

Meeting: Port Botany Community Consultative Committee – Meeting No. 2

Held: Tuesday 25 February 2014, 5.30pm-7.30pm
DP World, 42 Friendship Rd, Port Botany.

Present:

Roberta Ryan (RR) – Chair	Richard Pollock (RP) – Patrick Stevedores
Charles Abela (CA) – Community	Nathan Barnes (NB) – Vopak
John Burgess (JB) – Community	Jonathon Lafforgue (JL) – DP World
Lynda Newnam (LN) – Community	Aldo Costabile (AC) – Elgas Limited
Tom Nolan (TN) – Community	John Ieroklis (JI) – SICTL Stevedores
Michael Kavanagh (MK) – Community Business Representative	Neil Truskett (NT) – Patrick
Ross Salter (RS) – Community Business Representative	Melissa Pollock (MP) – Orora (formerly Amcor)
Bronwyn Englaro (BE) – Randwick Council	Shane Hobday (SH) – NSW Ports
Steve Poulton (SP) – City of Botany Bay	Daniela Vujic (DV) – NSW Ports
Dennis Buttigieg (DG) – RMS	Alison Wedgwood (AW) – NSW Ports
Lisa Williams (LW) – Office of State Member for Maroubra	Ryan Bennett (RB) – Sydney Ports Corporation
James Goodwin (JG) – EPA	
Sandra Spate (SS) – Minutetaker	

Apologies: Adem Long, Mark Walker and Susannah Webb

Item	Description	Action/Responsibility
1	Apologies and Introductions	
2	Accept minutes of last meeting Minutes from November's meeting were accepted.	
3	Actions arising from previous minutes	
3.1	Item 3.2: Web link for the draft Anzac South Activation Precinct be included in the minutes. This was emailed to the CCC. Action closed.	
3.2	Item 4.1: SH and AW to encourage attendance at meetings by a Sydney Ports representative Ryan Bennett attended from SPC.	
3.3	Item 4.2: NSW Ports to clarify for the PBCCC what the minor variations to planning procedures are in relation to Port Botany. Included as an agenda item.	
3.4	Item 5.1: Noise updates be included as a regular item on the agenda of PBCCC meetings. Included as an agenda item.	
4	Development Activities in the Port - NSW Ports/SPC developments - Tenant developments	
	<u>NSW Ports Developments</u>	
4.1	SH reported that Bulk Liquids Berth 2 had its first ship on 8 th December and there have been a number ships carrying bitumen and petrol since,	

	<p>with infrastructure for Vopak and Terminals to handle petroleum products and chemicals installed on the berth. There is currently approximately 10% occupation which is expected to grow.</p> <p>A compliance report to Department of Planning is due within 3 months of operation which includes a noise audit. This will be undertaken during the next ship which is due on Thursday. NSW Ports doesn't expect any issues.</p> <p>The Enfield Intermodal area has been handed over to Hutchison for fit out and is expected to be operational towards the end of the calendar year. NSW Ports is out in the market to lease the remainder of land to warehousing.</p>	
	<u>Tenant developments</u>	
4.2	<p><u>Elgas</u> AC reported that the Elgas pipeline to Qenos is in the design stage with approval to be finalised from NSW Ports and DP&I. Some work is expected in the second quarter. Following this connection Qenos will demolish 2 of the large tanks (storing propane and butane) on their site (refer item 4.8).</p>	
4.3	<p><u>Vopak</u> NB reported that the last truck of chemicals left Vopak Site A last month. The site is now being decommissioned ready for demolition. The bitumen terminal next door is near completion with the first ship due next month.</p>	
4.4	<p><u>Patrick</u> NT reported business as usual working around the development with current low volumes assisting this.</p>	
4.5	<p><u>DP World</u> No developments to report.</p>	
4.6	<p><u>Orora (formerly Amcor)</u> MP reported the waste paper project is due for completion at Easter.</p>	
4.7	<p><u>Ausport Marine</u> DV reported that Ausport Marine, a mooring services company is looking to move its small boats to the tug berth area at the northern end of the expansion area for a period of one year. NSW Ports is reviewing this proposal.</p>	
4.8	<p><u>Qenos</u> DV reported the Qenos tank demolition and relocation of the flare is now off exhibition. The proposal is currently under assessment by DP&I.</p>	
5	<u>Port SEPP updates</u>	
5.1	<p>DV reported that changes to the Port Botany and Port Kembla SEPP were on exhibition organised by the DP&I for two weeks from the end of November to mid December. NSW Ports made a submission. The change is to bring Newcastle, Port Botany and Port Kembla under the same policy as they were all previously governed under a different policy. Amendments include changes to the exempt and complying development provisions. Government is looking to gazette the SEPP amendment in the coming weeks with the amendments to come into effect in May.</p> <p>JB understood that it will bring Newcastle and Port Botany under the one umbrella for exempt and complying development, allowing dredging for up to 100,000 cubic metres without approval.</p> <p>DV replied that Newcastle dredge often. The new provision identifies capital dredging of up to 100,000 cubic metres without consent but this is still assessed under Part 5. It would provide for NSW Ports to carry out capital dredging under limited circumstances. Maintenance dredging was previously identified in the Port SEPP as requiring assessment under Part 5. NSW Ports has an interest in maintaining channel and berth depths to allow ships to come in.</p>	


	<p>JB noted that would bring Newcastle into line with here, and suggests that Newcastle would shortly be for sale.</p> <p>DV confirmed the Government is looking at bids for a 98 year lease for Newcastle so all three port leases would expire at the same time. There is still a thorough assessment undertaken under Part 5 of the Environmental Planning and Assessment Act of the environmental impacts of dredging proposals before they are carried out.</p>	
5.2	<p>LN asked whether it is correct that a Review of Environmental Factors Undertaken by NSW Ports does not have to be published.</p> <p>DV replied that there is no requirement to publish the REF documents, but there are requirements to consult agencies such as EPA, Primary Industries, RMS for approval.</p> <p>LN asked whether NSW Ports would publish as a sign of goodwill.</p> <p>DV replied NSW Ports would consider putting them on the website.</p>	
5.3	<p>DV noted the Ports SEPP amendments include amendments to the private certifying process. When it first came in there was no private certifiers available, only Council. The Building Professionals Board is still going through the process of seeking Expressions of Interest for private certifiers and we should hear more in the next few weeks. When the amendment goes through it will hopefully lead to improvements for tenants specifically.</p>	
5.4	<p>BE reported Randwick Council has made a submission, with issues of concern around an increase in the cap to \$100m for complying developments.</p> <p>DV replied there is no cap for complying developments except \$30 million for bulk liquids. If a development is a complying development it is not state significant development (SSD) due to provisions in the State & Regional Development SEPP.</p> <p>BE noted while Council has been asked to implement a noise strategy with the EPA, almost anything can be done at terminals. It is a catch all.</p> <p>DV replied it is fairly specific what can and can't be built, e.g. buildings, awnings, silos, they are typical port developments.</p> <p>BE suggested this won't prevent greater noise impacts on adjacent developments. The port is adjacent to residents. She opposes tying developments in Port Botany with Newcastle. There are specific issues here such as noise and groundwater.</p> <p>DV notes Port Botany is already a port precinct with container and Bulk Liquids facilities. The proposed SEPP amendments include provisions to address matters such as contamination.</p>	
5.5	<p>JB and LN raised concerns about lack of community involvement.</p> <p>LN doubts anyone knew the exhibition period was on. She asked for a more detailed briefing from DP&I, a Q&A for the meeting.</p> <p>JB noted concerns arose from privatisation that gave advantageous conditions to the purchaser with tenants having little say and the community even less.</p>	<p>NSW Ports to invite DP&I to the next meeting to provide more information about the Ports SEPP amendments.</p>
6	Noise issues update	
6.1	<p>JG reported some progress with a meeting due next Tuesday. It is a longer term project getting participating organisations to look at past noise data and work out what should be in the strategy. Participants are NSW Ports, Randwick and Botany Councils, EPA, ARTC, as well as the Department of Planning & Infrastructure and they are trying to get an attendee from Transport and will look at involving other agencies and groups. The aim is to have more strategic oversight, coordination and open engagement to address operational noise.</p>	
6.2	<p>RS asked what noise criteria is used for example the Industrial Noise</p>	

	<p>Policy? How does Sleep Disturbance fit? JG replied Industrial Noise Policy is an informing guideline including the sleep disturbance criteria.</p>	
6.3	<p>CA reported the main concerns are dropping of containers and sirens from forklifts going back and forth. JB asked whether there are variations in the number of complaints. AW replied that most complaints are coming at around 2 or 3am and therefore would be operational noise not construction. There have been two complaints since last meeting so there isn't an increase. Over a year there are periods when noise complaints increases and it depends on a number of circumstances such as wind direction, what operations are occurring at the time etc. NSW Ports is trying to be proactive, even attending residences at 2am to better understand the issue. CA noted another variable is operators' attitudes with some concerned and others not caring. He is concerned that with the numbers of units being built more residents will be affected. SH reported that in winter light westerly winds carry noise toward Matraville residents as opposed to the prevailing north easterly winds in summer which carry noise away from residences. Ports had more complaints last winter. LN suggested there is under reporting and complaint fatigue. While her network may have a flurry of emails these may not be reported, so complaint numbers aren't necessarily indicative.</p>	
6.4	<p>RS asked what is the current noise regulation criteria, what are noise impacts assessed against? He noted that containers are dropped at night. There was a noise monitor on a balcony in Matraville provided by the EPA, and subsequently a press release was issued saying there was no breaches of noise criteria limits. JG said the EPA has a licence with two of the three container terminal operators, but there are other logistics operators. Identifying which operator dropped a container is difficult. Two operators have noise monitors but monitors measure all noise. EPA analysed data to determine whether noise has exceeded noise criteria. It came back with levels below Sleep Disturbance Criteria. It is a snapshot in time. RS asked whether it was LA1 (1 minute) JG replied it is. RS suggested that while there are a lot of technical nuances, residents are still being woken with noise. CA suggested average noise levels measurements are ridiculous, people are woken by bangs. JB understands there is criteria set for the construction and operation periods. He read out criteria for the urban area from Wilkinson Murray who were contracted noise consultants for the expansion construction. SH noted while there is no set noise level for the port, the EPA has an Industrial Noise Policy which is used for similar sites so it is used as the guide. RS said that while none of the reported levels on July 13 exceeded 56 DBA the graphs show figures over 56 DBA. AW, DV and JG said that even though noise monitoring has shown that noise levels are not exceeding criteria, NSW Ports and EPA recognises that noise is still a concern for residents. This is why the Noise Strategy working group has been formed, to work with stakeholders to try and resolve issues. The Chair asked that the question of noise criteria be taken back to the working group to try and establish certainty around criteria.</p>	<p>EPA take back to the noise working group the issue of establishing noise criteria.</p>
6.5	<p>RS queried the fact there is no community representative on the group as they are the ones upset. LN thought it ridiculous and unwise not to have community</p>	<p>EPA take back to the noise working group</p>

	<p>representative on the group. The Chair asked that the suggestion for a community representative be taken back to the noise working group. She noted that issues raised here could be continued outside this meeting and taken back to the group.</p>	<p>the CCC request for a community representative.</p>
7	<p>Port Traffic and Safety - New vehicle access changes on Prince of Wales Drive - Updates to Botany Rd/Foreshore Rd intersection</p>	
7.1	<p>- New vehicle access changes on Prince of Wales Drive AW reported NSW Ports are considering changes to access on Prince of Wales Drive. The access gates, which are past the carpark area, are closed at sunset and opened at sunrise. NSW Ports is considering moving gates to the other side of the carpark (to include the carpark) to prevent people parking overnight and engaging in anti-social behaviour which is becoming excessive. JB suggests this is unacceptable. People park there and walk along the track for legitimate activities such as fishing at the point. There is no other parking after dark. If acts of indecency are being committed call the police. He has approached the Minister for more flexibility in open hours for the gates. This proposal is totally against what is being discussed with the Minister. CA said this will just push the behaviour into residential areas. LN agreed with JB. It is a public asset recognised as a community area which people use sunset to sunrise. This is peak fishing time and it is already locked up. The proposal is to lock more up. SH reported it is not a fait accompli. NSW Ports wanted to bring the proposal to the meeting for feedback. BE reported other parks in the Council area are facing the same issues. It is a regional issue and needs to be addressed at that level. She suggested NSW Ports could be part of a committee to address it. AW replied Ports would be happy to be involved in discussions if something was organised.</p>	
7.2	<p>- Updates to Botany Rd/Foreshore Rd intersection AW reported on works in February and March to install a footpath, angle parking and a pedestrian refuge. There has been foliage trimming. Warning signs have been placed at the eastbound slip lane and chevron line markings widened at the slip lane. The pedestrian crossing has been repainted and pram ramps installed. A red arrow has been installed to stop traffic for pedestrians to cross Foreshore Road. JB raised issues discussed previously of conflicts regarding use of Foreshore Road area with Orica's plans to redevelop their safety barriers around the recovery wells and the longer slip lane. He hasn't heard from Orica or RMS. LN noted it wasn't raised at the last Orica meeting. With conflicting views from two organisations on use of the road JB asked why they would spend money putting something in that would have to be taken out. JB noted the safety barriers for pumps and wells was supposed to be a temporary site for the secondary containment seven years ago. They are now talking about 100 years but Ports and Government have raised the need to potentially widen Foreshore Rd in the future. If still required a better way for secondary containment needs to be found than the middle of the road. RS suggested Orica meeting minutes signalled expert opinion (from two experts from the USA – Dr Mike Kavanagh and Professor Paul Johnson) suggested the secondary catchment is necessary for decades.</p>	
7.3	<p>MP raised safety concerns regarding the intersection of Bumborah and Botany Roads. There have been a lot of near-accidents and visitors and contractors are finding it dangerous getting in and out of the Orora</p>	

	<p>carpark. The whole intersection needs review. Vehicles leaving their site don't get a right arrow, and trucks leaving the Port often turn left into the far lane.</p> <p>It was suggested this can be taken to the Randwick Council Traffic Committee. AW noted that changes were made to the Foreshore Rd intersection after submitting safety incident reports to RMS and recommended Orora follow a similar process.</p>	
8	<p>Port Botany Community Assets - Boat ramp, Foreshore Beach, Penrhyn Estuary, Molineaux Point</p>	
8.1	<p>- Foreshore Beach</p> <p>RB reported in relation to the recent red/orange plume in the vicinity of Foreshore Beach, that high concentrations of iron oxide was found by the EPA to be present. There was coordination between Sydney Ports, NSW Ports and EPA. The EPA tested the water and found it to be non-toxic and was not algae. Sydney Ports had previously not had a procedure to close the beach, but there is now a procedure to advise the beach is closed for swimming.</p> <p>LN reported that when she rang Sydney Ports she was flicked to EPA. The community here believes Sydney Ports focus has always been on Sydney Harbour and would like some focus here. It has been difficult getting an SPC representative to attend these meetings.</p> <p>SP reported Botany Council staff still haven't been informed as to what the plume was and where it came from and they are getting complaints from the community they can't answer.</p> <p>RB said that while the water contamination is not a Sydney Ports responsibility closing the beach is.</p> <p>JG reported the source of contamination is unknown. Either the EPA or Council would be the responsible authority. EPA is working with Council, but anyone with information should forward it to the EPA. All that is know is that the water was high in iron, but had no algae.</p> <p>LN asked for clarification on the line of responsibility for managing the response to the pollution incident.</p> <p>JG said under current legislation responsibility is divided between Council and EPA. If not there is not an EPA licence in place caused by a government agency, it would be Council responsibility.</p>	
8.2	<p>RB reported that Sydney Ports is consulting with Department of Primary Industry around stabilisation of Foreshore Beach. Potential solutions are either two or three groynes to protect the beach. SPC has consulted Department of Planning and is waiting to consult with Fisheries. They hope to do the work in winter when the area is less utilised but it depends on negotiations.</p> <p>LN asked that a strong recommendation from this forum be that groynes have a surface people can walk on, noting this has been raised on at least 4 previous occasions.</p> <p>RB will take this on notice.</p>	<p>SPC to take on notice providing a surface on groynes that people can walk on.</p>
8.3	<p>- Boat ramp</p> <p>RB hasn't heard of any incidents at the boat ramp.</p> <p>JB reported he has spoken with SH about taps that had been removed in the boat engine washdown area. Some work has been done on bollards. Hoons are back in the car park at night time and it appears that new contractors have been engaged for security, so there is a new team of people. The boating fraternity has been trying to instruct them on how everything works.</p>	
8.4	<p>RB reported Penrhyn Estuary is into its second year of monitoring. The results are not yet available, but will be posted on Sydney Ports' website when they are and circulated to the CCC. Things are tracking well, with the only non-positive trend around seagrass along Foreshore Beach.</p> <p>LN asked about erosion on the bird island</p>	<p>SPC to circulate Penrhyn Estuary monitoring results to the CCC when</p>

	RB reported that SPC has worked with avian experts to build the level up to above the initial design by placing coarse material which won't blow away. There are continuing issues with foxes and ongoing trapping. JB reported in relation to community concerns about the levels of mercury raised at a forum, that consultants have released a number of reports indicating no exceedences or health impacts, but testing for other areas including Penrhyn Estuary will be undertaken.	available.
	- Molineaux Point SH reported working with LN to refurbish the monument area.	
9	Port Botany Expansion Construction Update - Update on construction activities - SICTL and Patrick	
9.1	Patrick RP reported work on the reclaimed knuckle is continuing. Construction Management Plans and Traffic Management Plans for the existing terminal are approved and construction commenced prior to Christmas. Major civil works under way include buildings and control tower. Ramp D is almost finished and will open to construction traffic in late March, then to operational traffic. The Operational Environmental Management Plan is being developed and Councils and agencies have been advised. Timescales for the terminal automation project have been delayed due to the Autostrad straddles being damaged at sea on route. Damage is being assessed but is likely to delay the project to early 2015. However construction and new facilities will be completed.	
9.2	SICTL JI reported that the CEMP for construction was audited late last year with good results. Environmental Monitoring results have been submitted to DP&I. Most areas are now complete and focus is now on the rail siding which is predicted to be ready for trains in May. There have been no environmental alerts.	Action: JI to ask KM to forward a SICTL construction update to be attached to the minutes.
9.3	JB asked about resident concerns in relation to lights on SICTL cranes. SH replied he and KM have been in communication with residents at the Sir Joseph Banks building and offered to come to the building to look at impacts. This offer has not yet been taken up. JI noted the lights on cranes are airport related and governed by federal laws. KM is investigating modification with shrouding on the residence side, but this needs to be done in consultation with the airport. LN noted proximity to the airport as well as environmental impacts.	
10	Port Botany Expansion Operational Update - JI reported the arrival of the first vessel at the new terminal on November 6. Currently small container vessels are berthing . Auto stack cranes were commissioned in December. A new customer will start in April and larger ships are expected. SICTL undertook a carriers' forum which will be ongoing to reinforce noise and safety messages to carriers and trucking companies. Rail operations will commence in May. Water Quality monitoring commenced with sampling discharge waters to confirm water quality to the EPA. Monitoring results will be uploaded to the website.	
11	Safety and Environmental Incidents There have been two noise complaints since last the meeting and communication with residents regarding concerns over the lights on the SICTL ship to shore cranes.	
12	General Business/ Next Meeting	
12.1	- Green Port Checklist AW reported that NSW Ports has developed a new green port checklist for the design of new developments. Sydney Ports had previously had a	

	<p>Green Port Guideline to encourage sustainable developments. NSW Ports wanted to simplify this document and include measures that go above and beyond standard initiatives. DV has circulated an email to tenants with the checklist for new developments.</p> <p>RP asked whether the checklist applied to developments already approved.</p> <p>AW replied it is for new developments. The checklist is on the NSW Ports website.</p>	
12.2	<p>LN reported that minutes from community meetings which were held while Port Botany was under Sydney Ports are now restricted and people can't get into them. She was looking for particular minutes but there was restricted access. She also requested more detail on Penrhyn Estuary e.g. bird numbers on the website which would save time on enquiries.</p> <p>RB acknowledged there are difficulties with the website particularly after the changeover which are being worked through.</p>	<p>RB to look at providing historical meeting minutes to NSW Ports or on Sydney Ports website</p>
12.3	<p>- Business Clean Up Australia Day</p> <p>AW reported NSW Ports participated in Business Clean up Australia today with clean up around Yarra Bay Beach and access area. She thanked port tenant Patrick who also volunteered to help out with the event.</p>	
	<p>SH thanked DP World for hosting this meeting.</p> <p>The next meeting will be Tuesday 20th May, 5.30pm.</p> <p>LN requested where possible and relevant, for quick briefing papers in advance to save time at the meeting.</p>	
<p>These minutes have been endorsed by the meeting Chair</p> <p>Signed:  _____</p> <p>Date: 17/3/14</p>		