

Meeting #37

Port Botany Community Consultative Committee

Location: Online – zoom link as sent in the calendar meeting invitation

Date: Tuesday, 22 November 2022

Time: 5.30 pm - 7.00 pm

Attendees	
Community members John Burgess (JB) Peter Fagan (PF) Patrick Medway – Bayside Chamber of Commerce (PM) Charles Abela (CA) Paul Pickering (PP)	NSW Ports representatives Bryan Beudeker (BB) Jonathan Lafforgue (JL) Peter Munro (PM) Pip Harley (PH) Georgia Peters (GP) – Minute taker Roberta Ryan (RR) – Chairperson
Council representatives Bronwyn Englaro (BE) – Randwick City Council	Apologies: Glen Young (GY) – Port Authority of NSW Trevor Brown (TB) – NSW Ports Alan Chambers (AC) – Vopak Erin Barker (EB) – NSW EPA Clare Harley (CH) – Bayside Council Gary McKay (GM) – Ampol Steve Barclay/Trent Gearside (SB/TG) – Quantem Derrick Quinlivan (DQ) – SafeWork NSW Michael Kinnell (MK) – Origin Energy George Tanevski (GT) – Origin Energy Jos Kusters (JK) – Ampol Mark Bernhardt (MB) – Origin Energy
Business representatives Sam Steel (SS) – Patrick Karen Jones (KJ) – Opal Michael Martin (MM) – Vopak Mark Walker (MW) – Qenos Russell Brown (RB) – ACFS Creagh Debrabander (CD) – Elgas Limited Dozie Egeonu (DE) – Hutchison	

Agenda Items

General Business

1. Welcome, apologies, introductions

RR welcomes everyone to the 37th Port Botany CCC meeting.

AC, CH, TB and EB send apologies.

JB moves the minutes and notes an amendment to be made about the wharf extension. The amended minutes from the previous meeting will be sent out alongside these minutes. PF seconds the previous minutes.

Catherine Pemberton (CB) has resigned from the Ports and is no longer attending the CCC.

GM is retiring from Ampol and the CCC thanks him for his contribution.

RR notes that there has been ongoing difficulty getting in touch with the Port Authority representative.

PH introduces herself; she is the Sustainability Manager at NSW Ports.

Matters arising from previous minutes

Actions from the last minutes

1. **TfNSW presentation: TfNSW is not ready to present at this meeting and asks if they can provide an update outside of the CCC meeting schedule.**

RR suggests that TfNSW invite the committee members to an event regarding M4/M5.

BE says that the CCC is keen to hear what this project is. She believes it is significant. The Gateway Project has not improved anything for Port Botany.

2. JB mentioned there was a recent fatality involving a container semi and a small car travelling east along Forehore Rd adjacent to the port terminal. The semi experienced an engine malfunction which locked up the brakes and the small car collided with the rear of the rig. The female driver was killed and 2 other female passengers are in a critical state. **CH to provide an update on JB's email to Bayside Council regarding the memorial.**

CH provides the following email update:

"By way of update to the committee in relation to the zoo animal sculptures at Sir Joseph banks park I can advise that I have liaised with Council City Infrastructure team and can advise that some maintenance works have been undertaken around the sculptures. My understanding is that the concrete sculptures with vines are to remain untouched and the fibreglass sculptures were coated a number of years ago but that the coating has deteriorated.

Council has been offered a number of bronze sculptures of animals by local artists Gillie and Marc. Council is currently considering location of the sculptures within Sir Joseph Banks Park as they are consistent with its history as a zoo. Given the durability of the material they are likely to be appropriate additions to the park and complementary to existing assets."

3. **Update on a tour of the Port from PM.**

PM says that they do not have the resources and capacity to get tours regularly. He asks for people to indicate if they are interested in a tour. They are discussing a possible tour with a tour company. PM will get back to the group at the beginning of the year with a definitive answer. As of right now, they are unable to do it. PM indicates that this is a high priority for him and it is a work in progress.

4. **SS to provide an answer on whether the lighting is LED.**

SS confirms that they do not use LED.

5. CH to provide an update on the information found concerning the lighting and condition of Foreshore Rd.

CH provides the following email update:

“In response to the request for Bayside Council to raise the condition of Foreshore Drive with TfNSW we have received the following response:

- TfNSW have logged an inspection request and any defects of Foreshore Drive will be added as defects.
- Defects will be reactively managed by TfNSW Maintenance Team
- Foreshore Drive is not currently on ConnectSydney’s pavement forward plan for 2022/23 (ConnectSydney are responsible for road maintenance on behalf of TfNSW).”

6. BB to provide an update about his conversations with Patrick, DP world and the container park about noise levels, including alarms.

This item will be covered in the Ports update.

7. BE to track discussions about the La Perouse ferry wharf.

BE has looked at the assessment report. It mentions the wharfs being extended: 860 metres for La Perouse and 240 metres for Kurnell. This extension is for the safety and depth of vessels.

JB says there is strong community opposition to this project. The NSW government has now conditionally approved the project but the Federal government has yet to make a decision on environmental issues pursuant to EPBC regulations. The Federal Govt has now extended the time for submissions and consultation on environmental concerns until 15 December 22.

BE says there is a condition requiring them to independently review the final design.

JB says this project is out of control - costs keep escalating and the operational financial viability modelling does not stack up without public subsidy. PF agrees that it lacks purpose.

CA says that what has been approved is not what they are building; they are building the wharf much longer than what they received approval for. JB says that the original proposed length of the LaPerouse wharf was 100m, then extended to 180m and to 230m in the final NSW government determination.

BE offers to send through the assessment report with the issues. The link is here:

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-10049%2120220803T043231.565%20GMT>

Presentations

1. Ports sustainability strategy – PH

PH provides an update on the Sustainability Strategy.

BE says that Council has recently began looking at Infrastructure Sustainability Rating Scheme for roads. Will Ports projects be considering this rating scheme for their new projects?

PH says that they have investigated this. They are applying for a rating as a part of a project they are doing as a pilot. They will make a decision on this after the pilot.

PH is certified to provide sustainability ratings. BB says that a lot of these ratings are for projects over \$100 million so sometimes they are not applicable. Smaller projects can be assessed through the Infrastructure Sustainability Council (ISC) rating scheme.

PF asks if the Ports has considered doing a pilot project with the use of electric trucks delivering containers? He believes that it would be practical for the Ports. NSW State Government is planning to convert the bus fleet to electric. What about doing the same around NSW Ports?

PH says that they have influence over this issue, but not direct control. As part of their initiatives, they are looking at the emissions from vessels, trains and trucks. In undertaking this, they will understand the largest sources of emissions and will use this to inform what course of action they take. They are working on developing decarbonisation roadmaps with tenants and port users, which includes trucking companies. They will investigate funding opportunities from the State Government.

BB add that they were approached at Port Kembla to participate in a trial of two hydrogen trucks in 2021, with NSW Ports to possibly facilitate a hydrogen refuelling station at the Port. BB says there has been no further discussion.

JB says that there may be great opportunities for change in transport fueling both road, rail and marine if the Hydrogen technology proves to be workable from an environmental and cost perspective. Andrew Forrest is throwing a lot of money into this technology and proposes to construct a major Hydrogen storage terminal at Port Kembla.

NSW Ports Business Update

2. Operations update – JL

JL: re containers – volumes are strong, which is anticipated this time at the year coming up to Christmas. This indicates there is strong demand for imported goods. Volumes are likely to drop after Chinese New Year. August was the biggest month on record for container volume. It is a good sign of how the Port is performing. Given the volumes currently being handled, the port is not experiencing heavy road congestion, compared with 18 months ago.

JL says that jet fuel, unleaded fuel and diesel is up from last year reflecting that we are no longer in lockdown.

JL notes the issue with the global towage provider, Svitzer, in the media. Port Botany has two towage service providers, which means that they did not experience issues in the absence of a towage provider. Port of Newcastle had to evacuate the port of all ships due to the lockout. The lockout was cancelled out by the Fair Work Commission. They have been negotiating the enterprise agreement for three years. Svitzer and the unions involved have been suspended from taking further industrial action for a period of six months.

There was a protest on Friday afternoon, which left from the Boat Ramp up to Foreshore Rd. There was significant police presence and collaboration with TfNSW. There was a 20-minute delay on Foreshore Road.

JB expressed concern with the initial stance taken by Svitzer but was pleased that industrial action was stood over and that the port had an alternative tug operator.

Freight rates are continuing to fall. They hit their peak 6 months ago.

3. Corporate Affairs update – PM

PM says there has been a lot on the news on the Ports of Newcastle and NSW Ports. When the Ports were privatised, there were Port commitment deeds established. In government, there are changes to the Ports of Newcastle deed. The changes relate to Ports Newcastle liabilities.

PM says that nothing changes for Port Botany. The NSW Government policy remains that once Port Botany nears capacity, Port Kembla will be the State's second container terminal. However, this is decades in the future.

JB expressed concern over who is going to pay compensation to NSW Ports for the removal of the 50000 TEU cap on Port Newcastle. He hopes it won't be public that picks up the bill. He was aware that a panel will be established to determine the extent of compensation involved and who will be liable for paying it

PM says that if there any questions on this to send him an email.

Committee Member Updates

4. Port Authority: Port Botany community assets – GY
5. Port Botany Expansion operational update (Patrick/Hutchison) – GM, DE
6. Tenant developments & round table updates – All & NSW Ports

SS says that the rail expansion project is ongoing. They are currently in the process of relocating track grids. They are doing noise monitoring, which will be available on the website when complete and will be circulated to the Committee.

7. Vopak update – MM

No report this quarter.

8. Opal update – KJ

KJ provides an update on the proposed co-generation plan. Updated legislation from the NSW Government means that they are not able to go ahead with that co-generation plan. They had a monthly production record in October, so production is going well.

9. EPA update – EB

10. The Kamay Project – BE

BE says they have done a 250-page report on Port Botany Bay regarding ecological concerns. BE understands that they have, or plan to, consult with committee representatives.

11. Bayside Council update – CH

Provided via email, as per above, in CH's absence.

HSE Update

12. Summary of complaints and incidents – BB

BB says that since the incident in late July, with the noisy ship, ANL (who chartered that ship) has decided to take the ship out of service. They are looking at reducing the noise of that ship; if they can't, they will not put the ship back in service.

BB says that since August, there has been 8 complaints about ship noises. One community member says that the ship noise is there but not irritating. He is happy with this feedback. BB monitors the ships throughout the week and provides internal feedback on any potential noisy ships.

BB says there are ongoing issues with the alarm noises. BB has collated a dossier, which he will be showing to DP World next week. He spoke to DP World in September. BB has evidence that some alarms go for five minutes when a crane is lifting and lowering. BB notices that there is potentially a rogue alarm. The dossier includes audio evidence. BB says that DP World has indicated they are considering an external audit of the alarm noise.

PF says that the alarm noise is much better than when first raised. The noises are quite rare.

BB asks all who hear the alarm noise to let him know, so that when he goes to DP World he has more weight.

BB says that he believes the alarms do not need to be that loud and will work with DP World to reduce alarm noise.

BB says that he spoke to Patrick, who does not seem to have an issue with alarms. They have put in new rail alarms, whose noise output has been modified so that they have a lower volume and are directed to where they need to be heard.

13. Port Botany Expansion Rail Noise (as per CoA 2.28) – BB

No update here.

BB says duplication work has commenced. This may cause traffic delays.

14. Biosecurity – BB

Nothing to report.

Other Business

PF asks if someone can explain why we are seeing long truck queues into the DP World terminal.

BB says that when this happens, there may have been a malfunction, but it is complex and it may be more than that. They often have trucks come in a given time slot. **BB and JL will take this on notice and will email a response. ACTION.**

PF asks what the status of Port Authority participation in the meeting is?

RR notes that they have not attended a meeting since February.

PM has spoken to a Port Authority representative to see what is happening. PM is hopeful that they will be participating in the new year.

RR notes that the issue with Port Authority has been consistently tardy and uninvolved in her 16 years of involvement in this Committee. RR notes that there is a lot of outstanding questions from the CCC to the Port Authority. They do not follow up on their action items.

JB says that he recently responded to an independent survey to assess the operations of the CCC. His feedback on the Port Authority was not favourable. RR notes that they manage important community assets.

CA says that there are concerns in the community about the cruise ship terminal. What is the state of play of this terminal? Can Council give us information about this?

BE has been trying to get an update on this issue. There has been movement by local Members with the State election coming up. There has been no response to the letters she has sent out.

JB says that the proposed installation of the jetties at LaPerouse and Kurnell and the recreation of a ferry service and new cultural/tourist attractions will potentially create employment opportunities for local First Nations people. There is community concern that there may be tourism links between the ferry operation and the Cruise ship terminal if located in Yarra Bay.

JB says there is very strong community opposition to the Yarra Bay Cruise ship terminal and this opposition is shared by Randwick Council. JB has participated in ongoing discussions with Federal, State and local government regarding unified opposition to the project. A possible March 22 change in State government could herald a shift of govt support for the project which previously had strong support from the Federal Coalition and the former PM.

ACTION: BE will provide information on this cruise ship.

JB notes safety concerns about young people diving into the submerged steel yacht at the northern end of Frenchmans Bay. JB has requested a timeline from Transport / Maritime as to when this abandoned yacht will be salvaged and removed.

BE says that there is a SSD from May that has been approved for construction of a multi-level warehouse in Banksmeadow, which is located near the Port and residential areas. Council has rejected this approval on the basis that they would have 24-hour operation. They are concerned about the noise and road ramifications. This is at 42 Raymond Avenue.

BE says that it is disappointing that this SSD has gone through.

JB adds that the issue of exposed underwater power cables from Bare Island to Kurnell has not been resolved. There has been no response from Planning to correspondence on this issue.

Next Meeting

Date: TBD, February

5:30pm – 7:00 pm

Location: Zoom