

Division 5.1 Determination

Determination Statement

I, the Chief Executive Officer (CEO) of Port Authority of New South Wales (Port Authority), having considered the impact on the environment of the proposed activity referred to in Schedule 1, pursuant to Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), have determined:

- the proposed activity is not likely to have a significant impact on the environment and therefore an Environmental Impact Statement (EIS) is not required.
- the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement (SIS) and/or Biodiversity Development Assessment Report (BDAR) is not required.
- the proposed activity may proceed subject to the implementation of the mitigation measures specified in Schedule 2.

Yours sincerely,

DocuSigned by:

P W Holliday

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Philip Holliday

Chief Executive Officer & Director

Date: 02-09-2024 | 11:03 AM AEST

Schedule 1

Item	
Proponent	Port Authority of New South Wales
Determining Authority	Port Authority of New South Wales
Land	Lot 10 DP 1288503, and White Bay Cruise Terminal, White Bay
Activity	The Activity described in Bays Port Shore Power Project – White Bay Cruise Terminal REF (August 2024)
Activity under Division 5.1 of the EP&A Act	The development is an Activity under Division 5.1 of the EP&A Act, because it is a development of a kind described in Part 2.3, Sections 2.44 and 2.80 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)

Schedule 2 Mitigation Measures

No.	Impact	Environmental Safeguards	Responsibility	Timing
1	Construction environmental management	<p>A Construction Environmental Management Plan (CEMP) is to be prepared to Port Authority's satisfaction prior to works commencing to describe how the works will be managed through the construction phase in order to minimise and manage potential environmental impacts.</p> <p>The CEMP to be implemented will include:</p> <ul style="list-style-type: none"> • A description of all activities to be undertaken on the site during the works, including an indication of stages, where relevant. • Statutory and other obligations required to be fulfilled / met during the works, including all approvals, consultations and agreements required from authorities and other stakeholders. • An environmental risk assessment in order to identify potentially high risk construction activities. • Environmental management and mitigation practices and procedures to be implemented during each stage of the works. • Details of how the environmental performance of the works will be monitored, and what actions will be taken to address identified adverse environmental impacts. • Environmental incident management and reporting procedures and protocols. • A description of the roles and responsibilities for all relevant employees involved in the works. • Details of environmental training and awareness including site inductions. • Complaints handling procedure(s) during works and site preparation. <p>The CEMP will be a working document, subject to ongoing review and update as necessary to respond to changes to any</p>	Contractor	Pre-construction / Construction

No.	Impact	Environmental Safeguards	Responsibility	Timing
		information contained in the CEMP or its sub-plans and to take account of events or circumstances which will or may affect the works.		
2	Construction environmental management	All sensitive receivers and other key stakeholders affected by construction works will be notified at least 10 working days prior to the commencement of the activity. The contractor will provide the information needed to support any notification and consultation requirements.	Contractor / Port Authority	Pre-construction
3	Construction environmental management	All personal working on site will receive training to ensure awareness of environment protection and impact mitigation requirements to be implemented during the activity. This will include up-front site induction and regular “toolbox” style briefings.	Contractor	Pre-construction / Construction
4	Construction noise and vibration	<p>The Contractor is to prepare a Construction Noise Management and Vibration Plan to Port Authority's satisfaction that outlines measures for reducing the source noise levels and vibration impacts of construction equipment by construction planning and equipment selection where practicable.</p> <p>All construction works will be generally undertaken between Monday to Friday 7am to 6pm; Saturdays 8am to 1pm; no works on Sundays or Public Holidays.</p> <p>Any proposed out of hours works will need to be pre-approved by Port Authority.</p> <p>In order to reduce construction noise to a minimum, where possible prioritise low noise emission construction equipment.</p> <p>Construction machinery shall be kept in good working order to reduce noise emissions as far as practicable.</p>	Contractor	Pre-construction / Construction
5	Operational noise	If operationally feasible, orient containers with switchgear (GS1 and GS2 at WBCT) closest to the nearest sensitive receptors, i.e., to the north of the site to potentially mitigate noise from the other containers.	Port Authority / Contractor	Detailed design
6	Briefing on heritage significance	The Contractor must be briefed by the Port Authority Project Manager on the heritage significance of the site, and any site-specific heritage matters/issues and approval documents prior to works commencing. If there is a change of	Port Authority / Contractor	Pre-Construction

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		Project Manager or Contractor during the length of the construction phase, a further site briefing would be required.		
7	Unexpected discovery of archaeological sites or relics.	In the event that any potential archaeological 'relics' are disturbed and identified during works, all work in the area shall cease forthwith and Heritage NSW and a qualified archaeologist be consulted to determine an appropriate course of action prior to the recommencement of work in the area of the 'relic'.	Contractor	Construction
8	Reporting of accidental damage	Care must be exercised during construction to ensure that unnecessary damage to heritage items is avoided. Any accidental damage to heritage items must be reported immediately to Port Authority. Damage is to be made good in accordance with specialist heritage advice.	Contractor	Construction
9	Making good of the site	All areas affected by the work must be cleaned and made good after completion of works (including removal of construction debris and cleaning all affected surfaces, as required).	Contractor	Construction
10	Management of previously unrecorded Aboriginal objects or sites	<p>Should a suspected Aboriginal archaeological site be identified at any point during the construction of the proposal, the following standard procedures are to be adopted:</p> <ol style="list-style-type: none"> 1. All works in the area must cease immediately to prevent any further impacts to the site. 2. Port Authority Project Manager must be notified immediately by the Contractor. 3. A suitably qualified archaeologist is to be engaged by the Contractor immediately to determine the nature, extent and significance of the find and provide the appropriate management advice to Port Authority for review and approval prior to implementation by the Contractor. 4. Archaeologist is to prepare and submit an AHIMS site card for the site. 	Port Authority / Contractor	Construction
11	Human skeletal remains	Should suspected human skeletal remains be identified at any point during the construction of the proposal, the following procedure is to be followed:	Port Authority / Contractor	Construction

No.	Impact	Environmental Safeguards	Responsibility	Timing
		<p>1. All works in the vicinity of the find must cease immediately.</p> <p>2. The location of the find is to be blocked off – work may continue outside of this area if the works do not pose a risk of interference with assessment of the remains.</p> <p>3. Where it is obvious the remains are human, the Contractor is to notify Port Authority Project Manager immediately, who will in turn inform the NSW Police immediately.</p> <p>4. Where uncertainty over the origin of the remains exists, a forensic anthropologist is to be engaged by the Contractor to inspect the remains in-situ to determine the origin, ancestry (Aboriginal or non-Aboriginal) and antiquity (historic or modern):</p> <ul style="list-style-type: none"> • If remains are confirmed as modern and human, the NSW Police must be notified immediately. • If the remains are confirmed as historic Aboriginal in nature, Heritage NSW is to be notified (151 555 – Environment Line). • If the remains are identified as historic and non-Aboriginal in nature, Heritage NSW is to be notified. <p>An Aboriginal community representative must be present where it is reasonably suspected burials or humans remains may be encountered. If humans remains are unexpectedly encountered and they are thought to be Aboriginal, the Aboriginal community must be notified by Port Authority immediately.</p> <p>Recording of Aboriginal ancestral remains must be undertaken by, or be conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified person.</p> <p>Archaeological reporting of Aboriginal ancestral remains must be undertaken by, or reviewed by, a specialist physical anthropologist or other suitably qualified person, with the intent of using respectful</p>		

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		and appropriate language and treating the ancestral remains as the remains of Aboriginal people rather than as scientific specimens.		
12	Hazardous materials	Hazardous materials survey of the decommissioned Administration Building and Canteen and toilet block at White Bay berth 5 will be undertaken prior to demolition to determine the presence and extent of PACMs (if any) or any other hazardous materials and management requirements.	Contractor	Pre-construction / Construction
13	Waste management	<p>Spoil generated during excavation is to be stockpiled temporarily on site. Stockpiles of excavated material are to be securely placed in the vicinity of the excavation areas, separated from stormwater drains and vehicle access areas.</p> <p>All waste to be managed using the principles of avoid, reuse and recycle, in accordance with the waste hierarchy, and classified in accordance with NSW EPA Waste Classification Guidelines (EPA, 2014).</p>	Contractor	Construction
14	Waste management	<p>A waste classification is required for all soil and soil impacted material that will require offsite disposal, including:</p> <ul style="list-style-type: none"> Assessment of material for waste classification prepared by a suitably qualified environmental consultant and comply with the NSW EPA Waste Classification Guidelines: Part 1 Classifying Waste (2009). Building and demolition waste can be disposed offsite as pre-classified waste in accordance with NSW EPA Waste Classification Guidelines: Part 1 Classifying Waste (2009). All building and demolition waste that is stockpiled with soil material will be required to be divided and classified separately. <p>All other excavated material intended to be reused is to be managed in accordance with the <i>Protection of the Environment Operations Act 1997</i> (NSW) (POEO Act). Excavated material and all waste will be disposed of to an appropriately licenced waste facility or to a development lawfully</p>	Contractor	Construction

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		able to accept the material, in accordance with the classification of the waste under the EPA Waste Classification Guidelines.		
15	Soil and dust management	Controls to manage soil erosion and dust generation will be implemented in accordance with the Blue Book (Landcom, 2004) in the CEMP. This includes excavation and spoil management.	Contractor	Construction
16	Construction traffic and access	<p>A site-specific Construction Traffic Management Plan (CTMP) is to be prepared to Port Authority's satisfaction and implemented in accordance with Safe Work Australia Guidelines General Guide for Workplace Traffic Management and the Guide for Construction Work, to the satisfaction of Port Authority.</p> <p>The CTMP is to take into consideration:</p> <ul style="list-style-type: none"> • The management of vehicles and pedestrians accessing the Project site during construction works. • Speed limits and traffic calming measures. <p>Coordination with other projects and activities (e.g. cruise ship days, Sydney Metro West, Western Harbour Tunnel) occurring at Glebe Island and White Bay to avoid adverse cumulative impacts.</p>	Contractor	Pre-construction / Construction
17	Construction air quality	<p>Air quality measures will be implemented as part of the CEMP. These will include, but not be limited to:</p> <ul style="list-style-type: none"> • Identify potential sources of air pollution. • Measures to manage work during strong winds or other adverse weather conditions. • Plant and machinery would be regularly checked and maintained in a proper and efficient condition. Plant and machinery would be switched-off when not in use, and not left idling. • Vehicles transporting waste or other materials that may produce odours or dust are to be covered during transportation. 	Contractor	Construction

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		<ul style="list-style-type: none"> Stockpiles or areas that may generate dust are to be managed to suppress dust emissions. 		
18	Stakeholder engagement	<p>Continue community engagement and government consultation for the Project to address community issues and concerns, and to provide for government coordination in the area including with other projects occurring in the Precinct including:</p> <ul style="list-style-type: none"> Government stakeholders will be kept up to date as required and relevant on various activities related to the development of the Project. Updates to the community through the established Community Liaison Group (CLG), in accordance with the Stakeholders Engagement and Communication Plan, and where required or necessary, via other forms of communication channels. 	Port Authority and Contractor	Pre-construction / Construction