 Noise measurements

Replace the existing Condition F2 – Noise measurements with the following new Condition F2:

F2 Noise measurements

- (1) Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition F1 unless otherwise stated.
- (2) Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the $L_{A1(1 \text{ Minute})}$ noise level in Condition F1.
- (3) Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DECC may accept alternative means of determining compliance (See Chapter 11 of the *Industrial Noise Policy*).
- (4) The modification factors presented in section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where practicable.
- (5) The noise emission limits identified in F1 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level, and temperature inversion conditions.