

**Meeting:** Port Botany Community Consultative Committee – Meeting No. 11

**Held:** Tuesday 31 May 2016, 5.30pm-7.30pm  
SICTL Training Room, 1 Sirius Road Botany

**Present:**

Charles Abela (CA) – Community	Dave Dogger (DD) – Patricks Stevedores
John Burgess (JB) – Community	Karen Jones (KJ) – Orora
Lynda Newnam (LN) – Community	Michael Martin (MM) – Vopak
Mal Jagdev-Imrich (MJI) – Community	Brent Geeves (BG) – Terminals Pty Ltd
Janice Dennany (JD) – Randwick Council	Aldo Costabile (AC) – Elgas Limited
Steve Poulton (SP) – Botany City Council	Gary McKay (GM) – Caltex
James Goodwin (JG) – EPA representative	Jos Kusters (JK) – Caltex
Tony Navaratne (TN) – Port Authority of NSW	Blair Moses (BM) – SICTL Stevedores
Paul Britt (PB) – Port Authority of NSW	Daniela Vujic (DV) – NSW Ports
Cally Sheehan (CS) – Port Authority of NSW	Trevor Brown (TB) – NSW Ports
Roberta Ryan (RR) – Chairperson	Wayne Ashton (WA) – NSW Ports
Sandra Spate (SS) – Minute taker	Adem Long (AL) – NSW Ports

**Apologies:** Paul Pickering – Community, Ryan Bennett – Port Authority of NSW, Alison Wedgwood – NSW Ports, Luke Frawley – DP World, Catherine McMahon – Botany City Council, Bronwyn Englaro – Randwick Council, Larissa Borysko – EPA representative, Andrew Hogg – Terminals Pty Ltd.

Item	Description	Action/ Responsibility
1	<b>Apologies and Introductions</b> Apologies are as recorded above.	
2	<b>Accept minutes of last meeting</b> JB moved acceptance of the minutes of the March 2016 meeting. This was seconded by BM and accepted by the meeting.	
3	<b>Actions arising from previous minutes</b>	
3.1	Action 3.2 August 2015 (arising from 11.1 from March 2015) SH to provide information to the CCC regarding the RMS response (regarding the issue of the verge on Foreshore Road). SP is happy to follow this up from Council if NSW Ports can provide the name of the RMS contact. JB noted the speed camera placed at the intersection of Botany Road and Foreshore doesn't seem to be operational yet. He suggested while there is a need for speed cameras in the precinct this was the most ineffective site. WA confirmed there have been no signs installed indicating operation.	NSW Ports to provide SP with name of the RMS contact. SP to follow up RMS's response regarding the Foreshore Road verge.
3.2	Action 10.2 December 2015. Port Authority of NSW to consider whether to extend seagrass monitoring in light of groyne construction. TN reported Port Authority of NSW have no plans to extend seagrass monitoring at this stage but will take a request from the CCC on notice. A seagrass survey will be undertaken in the next two weeks prior to commencement of construction.	Action remains open.
3.3	Action 5.3 March 2016. The CCC formally requests Port Authority of NSW extend seagrass monitoring beyond 2017 to assess impacts of	The Chair to send a formal

	construction of groynes on Foreshore Beach.	request from the CCC to PAoNSW for the extension of seagrass monitoring.
3.4	<p>Action 8.4 March 2016. MM to respond to the CCC as to whether the new Vopak DA will be state significant and whether it will include a traffic study.</p> <p>MM reported Vopak has been asked to resubmit some documents to the Department of Planning and Environment (DP&amp;E) around impacts on the whole ports area. A traffic study has been undertaken as part of the application.</p> <p>DV reported two development projects are with the DP&amp;E. One for the B4 site for additional bulk liquid tanks which is a State Significant Development that has already been on public exhibition. The EPA / DP&amp;E have requested an additional air quality assessment be undertaken and this was submitted to the DP&amp;E earlier this week. The other is for Modification of Approval to Vopak's existing B1-3 sites. This application has been submitted for adequacy test prior to being publically exhibited. The Department has asked for additional traffic assessment documentation including an assessment of risks on Denison Street for the Section 75W application. The Modification Application should be on exhibition before the next meeting.</p>	
3.5	<p>Action 9.3 March 2016. A letter to be drafted from the CCC to the Minister for Planning around strategic noise monitoring, buffer zones and the need for State Government Planning buy in.</p> <p>This was sent and a copy provided to CCC members. There is no response yet from the Department of Planning. The Chair will follow this up. The action remains open till a response is received.</p>	Action remains open.
<b>4</b>	<b>Port Botany community assets</b>	
4.1	<p>- Updates on Foreshore Beach groynes design project</p> <p>TN reported that the Port Authority has now awarded the contract for construction of the three groyne option incorporating Sydney Water stormwater installations. Work will commence mid June and is expected to last 7 months. The contractor is Ward Civil and Environmental Engineering. Paul Britt is project manager. The Millstream car park will need to be closed during the construction period. A seagrass survey will be undertaken prior to construction. Any patches of Posidonia potentially affected will be transplanted prior to work being undertaken.</p> <p>JB asked whether each groyne would include a stormwater discharge pipe. TN replied two would be included in the one closest to the boat ramp and the one closest to Millstream car park.</p> <p>LN asked whether the seagrass survey would be on the website. TN replied it would be on the website, probably by next CCC meeting.</p> <p>SP asked what the hours of work would be. TN reported it would be daylight hours and include a half day on Saturday.</p> <p>JB asked whether the fill would come by road. TN said the stones would come by road. Fill would be taken from where it has accumulated around the Millstream. Any additional would be</p>	

	transported by road.	
4.2	<ul style="list-style-type: none"> <li>- Access to Penrhyn Estuary</li> </ul> <p>LN reported on the bird hide being closed in the middle of the day on April 10. She had recommended to a cyclist a ride to the bird watch area but it was closed. It needs to be open. If people turn up and it is closed they probably won't return. It becomes a self fulfilling prophecy. This isn't the first time this has occurred.</p>	TN will take on notice and respond to the issue of the bird hide being closed during the day on April 10.
<b>5</b>	<b>Port Botany Expansion Operational Update</b>	
5.1	<ul style="list-style-type: none"> <li>- SICTL including stockpile update</li> </ul> <p>BM reported all expansion projects are currently on hold. Regarding the stockpile, the fire ant issue in another area of port put movement of the stockpile on hold. This resulted in an elevation of pH levels. When the ant ban was lifted hot spots (for elevated pH levels) were extracted. SICTL has now applied for an EPA exemption to remove the remaining stockpile.</p> <p>JB asked whether the stockpile could be used in the groyne construction. He suggests SICTL talk to the Port Authority.</p>	
5.2	<ul style="list-style-type: none"> <li>- Patrick</li> </ul> <p>DD reported quay cranes are still being commissioned. They are not fully operational. The decommissioning of existing cranes has been put on hold till the merger with Asciano has gone through.</p>	
<b>6</b>	<b>Development activities in the Port</b>	
	<ul style="list-style-type: none"> <li>- NSW Ports/ Port Authority of NSW developments</li> <li>- Tenant developments</li> </ul>	
6.1	<b><u>NSW Ports developments</u></b> There are no developments to report.	
6.2	<b><u>Elgas</u></b> There are no changes to operations	
6.3	<b><u>Vopak</u></b> Refer to item 3.4 above. No further developments to report	
6.4	<b><u>Caltex</u></b> GM reported on commencement of an upgrade of the fire system with two new freshwater tanks and changes to piping. Additionally, this Thursday a mutual exercise is being held with Fire & Rescue, Airports, Orica and the Kurnell terminal.	
6.5	<b><u>Orora</u></b> KJ introduced herself. She has taken on the role of Environmental Manager at Orora. Regarding the proposed noise wall at the back of Orora she reported that the block of land it was to be located on has been sold and the new owner won't allow its construction. It needed to be installed to allow the demolition of existing paper machine buildings. This has been postponed until there is a new plan. CA expressed the opinion that the community is losing out by Orora selling the land without a caveat. LN asked whether the wall would go on Orora land. KJ replied that Orora has noise consultants in. She will provide updates at future meetings.	
6.6	<b><u>DP World</u></b> DV reported on paving to allow a vacant area of DP land around Charlotte Road to operate as an empty container storage area.	
6.7	<b><u>Terminals</u></b> BG reported he will be attending meetings instead of Michael Selleck. He reported the old Vopak site A development on Friendship Rd is in the design phase. A Hazop report has been prepared. A final review is being	

	<p>undertaken then Terminals will progress with the application. There are no other real changes. A couple of tanks will be removed and the others will be storage for petroleum products. BG will provide more detail to the next meeting.</p> <p>DV noted existing tanks which were previously used to store chemicals are proposed to be converted to store fuel as part of a complying development application which will be submitted to Randwick Council. This includes pipeline work to the bulk liquid berths. Documents are currently being reviewed by NSW Ports prior to the complying development application being submitted to Randwick Council.</p> <p>AC asked about likely timing.</p> <p>BG replied that he expects it should be operational by the end of the year.</p>	
<b>7</b>	<b>Port Botany Noise Update</b>	
7.1	<ul style="list-style-type: none"> <li>- Update on Letter to Planning Minister</li> </ul> <p>RR will continue to pursue an update from the Minister.</p>	
7.2	<ul style="list-style-type: none"> <li>- Discussion on recent suggested noise actions and updates from agencies</li> </ul> <p>Regarding the proposal at the last meeting for a noise forum, LN suggested extending the time for the CCC meeting and inviting extra community members to engage with tenants at this level. She thought the Department of Planning needed to be here. There could be a short presentation of where we are at. People need assurance that they are being listened to and that the Department of Planning understands what a noise budget is.</p> <p>JD reported Randwick Council has looked into a separate noise forum in 2014 but a proportion of stakeholders thought a separate forum would be a repetition of the PB CCC. The separate forum was requested by the community to allow additional community members to discuss noise issues. It was suggested that an alternative to such forum would be to allow an additional 4-5 community members to attend the PBCCC. RR suggested the first step be to aim for a response from the Department of Planning. The CCC is able to invite people to discussions and can invite community members. The EPA could summarise discussions to date but without other agencies we are in the same position as now. We need a response from the Department of Planning to take it from there. She understands noise is an issue for the community but we need the right people in the room to make the discussion fruitful.</p> <p>DV agreed the first step should be to await a response to the letter sent to the Minister for Planning. JG noted that the EPA has been engaging at an officer level with Planning on this matter, specifically around the Port Botany Noise Strategy. DV has briefed staff members from both the Department of Planning and Botany Council on the NSW Ports Masterplan and the planning actions needed by them around land use conflict management and protection zones to take the Masterplan forward. The Port is not new but when people move to the area they are not being advised that they could be exposed to noise impacts from the rail freight corridor and the Port. Actions from Department of Planning and the Councils are required to take this forward. NSW Ports doesn't want residents exposed to noise impacts, particularly people moving into new higher density residential developments. NSW Ports has worked with tenants to reduce noise impacts and noise nuisances where possible but we can't remove all noise sources potentially impacting residents. We need to ensure no additional people are exposed to port-related noise impacts. The Department of Planning, Councils and the</p>	<p>RR to write to the Commissioner</p>

<p>Greater Sydney Commission need to take a lead on this matter. The EPA can only flag issues with Planning. Holding a noise forum with residents is not the next step. We need to continue to lobby as a group and as individuals in the first instance to seek changes to land use planning controls.</p> <p>LN suggested it would be valuable to write to Maria Atkinson, the Commissioner for the Central District. There is evidence they are not aware of constraints in the area.</p> <p>CA asked what we are lobbying for.</p> <p>DV responded it is for appropriate land use planning, zoning and development controls. If land is rezoned for residential development in proximity to the port, port-related lands and infrastructure then planning authorities need to ensure these developments have internal noise attenuation to ensure people are not impacted. People in these developments need to be aware that this also means sleeping with windows closed to achieve the internal noise design levels. We need to educate people in the community who live next to freight rail lines if we are serious about growing freight on rail. We need to ensure Councils require developers to consider maximum noise levels for developments in proximity to rail corridors. Currently developments only need to include noise attenuation based on average noise levels over a period of time rather than the peak / maximum noise level. NSW Ports wants people / residents to be aware of this and wants the EPA to advise the Department that the current provisions of the Infrastructure SEPP are inadequate.</p> <p>CA isn't sure anything can be done.</p> <p>DV noted it is done for the airport flight paths, so it should be done for rail corridors, ports and industrial precincts.</p> <p>JB agrees but is worried about having to retro fit for existing residents in 10 years or so. When rail operates 7 days a week on 24 hour cycles retrofitting existing residents will become an issue and someone will need to pay for this. He foresees significant costs in the future.</p> <p>JG suggested Transport for NSW has a program which funds noise attenuation for residents impacted by rail noise.</p> <p>AL noted there are solutions for existing passenger lines like the Cronulla line.</p> <p>DV noted NSW Ports has set a target for moving up to 3 million TEUs by rail over the next 30 years and this is generally consistent with the State Government's policy objectives. If freight is not on rail it will be transported on the roads and we should be working towards good environmental outcomes for the port supply chain. We won't be able to continue to put high rise developments next to rail corridors and expect rail to operate without operational constraints. We may have one train an hour on the rail line but this could be increased to six in the future hence residents need to be aware.</p> <p>MJI noted cumulative noise impacts with airport noise. Previously airport noise was not as intense but they are now getting planes from 6am. When complaints are directed to the airport they responded that it has always been like this but it hasn't. We were never under the flight path before. It is not just one noise source but a combination, the airport, Port, and now noise from trucks from the waste transfer station.</p> <p>LN suggested one reason why the Greater Sydney Commission should be part of this discussion is that there was never an assessment done when the cap on TEUs was lifted for Port Botany.</p> <p>RR suggested progressing as agreed. She is happy to write to the relevant commissioner. If there is agreement from them to attend a meeting we can then invite residents.</p> <p>TB reported a promise from Greater Sydney Commission for an</p>	<p>for the Central District outlining noise concerns and inviting them to attend a CCC meeting.</p>
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	<p>unprecedented level of community engagement. DV confirmed that the District Plans are currently being prepared with drafts to be released around October / November and the final plans to be released in January next year.</p>	
7.3	<p>- Email from Matraville Precinct Committee - AW</p> <p>TB summarised an email from the Matraville Precinct Committee regarding noise and sleep deprivation with concerns that nothing is being done about a noise abatement strategy. It suggested councils to do random observations to identify when noise is at its worst. People's health needs to be considered. It suggests a generic 24 hour phone number to report noise issues. There are also concerns with heavy vehicles travelling up Bunnerong Road into the Matraville town centre. And there are concerns with the Veolia treatment facility. There were questions about the emergency response process for suburbs around Port and the Botany industrial precinct.</p> <p>RR summarised that the email is around overall cumulative impacts. The authors of the email could be invited to attend the CCC meeting proposed with Planning. She noted some issues such as the emergency response can be clarified. She suggested she and TB develop a response to the email.</p> <p>AL noted for the minutes that the Matraville route mentioned in the E-Mail from Matraville Precinct Committee is an RMS approved heavy vehicle route which NSW Ports doesn't have control over. Further to this, the Perry St route is a permitted route, again approved by RMS.</p> <p>There are misunderstandings by the community of the signs on Bunnerong Road. The actual approved condition of this route, as per the RMS Website are:</p> <p><b>Condition:</b> The driver of a defined heavy vehicle (in excess of 12.5m in length) is permitted to travel from Port Botany to a destination on Beauchamp Road, Matraville despite "No Trucks" restrictions on Bunnerong Road at Matraville (Road Rule 104) and to make a left turn from Wentworth Avenue into Denison Road at Eastgardens, despite a no left turn sign (Road Rule 91).</p> <p>All these conditions can be seen on the RMS Website and contrary to the E-Mail from the Matraville Precinct Committee, the trucks using this route are not using it illegally. JB commented that the Precinct's complaints were not specifically directed at NSW Ports but rather to activities linked with the port precinct</p> <p>LN noted the development at the corner of Botany Road and Beauchamp Road was approved by Botany Bay Council, even though it impacts Randwick.</p> <p>JG suggested EPA monitoring has provided a better understanding of noise sources. There has been progress regarding licensees' alarms. EPA is in the early stages of a concept for a Citizens Science Project which may provide potential opportunity for targeting areas identified as a problem. Data hasn't shown an increase of noise over recent years. He anticipates noise problems primarily in the future with growth targets. EPA is working where they can to influence outcomes.</p> <p>DV would like EPA to be very proactive, particularly with informing the Department of Planning of land use conflict issues.</p> <p>JG replied they are proactive but EPA is only a stakeholder that has an influencing role in many planning matters.</p>	<p>TB to discuss a 24 hour noise number with tenants and bring a response to the next CCC meeting.</p> <p>TB and RR to construct a response to the Matraville Precinct Committee email.</p>
	<p>- Port Botany Expansion Rail Noise (as per CoA 2.28) – AW</p> <p>TB indicated NSW Ports is required to have this item on the agenda as a condition of approval for the expansion. No issues have been raised</p>	

	regarding rail noise from the Port Botany expansion project.	
<b>8</b>	<b>Safety and Environmental Incidents/Complaints</b>	
8.1	- Port traffic and safety WA reported no traffic or safety incidents since the last meeting.	
8.2	- Biosecurity update TB reported the Department of Primary Industries has revoked the Red Imported Fire Ant Control Order so movements of soil and vegetable matter are no longer restricted. There are no other biosecurity matters to report.	
8.3	- Summary of complaints TB reported one non specific noise complaint from the Matraville area since the last meeting.	
<b>9</b>	<b>General Business/Next meeting :</b>	
9.1	- POEO Act and Regulations amendments TB reported the NSW EPA letter advising changes to the Protection of the Environment Operations Act and Protection of the Environment Operations (General) Regulations. Some changes are for activities requiring licensing such as railway activities. Up till now with rail infrastructure the owner is required to be licensed. EPA is creating additional categories for rolling stock operators and those undertaking rail infrastructure construction works. Changes round dredging more than 30,000 cubic metres is now for more than 30,000 tonnes. Changes are open to comment until midnight on 16 June. DV asked the reason for changes to dredging as tonnes will be difficult to estimate. TB said it is simplify regulations and remove the distinction between dry and dredging. Currently all contracts are based on cubic metres.	
9.2	RR reported on the resignation from the CCC of Ross Salter which is a loss to the committee. She will draft a letter to Ross on behalf of the CCC thanking him for his valuable service on the committee. The committee will look for an industry replacement and RR would welcome any suggestions from committee members. The position will also be publicly advertised.	RR to draft a letter of thanks on behalf of the CCC to Ross Salter.
9.3	DV reported a planning proposal by Masters for a development in Hillsdale within the Ports SEPP area has been refused by the Minister for Planning so it won't progress. There is a further Planning Proposal by Botany Council to rezone land near the Botany shops around Bay Street from industrial to business B7 and put container restrictions in the Three Ports SEPP area. It is with the Department of Planning for consideration. NSW Ports doesn't support the rezoning or the restriction of containers in the Three Ports SEPP area. Botany Council is also looking at a risk study for Denison Street regarding transport of dangerous goods. Ports was told a study was drafted but haven't heard anything further. NSW Ports has concerns about restrictions being imposed on a key access route to the Port, particularly for bulk liquid users. Foreshore Road is already congested in the afternoon period and Denison Street provides a key access route to Port for northbound trucks as identified in NSW Ports' Masterplan. The Bunnings development brought this matter to the attention of planning	CM to respond to NSW Ports on status of a risk study for Denison Street.

<p>authorities including an increase in general traffic. The route has been identified as a dangerous goods route<sup>1</sup> since the 1980s in land use planning documents. The Department of Planning's Botany / Randwick Industrial Area Land Use Safety Study (2001) identifies both Stephen Street and Denison Street as dangerous goods routes. Stephen Street is now no longer used due to truck restrictions also imposed on Botany Road. If restrictions are imposed on dangerous goods and port trucks using Denison Street then all traffic will be on Foreshore Road. This is not viable for the future of Port Botany and NSW Ports will continue to lobby to protect Denison Street for port trucks including those transporting dangerous goods.</p> <p>JB reported on sale of 20 commercial development lots in addition to the Masters site on Denison Street. (JB has subsequently reported that only 11 within the subdivision have been listed for sale). It has been gazetted and expressions of interest for purchase of lots have been called for. Access is via Corish Circle. The community have asked for land here for car parking for Hensley Athletic Field and have achieved some land for this. 20 new industrial complexes will create more traffic. The land was sold by Orica late last year and the new owner has obviously been granted approval for subdivision into multiple industrial allotments. JB wasn't aware of the subdivision and intended sale of the allotments until he saw the advert in the commercial real estate listings.</p> <p>DV noted there have been significant rezonings of industrial lands in southern Sydney, particularly around Alexandria and the Marrickville area. These industrial operators are being displaced and are looking at relocating to industrial zoned land within the Three Ports SEPP area. There has traditionally been a need to retain larger lands for port related activity. Other industrial operators are putting pressure on industrial land supplies as they often only require smaller land parcels to operate from. Ports has written to the Department of Planning seeking prohibition of subdivision of land greater than 2 hectares in order to maintain larger parcels of land close to the Ports precinct for port-related industrial uses. This hasn't been accepted by the Department but it is noted that other councils have such provisions in their LEPs.</p> <p>JB asked whether Botany Council approved the 20-lot commercial subdivision on Denison Street. SP noted this is outside his area but he will asked CM to respond. DV noted that it is likely that the Council would have approved the development, unless it was undertaken as a complying development application. Subdivision of industrial land is permissible with consent unless the Department of Planning changes this policy position in the Three Ports SEPP area.</p> <p>Note: CM has responded to the point above and has advised that the subdivision development application was approved by the Land &amp; Environment Court. Orica have recently lodged a section 96AA application with the Land and Environment Court for an amendment to the subdivision referred to in the consent DA 10/486. This adds additional lots and removes public road access to the lots. It also appears to change the lot that was the subject of a proposal for car parking for Hensley Athletics Field. Council is currently reviewing the</p>	<p>CM to respond as to whether the 20-lot commercial subdivisions was approved by Botany Council.</p>
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<sup>1</sup> It is important to note, that RMS does not classify any roads in NSW as 'Dangerous Goods' routes. So whilst the Dept of Planning may have used this term, under the official road rules for NSW, it does not exist.



	revised subdivision application and the suitability of the lot now proposed as the possible car park for Hensley Athletics Field.	
11.4	JB asked about progress on the new CCC guidelines. RR replied that the submission period was extended and there is no outcome yet. LN noted submissions are published on Department of Planning website.	
11.5	DV reported on other planning changes to the Environmental Planning and Assessment Act, 1979 (EP&A Act). One announced change is around community consultation. In 2011 the new government announced it was preparing a new planning act but it didn't progress as planned. The government is now picking out certain aspects to make reforms to the existing EP&A Act. One change relates to community consultation and having a charter around how to engage with the community during the strategic planning process. Department of Planning have had selective consultation workshops which are now complete. DV understands the Department is now looking for additional feedback. DV can provide the link to those who are interested.	DV to provide a link to the Department of Planning's website
9.6	JB noted the announcement on 21 December of the appointment of Marika Calfas as Chief Executive Officer of NSW Ports and congratulated her on behalf of the CCC on this appointment.	
	Next meeting is Tuesday 30 August 2016	
<p><b>These minutes have been endorsed by the meeting Chair</b></p> <p>Signed:  Date: 20/06/2016</p>		