

Meeting: Port Botany Community Consultative Committee – Meeting No. 25

Held: Tuesday 29 October 2019, 5.30pm-7.30pm
McNevin Room, Prince Henry Centre – 2 Coast Hospital Rd, Little Bay

Present:

Charles Abela (CA) – Community	Marie Gibbs (MG) – Patrick Stevedores
John Burgess (JB) – Community	Mark Mercer (MM) - ACFS
Peter Fagan (PF) – Community	Mark Walker (MW) - Qenos
Mal-Jagdev Imrich (MI) - Community	Lyndon Reeves – Elgas Limited
Asim Chohan (AC) – Safe Work NSW	Gary McKay (GM) – Caltex
Patrick Medway (PM) – Bayside Chamber of Commerce	Jos Kusters (JK) – Caltex
Bronwyn Englaro (BE) – Randwick Council	Jennifer Stevenson (JS) – Hutchison
Clare Harley (CH) – Bayside Council	Karen Jones – Orora
Dylan Parker (DP) – Electorate Offices for Member for Maroubra	Sarah Downey (SD) – NSW Ports
Leigh Heaney (LH) – Electorate Offices for Member for Kingsford Smith	Trevor Brown (TB) – NSW Ports
Laura Fayers-Pooley (LF) – Port Authority of NSW	Jonathan Lafforgue (JL) – NSW Ports
Brad Milner (BM) – Port Authority of NSW	Natalia McGregor (NM) – NSW Ports
Ryan Bennett (RB) – Port Authority of NSW	Adriane Whiley (AWH) – NSW Ports
Stephanie Mifsud (SM) - ARTC	Roberta Ryan (RR) – Chairperson
Sophie Lovett (SL) - ARTC	Stella Cimarosti (SC) – Minute taker

Apologies: Lynda Newnam – Community, Paul Pickering – Community, Erin Barker – EPA, Neville Johnstone – DP World, Umair Savul – DP World, Michael Kinnell – Origin, Ralf Genuttis – Vopak, Alan Chambers – Vopak, Rory Grieves – Hutchison

Item	Description	Action/Responsibility
1	Apologies and Introductions Noted apologies as above.	
2	Presentation – Botany Rail Duplication project, ARTC	
2.1	Presentation attached to minutes. Key points: Environmental Impact Statement currently on public display. Comments can be made until Wednesday 13 November.	
2.2	Questions following ARTC presentation LH – What fuel will the locomotives run on? SM – A range of companies run the different locomotives and they choose their own fuel. ARTC operates and is building the infrastructure not the locomotives however; this is assessed in the EIS which has identified that there are no exceedances of the air quality criteria due to the project. LH – If there is an increase in the number of trains wouldn't that lead to an increase in the amount of pollution? SM – There will be an air quality expert present at our next information session who can talk to this in more detail. There is also a full specialist report around this topic in the EIS.	

	<p>LH – Has there been any investigation carried out around noise abatement for surrounding residents? SM – We use the Rail Industry Noise Guidelines when assessing noise impacts associated with the project. The guidelines identify certain criteria for noise. If it is predicted that noise will exceed the criteria we need to investigate mitigation options. A number of different mitigation options are investigated in the EIS and associated Technical Report. Typical mitigation measures might include at property treatments for example, double glazing or repairing cracks in the walls of houses. Other options could also include lubrication of the track. In the EIS we have identified areas where we may exceed the limit. This will be investigated in more detail as the project progresses. We also talk through the potential abatement options on the EIS.</p> <p>LH – Will there be less idling noise after the new line is built? SM – Yes and no. In certain areas the trains idle not because they are waiting for the track to clear. There are certain check points along the route. But yes idling because of waiting for the track to clear will be removed. We will also be able to increase the speed of the track which changes the noise profile somewhat.</p> <p>JB – The project will lead to a dynamic change in the way freight operates in the area. We learnt at the last meeting that these changes in the way freight operates will mean more efficiency, shorter trains, less carbon emissions etc. The downside is that trains will operate 24 hours a day 7 days a week. I appreciate that the noise profile will change but it's important to acknowledge that it will still be noisy. This is a great thing for some operators of the Port but perhaps not for others. What are we doing to motivate operators to move their containers onto rail? MG – Operators don't decide what goes on rail the customers do. If the customer decides that they want their product moved via rail the operator will provide this. It's about turning around their cargo quicker.</p> <p>SM – That question goes much bigger than just this project. This project responds to the policies developed to encourage the rail modal shift. The state and federal Governments are working towards increasing rail operations. They have set significant targets for this. I understand that ARTC engages with customers and talks to them about how they can use rail and be more efficient. The intent of this project is to improve efficiency and reliability which is a motivation for customers. The quicker we can move their products the better. There are a number of projects, not just this one that are focussed around a move to rail and improving operations. The intent of all the work being undertaken as part of these policies is that in the next 10 years freight transport via rail will be more desirable.</p> <p>JB – The growth rate isn't great at the moment. We had an original target of 40% of all transport when the Port was expanded and which was reduced to 28% by 2012 to facilitate the Ports privatisation and sale. We seem to have gone backwards and the current reported rate is 17.6% - down from previous years. I am yet to be convinced that this will be achieved. I am encouraged by the commitment to the rail project by the government but question if the government will take any other corrective action with the likely breach of the rail covenant.</p> <p>JL – Moorebank is a great example of how rail will be used more and more. There potentially is a massive demand amongst importers for rail options.</p> <p>SM – We are seeing a similar response to the Inland Rail program at the moment. It is clear there is interest in more links and intermodals.</p>	
3	Community Engagement Overview – Detailed business case for additional cruise capacity, Port Authority of NSW	
3.1	Key points from BM and LF <ul style="list-style-type: none"> - Port Authority of NSW is different from NSW Ports. We are a marine services business. 	

	<ul style="list-style-type: none"> - Port Authority will have our own consultation process for the Cruise Terminal. This is not the forum for a detailed discussion about the project. - We have set up a series of consultation meetings for this project. Some have already happened and some we are still organising or are planned. - We have arranged a project update meeting for the tenants of NSW Ports and some surrounding businesses. - We have had a few initial meetings with local councils, key stakeholders and some community groups. - We have already received a strong message from all of the groups we have spoken to that if we are going to have discussions/proper consultation we need to provide details to enable meaningful feedback. We are at the start of this process. - The timeline provided in the ARTC presentation is useful in describing where we are at. We are about two years behind ARTC as discussed before. We are in the very early stages of preparing a detailed business case, which is due back to the Government in 2020. Our consultation will inform the detailed business case - We acknowledge that this project has been difficult and frustrating for the community because we have not been in a position to share tangible details about the project until the formal announcement in September. - We are currently carrying out early consultation so we still don't have a lot of detail at the moment. - The purpose of the consultation at the moment is to draw out how stakeholders and the community use the area of study (between Yarra Bay and Molineux Point). We will build this into how we are shaping the project. - We haven't nailed down a point on a map at this stage however, we are interested in getting community and stakeholder views on this so that we can build this into the business case. - We have already received a lot of rich community feedback that we using to inform early planning and the next stages of the project. - We have committed to holding community information sessions before Christmas. This will allow the community to meet the project team and understand how their feedback is being used to help shape the project. - We have started meeting with council and adjoining land owners. - We holding the NSW Ports tenants update meeting to we can hear the concerns that local businesses may have so that we can feed this into our technical studies. - Our commitment is to share what information we have when we have it available. Unfortunately at this stage we don't have the information that people want. <p>Next year we intend to carry out a second round of consultation where we will have more certainty about a potential design and narrowed potential location option, and again share the next steps.</p>	
3.2	<p>Questions raised</p> <p>MG – Are we in the design stage or the concept stage?</p> <p>BM – We are in the detailed business case stage where we are looking at the potential for the project and also the need for the project due to the constraints of Sydney Harbour as a cruise terminal.</p> <p>MG – Is this the only place being looked at?</p> <p>BM – This is the only area of study that the detailed business case is exploring.</p> <p>MG – I thought other sites were being considered – Garden Island? Port Kembla?</p>	

<p>BM – In mid-2018 the Government did release a Cruise Development Plan which talked about Botany Bay but also other areas as you have mentioned. Details about regional ports are in this report. MG – So Botany Bay is the only site? BM – Yes.</p> <p>MI – Why Botany Bay given the issues with the site? BM – We are aware of the potential issues of using this site however, given the restrictions of Sydney Harbour its necessary to explore other potential cruise terminals.</p> <p>DP – You mentioned that you are in the initial consultation phase and that feedback will be taken into account before another round of consultation next year. What does the subsequent phase of consultation look like? BM – Last year we worked on a strategic business case which looked at the broader concepts of what this project may be – benefits etc. We are now approved by the Government to develop a detailed business case which has three components that are intertwined. Our contractor RPS has been engaged to develop the detailed business case. The key components are:</p> <ol style="list-style-type: none"> 1. Scoping up technical work that may be required and bringing in technical experts 2. Commercial returns and benefits 3. Community and stakeholder consultation. <p>These three parts are very different but are connected and one will work to inform the other. The second round of consultation will be carried out when some of this work has been done. This will allow us to share further information when we know what is feasible.</p> <p>CA – I have never come across a cruise terminal that overlooks a cemetery. There will be a 14 storey ship looking into a cemetery. Has this been taken into account? BM – Yes, this will be taken into account through the work that is being done as part of the detailed business case. It will be included as part of the piece that goes up to the Government. We will definitely need to speak to the cemetery to understand what this means. CA – I believe expanding the cemetery is being considered at the moment so you should start those conversations now.</p> <p>LM – Have you started considering potential commercial partners? BM – Commercial consideration is part of the detailed business case. We have to look at commercial models and potential partners as part of this process. We are setting all of this up now. LM – Any specific companies in the industry? BM – Yes we have spoken to companies LF – To clarify, this phase of industry engagement is not forming partnerships with future proponents or operators. We are talking to specific companies who build and operate cruise terminals around the world as their feedback and ideas are important in what we might develop. LM – Who is the final decision maker? BM – Government will make the final decision. We have been tasked to prepare a business case with NSW Treasury. At the end of this piece of work the NSW Government will need to make a decision. LM – Who in Government makes the decision? BM – I am aware of the requirements of the process – we are working in collaboration with NSW Treasury and following the Infrastructure NSW</p>	
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	<p>(INSW) model however once the business case is submitted I am not sure who in Government the product goes to.</p> <p>MI – What is the cost of this business case? BM – This information isn't publically available at this stage. The cost is being built at the moment with our consultants. As we are scoping what needs to be done, so the cost will not be determined yet. Port Authority of NSW does have a budget to fund the development of the business case.</p> <p>PF – Save the Bay Coalition reiterates its publicly stated position – there can be no consultation without information. We maintain that the Port Authority must show all stakeholders what they plan to build BEFORE a consultation process can begin. If what the Port Authority is proposing is not truly awful for most if not all stakeholders, they would not be keeping their plans secret.</p> <p>The Port Authority claim that there is no information to share at this stage cannot be accepted. The Port Authority's initial response to a GIPA request on Monday 28 October 2019 acknowledged the existence of 1800 records (excluding emails). The implications of the design for port commercial operators are huge. For example, the solid wall breakwater - the Port Authority has admitted to Parliament it would have to build - has huge implications for the shipping channel, for recreational fishers and boaters and for the Caltex berths at Kurnell The Port Authority's references to stakeholders indicate it is only considering those in close proximity to the Yarra Bay on the northern shore of Botany Bay. The solid wall breakwater would also have huge implications for Kurnell foreshores and Towra Point.</p> <p>JB – The reality is that consultation is such an overused meaningless word here. No matter what level of consultation is carried out there will be opposition. The community will litigate if necessary.</p>	
4	Accept minutes of last meeting	
4.1	Acceptance of the minutes from August 2019 was moved by JB and seconded by MG.	
5	Actions arising from previous minutes	
5.1	Action 3.3 from May 2019 – Dry weather odour.	Remains open. To be picked up offline with CH
5.2	<p>Action 7.2 from August 2019 – Hutchison sand pile JS – The sand pile is being removed by a contractor who will use it to build cement and other by-products. The approval for moving sand from one location to another is a lengthy process. Hutchison are happy for the Port Authority to approach their contractor to arrange for the sand to be used to replenish foreshore beach. JB – That would be great given the sand came from Botany Bay JS – Port Authority can get in touch with JS who will connect them with their contractor. TB – In the interest of managing expectations here it's worthwhile to note that RB would have to go through a process that would take some time to arrange this, including testing. Given the process to move the sand has already started it may be too late. JS – Yes we have started the process of moving the sand. We can't move the sand until testing is done – the testing indicated that the sand was natural material. JB – You would think the process would be the same regardless of where the sand is going.</p>	RB from Port Authority to contact JS
6	Port Botany Community Assets	

6.1	<p>Presentation on Foreshore Beach/Penrhyn Estuary Monitoring Program. Final reporting is online. This included the 2018 shorebird monitoring report and the end of project monitoring report by CARDNO. Port Authority will proceed with all of the recommendations made in the report which are outlined in the presentation. Presentation to be attached to the minutes and link to the reporting on the web.</p>	
6.2	<p>Questions following Presentation JB – Do CARDNO have any engagement with the group responsible for the bird monitoring being done in the Towra Point Nature Reserve? RB – Not sure JB – Perhaps they should as there are reports of similar problems in this area – this is due to the degradation to the reserve habitat because of the same migration and the situation is killing off the shoreline mangroves and causing the inner islands to become part of the greater land mass. Feral cats and dogs have invaded these areas and are killing the wildlife. Perhaps there could be mutual benefit from sharing the intelligence with the reserve managers. RB – We have spoken with relevant parties about this area</p> <p>BE – Will there be future shorebird monitoring? RB – There is none planned at the moment however, we are looking into the possibility of a volunteer program. BE – Council would be happy to assist in advertising such a program as we have many people contact us interested in this issue.</p> <p>MI – Is there any indication as to why there is a decline in the number of birds? RB – Habitat loss is one of the biggest causes of the decline. The birds need an area that isn't developed. We are aware of a mass decrease across the Northern Hemisphere due to development. However, this is not the only issue.</p> <p>JB – Question from Lynda. The current quality and condition of the bird hide and signage is poor. RB – This has been raised with our asset manager. We have someone who looks after this area. We will get this fixed.</p>	<p>BE – To assist with advertising the volunteer monitoring for shorebirds</p> <p>RB – To respond to LN question – regarding signage.</p>
7	NSW Ports Sustainability Update	
7.1	<p>Stakeholder perception survey SD – NSW Ports has recently issued an online survey out to stakeholders and the community to gather feedback on how NSW Ports is perceived and how we engage. This feedback will help inform our future strategy. CCC members should have received an invitation to provide feedback and participate. The consultation period closes this Friday. We encourage you all to participate.</p>	
7.2	<p>Sustainability annual scorecard TB – NSW Ports sustainability program was released this year. We committed to annual reporting on progress in this. We will put out a baseline report for 2019 which will be released in the coming weeks. We will make CCC members aware when the scorecard report is available online.</p>	
8	Operational and development activities in the Port	
8.1	<p>Sydney Autostrad Botany Rail Extension Project (SABRE) MG – We have engaged a contractor and construction has started. Works are ongoing and progressing well. Piles have been completed and paving/utility work is ongoing.</p>	
8.2	Port Botany Expansion Update	

	<p>JS – We have started the process of moving the sand. We can't move the sand until testing is done. All the sand is tested in accordance with the EPA guidelines, and only ENM (Excavated Natural Material) is removed from the terminal.</p> <p>MG – Nothing more from us.</p>	
8.3	<p>NSW Ports Development None to report on.</p> <p>AW – We received correspondence from DPIE regarding the status of the proposed amendments to the Three Ports SEPP. The proposed amendments are still under consideration. However, the proposed rezoning of land at Wentworth Avenue, Botany from IN2 Light Industrial under the <i>Botany Bay Local Environmental Plan (LEP) 2013</i> to IN1 General Industrial under the Three Ports SEPP is no longer part of the proposed amendments to the Three Ports SEPP.</p>	
8.4	<p>Tenant Developments Hutchinson – Nil Patrick – Nil DP World – Not present Vopak – Not present. TB advised that Vopak are preparing to start construction on their B4A project. They are currently preparing the construction and traffic management plans for approval. The project involves building three additional tanks. CA – Will any hazardous material be stored in the tanks? TB – I believe they are to be fuel tanks. This would have been identified and assessed in the project planning. Elgas – Nil Caltex – Nil Origin Energy – Nil Terminals – Nil Orora – Orora have started the process of selling their Australasian business – Botany Paper Mill. Sale is expected to be approved and closed out in the first quarter of next year. We are also partnering with Suez to develop a co-generation plan to power the paper mill – this would mean we can convert waste that would be going to land fill to be used in the mill. This proposal is being assessed as a State Significant Development. SEARs have been received by the Government and the EIS will begin early next year. EIS will take around six months to complete. Consultations have started and a briefing will be provided to the CCC early next year. Project webpage – botanycogenerationplant.com.au Qenos – Nil</p>	
9	<p>Port Botany Noise Update No complaints received.</p>	
10	<p>Safety and environmental incidents/complaints No complaints this quarter.</p>	
10.1	<p>TB – One environmental incident recorded. Trucks diesel tank was pierced and ran into the canal. We responded and Fire and Rescue NSW attended. After the incident there was heavy rainfall so we monitored the area and reported this to the EPA. No impact was identified.</p>	
10.2	<p>PF – Can we address the fatality that occurred? TB – Yes, there was a fatality. A worker was crushed while moving containers. We are still waiting on the full incident report for this. Safe Work NSW has made information available on their website including reminders about safe practices. PF – This is the second fatality in the past few years which is concerning. TB – I am not sure about that. Safe handling of containers is an important matter that all operators need to be mindful of. Our tenants have a requirement to manage their safety. At this stage there is no action for</p>	

	<p>NSW Ports to take as a result of this incident however as mentioned we are still waiting for the final report which may make some recommendations.</p> <p>PF – It's important to share these leanings.</p> <p>TB – We have quarterly meetings about safety with our tenants. We have a topic each meeting. We covered container handling as a topic in 2018.</p>	
11	General Business/Next meeting	
11.1	<p>NM – Last week NSW Ports have started a partnership with Council to rehabilitate St Joseph Banks Park. We successfully hosted 30 days' worth of volunteer efforts with 320 volunteers. We planted 6500 seedlings. The catch rate of these seedlings was very high.</p> <p>We are already observing wildlife coming back into the park and a pick up in the community using this space.</p> <p>We will do a presentation on this at the next meeting in 2020.</p>	
11.2	<p>TB – NSW Ports supported the Bayside Business Awards. We sponsored the excellence in education and training services award which was won by a child care facility called "Miracles on Russell" based at Sans Souci.</p>	
11.3	<p>SD – NSW Ports recently celebrated World Maritime Day. The theme this year was empowering women in the maritime industry. NSW Ports took the opportunity to recognise the women in our organisation. 50% of NSW Ports staff and 30% of our leadership team are female including our CEO..</p>	
11.4	<p>PF - Save the Bay Coalition is holding its next Community Forum at Yarra Bay Sailing Club on 17 November at 2 PM. All members of the port community are welcome to attend. We expect a large crowd, so be early if you want to get a seat. Any stakeholder wishing to speak at the forum should let Peter Fagan know as soon as possible.</p>	
11.5	<p>CA – There is a proposal for 9000 apartments to be built on the coast here in Little Bay. The proposal includes 22 storey apartments. This is going to cause a massive increase in traffic.</p>	
11.6	<p>RR – thanks LN for comments and draws CCC member's attention to these on the agenda.</p>	
11.7	Next meeting will be held on 11 February 2020.	
<p>These minutes have been endorsed by the meeting Chair</p> <p>Signed: ROBERTA RYAN Date: 29TH November, 2019</p>		