

## RESPONSE TO SUBMISSIONS

### NSW DEPARTMENT OF PLANNING AND THE ENVIRONMENT

MP 11\_0001 MOD 2, Modification to Construction of Sydney Heritage Fleet maritime facility

### SUMMARY OF SUBMISSIONS

A total of 3 submissions were received in response to the notification of *MP 11\_0001 Mod 2, Modification to Construction of Sydney Heritage Fleet maritime facility*, as follows:

- NSW Environmental Protection Authority;
- Council of the City of Sydney; and
- Roads & Maritime Services.

The submissions do not object to the proposed modification in principle, subject to the resolution of a discrete number of outstanding matters. These matters and the Proponent's response are summarised in the table below.

SUBMISSION ITEM	RESPONSE
NSW ENVIRONMENTAL PROTECTION AUTHORITY (JAMES GOODWIN, UNIT HEAD SYDNEY INDUSTRY)	
<b>1. ENVIRONMENTAL RISK - CONTAMINATION</b>	
<p>The <i>Site Audit Report 0503-1410 Bank Street Pyrmont, NSW 28 April 2015</i> (50429-100373 JBS&amp;G Australia Pty Ltd), submitted with the application, states that data gaps have been identified during previous contamination investigations. The Site Audit Report states that limited sampling of near-shore sediments is unlikely to be representative of the sediment quality within the footprint of the proposed wharf.</p> <p>The Site Auditor (in Site Audit Statement no. 0503-1410) has recommended that:</p> <p><i>1. A Validation, Sampling and Analysis Plan (VSAQP) should be prepared to address the identified data gaps. The VSAQP must be</i></p>	<p>Site Audit Statement no. 0503-1410 was submitted with respect to MP 11_0001 <b>Modification 1</b> and not MP 11_0001 <b>Modification 2</b>, which is the subject of this notification.</p> <p>Site Audit Report 0503-1410 prepared by JBS&amp;G Australia (28 April 2015) and Remediation Action Plan prepared by SLR Consulting (dated 23 April 2015) were placed on exhibition alongside MOD 2, which may have generated some confusion.</p>

<p><i>reviewed by a Site Auditor prior to commencement of site remediation works;</i></p> <p>...</p> <p><i>6. A Site Audit Statement and Site Audit Report certifying the suitability of the site for the proposed use be prepared following the successful completion of remediation and validation activities.</i></p> <p>The EPA considers the above recommendations to be appropriate.</p> <p>(highlight added)</p>	
<p>The EPA recommends that the above recommendations (listed under Section B of Site Audit Statement no. 0503-1410) be included as conditions of the development consent.</p>	<p>Implementation of these recommendations is already required under the terms of approval as a result of Mod 1 – see condition F33. No further action is required.</p>
<p><b>COUNCIL OF THE CITY OF SYDNEY (BRIDGET MCNAMARA, SENIOR PLANNER)</b></p>	
<p><b>2. IN PRINCIPLE ASSESSMENT</b></p>	
<p>The proposed modifications are generally acceptable; however, ...</p>	<p>Noted.</p>
<p><b>3. ENVIRONMENTAL IMPACT – FORESHORE ACCESS</b></p>	
<p>... we have concern regarding the wording of Conditions D9 and D10. We recommend that these two conditions are satisfied prior to approvals for land based works and prior to water based works to the 'fixed wharf' and 'publicly accessible timber boardwalk'. This will therefore ensure the 'fixed wharf' and 'publicly accessible timber boardwalk' are constructed to the correct levels to marry into the adjoining publicly accessible areas, and the design of the spaces work together to provide a cohesive publicly domain and publicly accessible area.</p> <p>The following condition wording is proposed;</p> <p>D9 '..... approval of the Certifying Authority prior to the issue of a Construction Certificate <i>relating to the land-based component as</i></p>	<p>As noted by the City of Sydney (CoS), the object of this modification is to enable the construction of the water based works to proceed independently of the land-based works. A requirement to prepare a Public Domain Plan prior to the issue of a construction certificate for the water based works would add significantly to the timeframe required to commence water-based works and effectively defeat the purpose of this modification.</p> <p>It is the intention of the Proponent that public access to the foreshore not be diminished as a result of this or future modifications. A whole-of-site Public Domain Plan will be prepared prior to the issue of a Construction Certificate relating to the land-based component as described in B1(a-b).</p>

<p><i>described in B1(a-b) and water based component as described in B1 part c) and f).'</i></p> <p>D10 '..... Prior to the issue of a Construction Certificate <i>relating to the land-based component as described in B1(a-b) and water based component as described in B1 part c) and f)</i> three copies.....'</p>	
<b>ROADS &amp; MARITIME SERVICES (ANGELA FREW, SENIOR LAND USE PLANNER)</b>	
<b>1. IN PRINCIPLE ASSESSMENT</b>	
Roads and Maritime Services has reviewed the modification application and does not have specific comments to make or require additional conditions.	Noted
<b>2. LAND OWNERSHIP</b>	
Any occupation of Roads and Maritime Services land will require appropriate tenure arrangements.	Noted. The modification application is accompanied by land owners consent dated 22 November 2016). An appropriate lease agreement will be agreed between the parties prior to occupation.
<b>3. ADEQUACY OF INFORMATION - MINOR ERRORS/ MISDESCRIPTIONS</b>	
Roads and Maritime notes there are a number of minor inaccuracies and discrepancies within "Appendix C" such as condition 62 should be deleted...	<p>The amended commitment no. 62 is as follows:</p> <p><i>"62. The kiosk pavilion will be subject to a further development application to be determined by the City of Sydney Council. This application will be for use of the kiosk and associated fit out works."</i></p> <p>As no changes to the approved works are proposed as part of this modification, commitment no. 62 remains relevant and should be retained.</p>
...condition 44 remove reference to SHF...	No change required. Reference is not made to 'SHF' in the amended commitment no. 44.
...condition 9 incomplete.	<p>Agreed. The amended commitment no. 09 should read as follows:</p> <p><i>"09. The proponent will ensure that any coal handling activities will be carefully managed to ensure particulate emissions are minimised. Bunker</i></p>

	<p><i>portals should be enclosed (or partially enclosed where shown to be effective) by the use of a curtain. In addition, appropriate PPE should be worn by workers during any removal of grate ash from the coal-fired boilers to avoid health risks associated with respirable particulates. These details will be included within the OEMP. <del>At the</del> "</i></p>
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