



Community Update Report

For Port Botany Community Consultative Committee
May 2020

EXPLANATORY NOTE

Due to the circumstances around the COVID-19 pandemic, NSW Ports is unable to host the May 2020 meeting of the Port Botany Community Consultative Committee (PB CCC). This Community Update Report has been developed in consultation with the PB CCC Chair and other committee members to provide an update on port operations and other key issues.

DISTRIBUTION

The information in this report has been provided for the members of the Port Botany Community Consultative Committee and to share with the wider community where relevant.

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1. General Business

1.1 Accept minutes of the last meeting

ACTION FOR COMMITTEE MEMBERS:

Please refer to poll feature in the email to accept the minutes of the last meeting.

2. Actions Arising

2.1 May 2019 Action 3.3: Issue of dry weather odour at Mill Pond – Bayside Council

Bayside Council continues to undertake liaison with Sydney Airport and Sydney Water in relation to sediment issues and water quality in the Mill Stream and Ponds and can advise that:

- Sydney Water removes any floating debris in the Mill Ponds particularly near the Fish Ladder that has been constructed near the Mill Stream.
- Sydney Water has a sediment removal program to remove up to 800T of sediment that has accumulated in the Southern and Western Suburbs Ocean Outfall Sewer over the last 10 years. The sediment is affecting the capacity of the major sewer main and increases the likelihood of sewer overflows into the local receiving waters. To date Sydney Water has removed about 200T of silt from the section of the sewer near Hale Street and is now working on extracting silt from sites inside Council's Botany Depot (Pemberton Street) and Swinbourne Street. Once these sites are cleaned out they will move to a final site in Rhodes Street Reserve Hillsdale. These works will be going on to at least December 2020 and may extend into 2021.
- At this stage Sydney Water have no plans to remove sediment from the Mill Stream or Mill Ponds until a Monitoring Study is completed which could take 6 – 12 months.

Propose Action Item to be closed with Bayside Council to provide regular updates to the committee on progress with this matter as they arise.

2.2 February 2020 Action 5.2: Maintenance Items at Port Botany Boat Ramp – PANSW

This item is covered by the Port Authority update provided under Item 4.2.

Propose Action Item to be closed.

2.3 February 2020 Action 6.1: NSW Ports to provide advice around sponsorship

At the February 2020 PB CCC meeting, John Burgess requested whether NSW Ports sponsorships could look at revitalising the zoo animals at Sir Joseph Banks Park. Vida Cheeseman committed to providing a response regarding this matter and general sponsorship.

NSW Ports met with Bayside Council staff at Sir Joseph Banks Park where the zoo animals were discussed. Bayside Council is planning a review of the Master Plan for Sir Joseph Banks and will cover items such as this. NSW Ports will continue to liaise with Bayside Council with regards to the Master Plan for the park. A specific response was provided to John Burgess detailing the above in relation to the zoo animals. NSW Ports is currently reviewing our overall Sponsorship Program and information will be provided to the PB CCC when details are available.

Propose Action Item to be closed.

2.4 February 2020 Action 11.2: Request for NSW Ports Chair to meet with group

The Committee's concern has been conveyed to senior management of NSW Ports. Leadership engagement with the CCC will be addressed as part of the current review of scope and format for the CCC. Please refer to Item 3.4.2 below for details.

Propose Action Item to be closed.

3. NSW Ports Business Update

3.1 Operational Update

3.1.1 Port Botany is an essential service – Port Botany remains open and operating 24/7. Processes have been implemented at the port to protect the safety and wellbeing of port workers and the wider community. Keeping our ports and supply chains operational is essential to continue the flow of goods to support NSW and Australia and we will continue to work together with all parties to ensure the safe operation of these essential services.

3.1.2 Port Botany Rail Duplication - NSW Ports has welcomed Infrastructure Australia's acknowledgement of the "strong strategic merit" of the Port Botany Freight Line Duplication and its endorsement of the Australian Rail Track Corporation (ARTC) business case for the project which will support increased volumes of containers being moved by rail to and from Port Botany. [Read the Media Release here](#). ARTC has lodged a Submissions Report to Dept of Planning, Infrastructure and Environment which responds to the comments received in relation to its Environmental Impact Statement.

3.1.3 Inside Infrastructure podcast series - Infrastructure Partnerships Australia has launched the latest episode of its Inside Infrastructure podcast series, with an interview with NSW Ports CEO Marika Calfas. The episode was recorded prior to the outbreak of COVID-19 and discusses the evolution of NSW Ports, the fragmented nature of the port supply chain and the enormous change that new technologies and automation has brought to port operations around the world amongst other things. [Listen to the podcast here](#).

3.2 NSW Ports Development Projects



3.2.1 Empty Container Park at Port Botany

The development of the empty container park by NSW Ports at Port Botany is progressing well and will be operational by June. The 2.4 hectare site on Simblist Rd (highlighted green left) is adjacent to the Vopak B4A development site (highlighted blue left) and adjoins the existing Tyne (MT Movements) container park to effectively 'super-size' the site, delivering an additional 5,000 TEU in empty container capacity. The project aims to deliver much needed empty container capacity to support growth and efficiencies in the container supply chain. [Read the Media Release here](#).

3.2.2 On-dock rail capacity project at Patrick Terminals

NSW Ports' project to increase on-dock rail capacity at Patrick Terminals' Port Botany AutoStrad terminal is progressing well and is on track for Phase 1 to be completed towards the end of the year. In March 2020, three automated rail mounted gantry (ARMG) cranes arrived and were relocated in the northern corner of the Patrick terminal. The ARMGs are currently being installed and commissioned. Once operational, they will enable a minimum discharge time of three minutes per container. [Click here for a time lapse video of the ARMGs being discharged from the ship and moved into place](#).

3.2.3 Port Botany Roadworks – Prince of Wales Drive closed

Please be advised that road repair works will be taking place in Port Botany area at the intersection between Bumborah Point Road (BPR)/ Military Road (MR) and Simblist Road (SR) over the duration of the last weekend in May. In the interest of community safety, Prince of Wales Drive will be closed to all access from 5pm on Friday 29 May through to Monday 1 June at 7am, at which point Prince of Wales Drive will reopen. During this period the road will be blocked off to both vehicle and foot traffic and traffic control will be in place to manage traffic diversions. We would like to thank you in advance for your cooperation during these essential works.

3.3 Planning and Legislation Update

There are no updates on the proposed amendments to State Environmental Planning Policy (Three Ports) 2013 (the Three Ports SEPP).

The State Environmental Planning Policy (COVID-19 Response) includes allowances for supermarkets and other retail outlets and any part of the supply chain across the State to operate for deliveries 24 hours a day. The policy overrides local planning restrictions that limit the timing and frequency of truck deliveries to ensure consistent supply of essential goods to communities. There are largely no impacts at Port Botany which already operates 24/7 however there may be some changes at the local delivery level.

The new Bayside Council Local Environmental Plan (LEP) is currently on public exhibition until 18 May 2020 (available at: haveyoursay.bayside.nsw.gov.au/lep-2020). Note that the LEP does not apply to port land which is covered by the Three Ports SEPP.

3.4 Corporate Affairs Update

3.4.1 NSW Ports Website Project

NSW Ports is developing a new corporate website to help improve the way we share news and information. We formally commenced the project in April and conducted over 20 interviews with representatives of our stakeholder and community groups to better understand these needs. The feedback and insights gathered through these discussions has played a critical role in helping to shape the structure of the new site.

We would like to thank everyone who volunteered their time to participate in this program. We will be in touch again in late May and again in July to seek your feedback on the design and usability of the site. If you would like to participate or have additional feedback that you'd like to share in the lead up to this time, please get in touch with Sarah Downey on 0447 253 867 or via sarah.downey@nswports.com.au.

3.4.2 Revitalisation of NSW Ports Community Engagement Processes

The introduction of Community Consultative Committee Guidelines in 2019 by the NSW State Government has presented an opportunity for NSW Ports to revisit the Terms of Reference (ToR) that are in place for the Port Botany Consultative Committee. In doing so, we have also taken the opportunity to review more broadly our existing community engagement objectives and have prepared a *draft* set of engagement principles for your consideration and feedback.

The new draft Terms of Reference for the Port Botany Community Consultative Committee – including the proposed engagement objectives and principles are attached as Appendix A to this report. Committee members are asked to review the updated ToR and provide any feedback on the document. They have also been issued to the NSW Ports Executive team and the independent Committee Chairs for feedback. Once finalised the ToR will be issued to the Department of Planning, Industry and Environment and will apply to all current and future members of the PB CCC.

Separately, we plan to implement a new initiative where NSW Ports CEO will attend at least one meeting per year to provide an overview of operations, strategic challenges, trade and important initiatives and to answer any questions you might have.

ACTION FOR COMMITTEE MEMBERS

Please review the ToR attached as Appendix A and email any feedback to Alison Wedgwood at NSW Ports:
Alison.wedgwood@nswports.com.au

3.4.3 Consultation on Molineux Point Community Facilities



NSW Ports has been progressively rolling out a program of planned maintenance of the community amenities at Molineux Point lookout. Phase one involved installation of a new handrail to help improve community safety which was completed in 2019. The next part of the program will involve replacing the informational signage at the lookout. To help us determine the design that best meets the needs and expectations of the community, we are seeking your feedback through the survey below. The survey will close on Sunday 31 May 2020, after which we provide an update on your feedback and coordinate several design options for consultation.

ACTION FOR COMMITTEE MEMBERS

Please complete the short survey here – it should take no more than 5 minutes: <https://www.surveymonkey.com/r/XPF99YG>

3.4.4 World in a Box



NSW Ports CEO Marika Calfas was featured in “World in a Box”, a new documentary created to mark the 50th anniversary of international container services into Australia. Launched by Senator Hon Simon Birmingham, Minister for Trade, Tourism & Investment, the film showcases Marika talking about the importance of ports within our everyday lives and the role they play in supporting Australian businesses. If you want to find out more, you can watch the short film here: rounding-up.com/world-in-a-box/.

4. Committee Member Updates

4.1 Port Botany Expansion Project

Hutchison Ports Sydney:

The removal of the remaining sandpile areas was completed in April 2020, refer to photos below.

Sandpile Berth 3/4 – after the removal process



Future ASC Area – after the sandpile removal



4.2 Port Botany Community Assets

Foreshore Beach and Boat Ramp – Port Authority of NSW:

- Regular maintenance and cleaning works continue, including sand removal, beachcombing, clearing overgrown vegetation and general landscaping.
- Quotations are being obtained for repairs to the bird hide, and replacement of all deteriorated signage.
- New LED light fittings have been ordered for all light poles in the Millstream carpark and Port Botany Boat ramp carpark. Works to replace all lights are scheduled for this month.
- Port Authority security manager advised that CCTV camera footage cannot be distributed to anyone other than the NSW Police, upon their request.

4.3 Port Botany Tenant Updates

Caltex:

- No new developments to the Banksmeadow site. There has been one operational change of major cartage carriers from 1 April 2020 from Toll to John L Pierce and Linfox. Otherwise, Caltex is operating as normal.

Elgas:

- Elgas is operating as per normal with no developments or operational changes to report.

Hutchison Ports:

- Refer to item 4.1 above. No other development or operational changes to report.

Origin:

- Origin is operating as per normal with no developments or operational changes to report.

Orora:

- The sale of the Orora Fibre and Paper business (including the Botany Paper Mill) was finalised on 30 April 2020, with the new business to be called Opal. It will be a wholly owned subsidiary of Nippon Paper.

Patrick:

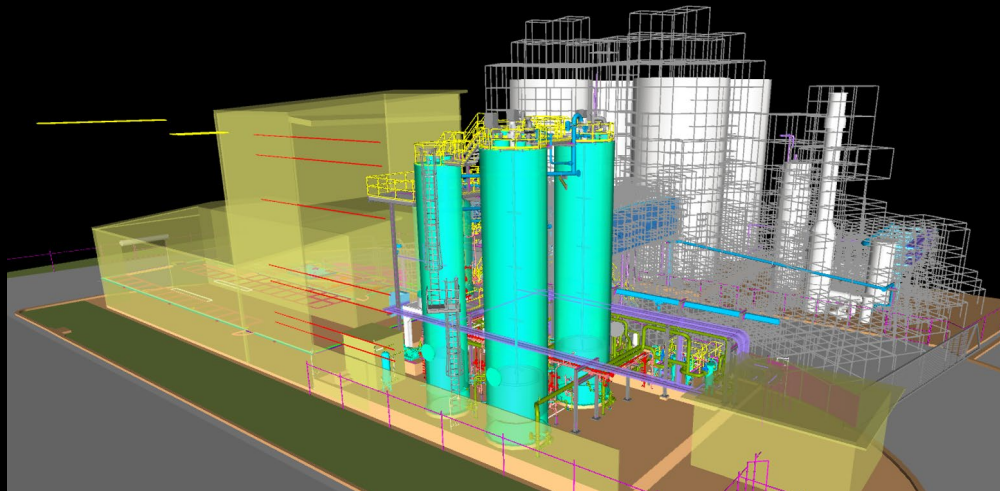
- The construction of the Rail Line Expansion project continues. In March 2020, three automated rail mounted gantry (ARMG) cranes arrived and were relocated in the northern corner of the terminal. The ARMGs are currently being installed and commissioned. *See Item 3.2.*
- To improve and maintain the efficiency of Patrick's operations, the engineered dismantling of quay crane CS02/PT02 (Crane 2) located at Berth 7 (adjoining Berth 6) and the "Knuckle" was carried out in March 2020. The total number of quay cranes at the terminal is now 8.

Vopak

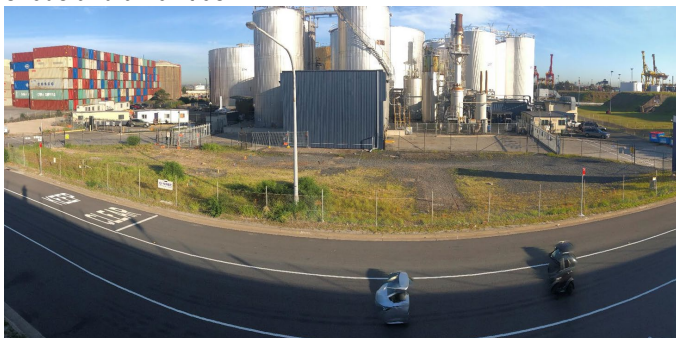
- Our Port Botany Terminal (known as Site B) holds a Major Hazard Facility (MHF) licence. As a MHF, we are required to submit a Safety Case for assessment by SafeWork NSW. The Safety Case outlines the processes and procedures that allow us to operate safely.
- A summary of the Safety Case is available at the company website. The summary explains how Site B manages the risks of the terminal operations to minimise the potential impacts on neighbours and the community.
- To access the document, please visit the following link:
<https://www.vopak.com/terminals/asia/vopak-terminal-sydney-site-b>
Or alternatively contact Jamil Kharoudeh (Vopak SHECQ & Sustainability Manager) on 8336 192

Quantem:

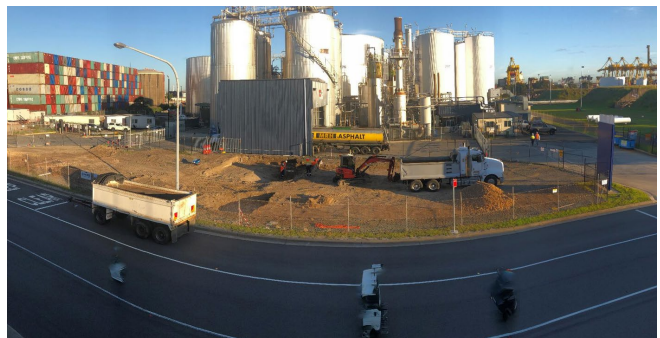
- Quantem and Puma are working together to deliver a new Polymer Modified Bitumen facility that will produce an improved product by blending recycled rubber. The construction of the new Polymer Modified Bitumen plant commenced 24 February and will be operational in the 4th quarter of 2020.



2 March: Works commenced with the relocation of the temporary buildings, clearing of site and mobilisation of site sheds and amenities.



13 March: Centre: New drainage pits being excavated adjacent to existing services



18 March: Right side: Northern tank slab concrete blinding underlay installed. Left Side: Building area cleared.



22 April: Right side: Tank slab poured and tank plinths now poured since this photo. Backdrop left: tank instrument maintenance being undertaken.



22 April: Close up of new tank slab poured and second tank slab and tank plinths formed ready for pouring.



22 April: Tank slab 2 has now since been poured placing the project approximately 1 week ahead of schedule. Completion is forecast for November 2020.



No updates provided by DP World, STA, ACFS and Qenos.

4.4 Other Agency and Council Updates

4.4.1 EPA Report

COVID-19 noise exemptions

The Environmental Planning and Assessment (COVID-19 Development-Construction Work Days) Order 2020 (the Order) was issued by the Department of Planning, Industry and Environment in late March 2020. It details extended working hours to ensure the health, safety and welfare of communities, as well as workers to facilitate social distancing on construction sites.

It does not excuse licensees from their obligations under the Protection of the Environment Operations Act 1997, and they must still comply with all conditions of consent, other than those which restrict hours of work or operation on a Saturday, Sunday or public holiday.

EPA's website now includes [updated information to reflect the Gazetted Orders](#), including a section on 'Construction industry responsibility' at the very bottom of the page. The EPA is not prohibited from using its powers and there are restrictions on what types of activities can occur and when. Where there are recognised adverse impacts on the community or from a public health perspective, there is provision for the Order to be reviewed.

The EPA is working with licence holders to ensure compliance with licence conditions.

Noise from port operations

During April the EPA received an increase in complaints alleging a recent increase in night-time noise from stevedoring operations at Port Botany. The EPA initially suspected that the noise may have originated from the CSAV *Toconao*, which was berthed at Patrick Stevedores at the time, and was the same vessel that we had complaints about late last year due to a

broken generator. However, the Toconao left Port Botany on the morning of 17 April, and we received further complaints after its departure. The EPA considers it to be highly unlikely that noise impacts are due to any particular vessel.

The EPA has been liaising with the stevedores and NSW Ports and to date hasn't been able to identify anything out of the ordinary in terms of vessel movements or port operations. NSW Ports confirms that there has been no recent increase or change to port operations. The most likely cause of the complaints seems to be that the COVID-19 lockdown has resulted in a decrease in ambient background noise levels (due to less trucks, cars, aircraft, etc.), and that the usual noise levels from the Port have therefore become more noticeable. Weather conditions are likely to have resulted in noise emissions from the port travelling a greater distance to East of the port than usual.

The EPA intends to conduct noise monitoring in the area shortly to verify whether this is actually the case. On 22 April 2020 the EPA issued a tweet stating that they're aware of the issue and are investigating. A further tweet was issued on 8 May 2020 inviting residents to submit audio files to info@environment.nsw.gov.au.

Odour complaints

Between 15-22 April 2020, the EPA received an increase in complaints alleging offensive odours from Orora. The EPA has been investigating the cause of the odour but has not identified a definite cause. The EPA plans to conduct odour surveys in the area as needed.

4.4.2 Randwick City Council Report

In November 2019 Randwick City Council launched the [End Beach Pollution website](#) to help reduce the amount of rubbish that was ending up in our ocean. The website was the central part of a multimedia campaign to help residents understand the link between litter on our streets, our drains and the ocean. Videos were created to illustrate this link and show the different ways that Council is helping to prevent large items of rubbish from entering the drains - such as gross pollutant traps. The other part of the campaign was to enlist the help of residents to prevent pollution by amending some behaviours.

We asked them to wash their car on the grass, sweep up leaves and grass clippings so they didn't go down the drain, pick up after their dogs, bin cigarettes, ensure bin lids were closed and that they didn't pour pollutants such as paint or other chemicals down the stormwater drains. We also asked them to 'adopt' a drain near them and take the pledge to keep it clean. This is a symbolic act, as Council will continue to keep streets and drains clean, but it helps to create a sense of ownership of some local drains.

The website has recently been nominated for a Webby Award in the Websites: Government & Civil Innovation category. It's a prestigious international award that recognises the best in digital communications. We're up against NASA, so we're pretty pleased to be nominated. It means we've already beaten hundreds of other websites from around the world - vote.webbyawards.com/

If you'd like to know more about how to keep our beaches clean and stormwater drains free of pollutants or to adopt a drain, head to <https://www.endbeachpollution.sydney/>

4.4.3 Bayside City Council Report

No additional updates provided at this time.

4.4.4 Australian Rail Track Corporation (ARTC)

The Australian Rail Track Corporation (ARTC) manages the freight rail line through Port Botany and seeks to undertake signal and track works. A Review of Environmental Factors is on public display until midnight 31 May 2020. View the document here: www.artc.com.au/projects/botany-yard-signalling-project/

Feedback on the REF and project can be provided by emailing enviroline@artc.com.au

The Botany Yard Bi-Directional Signalling Project is just one of the Australian Government initiatives to improve the movement of freight on Sydney's rail freight network.

5. NSW Ports HSE Update

5.1 Complaints and Incidents Summary

Since the last meeting, NSW Ports has received eleven noise related complaints and three odour complaints at Port Botany. Ten of the noise complaints were from residents in the La Perouse, Little Bay and Phillip Bay areas in relation to general ship and port noise during night time hours. These complaints were received between 6 April and 9 May both directly by NSW Ports and through referral from the EPA.

For all complaints, NSW Ports reviewed ship data and weather data and supplied a response to the complainant. Atmospheric conditions at this time of the year usually results in more complaints due to light westerly winds that carry port noise over residential areas. Due to a reduction in other local operations because of COVID-19 restrictions, it is suspected that the port is more audible because of an overall reduction in background noise levels.

NSW Ports is currently preparing a proposal for some additional noise monitoring at Port Botany, that would cover when specific vessels visit the port to confirm potentially noisy ships and has been in contact with the ship agent for the CSAV *Toconao* to request information about the vessel and its noise performance.

NSW Ports also received a complaint in response to train noise from the Botany Yard where an idling train was sitting for more than six hours with engines running. NSW Ports contacted ARTC to advise of the complaint and request an investigation. NSW Ports advised the complainant that ARTC is responsible for train operations and provided them with the ARTC Enviroline details for future complaints. ARTC advised NSW Ports and the complainant that the train had been left in the yard against current approved procedures and it has now implemented additional controls and training for staff to ensure that it will not be repeated.

The odour complaints were received on 30 March, 4 May and 7 May in relation to a strong bitumen/asphalt odours noticed from residents in La Perouse during westerly winds. NSW Ports passed the complaints to the bulk liquids tenants for investigation. The tenants advised that no ship transfers were being undertaken at the time of the complaints. Truck loading activities and tank transfers were ongoing, but nothing out of normal and vapour recovery systems were running with no trips or issues. Responses have been provided to the complainants detailing the above. The complaint was also notified to Port Lessor as per the head lease. NSW Ports will continue to investigate the potential source of the odour complaints.

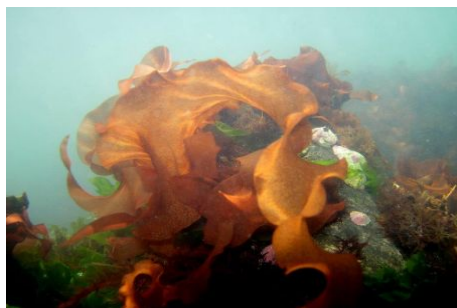
NSW Ports also assisted Randwick Council in late April in the investigation of an odour complaint suspected to be coming from the area around the Orora paper mill. NSW Ports confirmed that no bulk liquids operations or incidents had occurred that might be the cause of the complaint and that we had not received any direct odour complaints at that time.

5.2 Port Botany Expansion Rail Noise (CoA 2.28)

No rail noise complaints have been received by NSW Ports in relation to the Port Botany Expansion Project.

5.3 Biosecurity

5.3.1 Exotic Red Macroalgae



In September 2019 Department of Primary Industries advised NSW Ports that there had been a notification of a suspected non-native marine seaweed (red macroalgae), however the identity of the algae, the source and mode of introduction were not known and it was not confirmed to be present within operational areas of the port.

In February 2020, DPI issued a media release confirming the detection of two non-native marine seaweed pests in Botany Bay. [Read the media release here.](#)

It is the first confirmed sighting of the red macroalga *Grateloupia turuturu* in NSW waters, and the first confirmed detection in Australia of *Pachymeniopsis lanceolata*. Samples had been collected from Monterey and Dolls Point.

Follow up information provided by DPI indicates that the source of these species is unknown, however there is no evidence to suggest that this represents a recent exotic incursion. Due to the resemblance of this species with other native red

macroalgae, it is possible that these species have been present at these locations and have remained undetected for some time. Only the involvement of multiple phycology experts and molecular identification were able to confirm the identity of these macroalgae as an exotic species.

DPI has also expressed to NSW Ports that the overall biosecurity risk associated with these detections is considered to be very low. Although *Grateloupia turuturu* has previously been listed in Australia's national marine pest lists, an extensive review of nationally significant marine pest species concluded that *G. turuturu* did not meet the criteria for listing as a priority marine pest after a national risk assessment determined that "no significant impacts have been attributed to introduced populations in the wild; therefore, it is unlikely that there is a national interest in containing the spread of this species".

NSW Ports has reiterated to DPI the importance of future biosecurity updates being provided in a timely manner in regard to this issue and other biosecurity matters.

5.3.2 Routine Inspections

Routine inspections for invasive species are continuing to be undertaken by Local Land Services (LLS) at the port. Most recently, in April 2020, LLS conducted a routine inspection for Fire Ants as required following the outbreak a few years ago.

6. Other Business

6.1 Update on PANSW Cruise Terminal

The NSW Government has postponed its plan for a third cruise ship terminal in Sydney. The \$550 million construction project, as yet awaiting a decision on the potential proposed sites which included Yarra Bay or Molineux Point, is now suspended for 18 months.

NSW Transport and Ports Minister Andrew Constance announced the deferment in the media, conceding the COVID-19 crisis contributed to the delay. He confirmed the NSW Government "has put on hold" the terminal plans with "all industry and community engagement suspended... It is not a priority for government or industry at this time..."

Further to the media announcement, the Port Authority of NSW issued a project update to members of the community registered on the Have Your Say website in April 2020 to confirm that the NSW Government has made the decision to place the Cruise Capacity Detailed Business Case on hold for a period of up to 18 months and that they will be pausing all consultation activities until further notice. If you have any questions please direct these to haveyoursaycruise@portauthoritynsw.com.au

REQUEST FOR INFORMATION FROM COMMUNITY MEMBER:

"Port Authority of NSW should be asked to report on biosecurity, particularly with regard to future management of passenger movements through their current and proposed cruise ship terminals".

PORT AUTHORITY RESPONSE:

"There is both a NSW Police inquiry and a Special Commission of Inquiry currently underway into the visits of the Ruby Princess in March 2020. Port Authority of NSW has no comment in relation to biosecurity matters."

6.2 Format of future meetings

NSW Ports has developed a short survey to gain your feedback on the potential format of future meetings. The survey will only take a few minutes and will be open until Sunday 31 May 2020.

ACTION FOR COMMITTEE MEMBERS

Please complete the short survey here: <https://www.surveymonkey.com/r/5G7S5XM>

6.3 Consultation Feedback

If you have any other feedback, questions or comments about anything provided in this report, please email through to Alison.wedgwood@nswports.com.au by 28 May 2020. A summary of all feedback received will be provided to the committee.

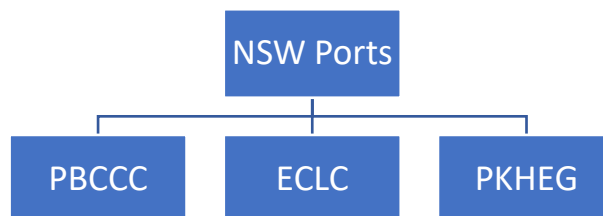
APPENDIX A – Draft Terms of Reference for Port Botany Community Consultative Committee for review

Community Consultative Committees

Draft Terms of Reference

Overview

Over the years, NSW Ports (and formerly Sydney Ports Corporation and Port Kembla Port Corporation) has coordinated a range of Community Consultative / Liaison Committees with the purpose of sharing information about port and intermodal activities amongst port tenants, local and State authorities, community and special interest group representatives. These have evolved over time to become the following three committees – the Port Botany Community Consultative Committee (PBCCC), the Enfield Community Liaison Committee (ECLC) and the Port Kembla Harbour Environment Group (PKHEG).



The recent introduction of new Community Consultative Committee Guidelines by the NSW State Government has presented an opportunity to revisit the Terms of Reference (ToR) or 'Charter' that is in place for each of these long-standing committees. In doing so, we aim to replace the three separate ToR's with one overarching ToR whilst also highlighting the specifics of each committee.

We recognise we need to undertake this process collaboratively and, to that end, the purpose of this draft ToR is to seek feedback from each of our stakeholders on how they want each of the three committees to be run. The draft ToR is set out below for comment.

Our engagement objectives

NSW Ports is committed to working transparently and constructively with our stakeholders and communities to:


- Secure sustainable and efficient port supply chains for the people and businesses of NSW.
- Explain the value of our ports and intermodal terminals and increase stakeholder awareness of the importance and sustainability of shipping, ports and logistics.
- Manage the impact of port and intermodal terminal operations and developments in a way that balances efficient operations with the environment in which they operate.
- Foster whole-of-port action towards sustainability among staff, contractors, tenants, community and government.
- Receive feedback on operational impacts and input to development and planning processes.

Our engagement objectives are to:

- Embed community feedback in our thinking about strategy and operations, and our decision-making process.
- Set expectations so that our stakeholders and the community know the parameters of each engagement activity – what it includes and what it doesn't include, ensuring 'no surprises'.
- Provide ongoing opportunities for community and stakeholder participation and feedback.

- Listen to feedback, investigate suggestions and use it in decision-making (where appropriate). Explain how feedback and input is being used or where not used, provide an explanation as to why.

Our engagement approach is guided by the IAP2¹ Participation Spectrum, which helps define the community's role in an effective participation process. While most of our engagement takes place in the range of 'inform' to 'involve', we aim to broaden our current engagement program to include opportunities to 'collaborate'.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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NSW Ports engagement principles

In keeping with our engagement objectives, we have developed a set of engagement principles which will assist in building stakeholder and community trust. These principles have been informed by stakeholder and community feedback from NSW Ports' 2019 Reputation Research, and include:

1. **Clear and timely information** - we will provide clear and prompt information about key initiatives and developments taking place within the port or intermodal precincts where we can.
2. **Meaningful and genuine** - we will facilitate genuine opportunities to listen to and understand the needs, ideas and concerns of our stakeholders and the community.
3. **Better together** - we will work constructively with our stakeholders and the community in the interest of securing sustainable and efficient port supply chains for the people and businesses of New South Wales.
4. **Open and transparent** - we aim to proactively and openly engage with stakeholders to ensure a coordinated and transparent approach.
5. **Adaptable** - we will be flexible and willing to adapt based on stakeholder feedback.

¹ International Association for Public Participation (IAP2) Framework

Port Botany Community Consultative Committee

Draft Terms of Reference

Purpose

Stakeholder and community engagement is an important part of NSW Ports' strategic thinking, operations and our decision-making process. Our consultative committees provide a forum to promote information sharing, consultation and collaboration between NSW Ports, port tenants, the local community, government agencies and local councils on port and/or intermodal operations, developments, initiatives and issues. These forums also enable committee members to provide feedback on the business' operations and activities.

The Port Botany Community Consultative Committee (PBCCC) was formed in November 2013 following the merger of the Port Botany Expansion CCC (established in 2006) and the Port Botany Neighbourhood Liaison Group (established in 2008). Representatives meet quarterly to exchange information and provide feedback on port related operations and activities at Port Botany. The forum also provides an opportunity for the community to provide information on local issues. The PBCCC also provides a forum for complying with the Conditions of Approval of the Port Botany Expansion Major Project Approval B3.2, B3.3, C3.2 and C3.3. (refer Appendix A). While the committee is advisory in nature and has no decision-making power, it plays a valuable role in supporting NSW Ports' goal to embed stakeholder and community feedback in our strategic thinking, operations and our decision-making process.

Operating Arrangements

1. Membership criteria

NSW Ports seeks membership that reflects the community demographics and interest groups as closely as possible. Membership is sought from relevant local community, business and interest groups, port tenants and their contractors, local council and government agencies as agreed by NSW Ports and the independent Chair, and should include:

- Independent Chair
- Independent minute taker
- NSW Ports - minimum of two and representatives
- Community representatives – maximum of seven representatives
- Port Botany port tenants and their contractors where relevant
- Industrial/commercial facilities adjacent to Port Botany where relevant
- Local business and/or chambers of commerce where relevant
- Local Council (Bayside Council and Randwick City Council)
- Relevant government agency representatives. These may include the Port Authority of NSW, NSW EPA, Transport for NSW.

Various experts connected with the operations or projects may also be invited to present to the Committee on specific topics or matters of interest.

New members can be invited to join at any time, so long as membership does not exceed the maximum representation. New community members are required to complete an Application Form (refer Appendix B). Community nominations can be obtained by invitation from the Chair, in consultation with NSW Ports; nomination from existing members or in response to local media advertisements placed by NSW Ports. Membership will be evaluated by NSW Ports, the Committee Chair, and Council representatives for consistency with their ability to meet member responsibilities outlined below, with the Chair holding ultimate control over membership. At least three community members must be approved by the Secretary of Department of Planning, Industry and Environment (DPIE) in consultation with Bayside Council², as required by the Project Approval.

2. Member responsibilities

Committee members will:

- Have an interest in port related issues and/or a demonstrated understanding of, or significant interest in, local environmental, business and community amenity issues within neighbouring areas.
- Have a demonstrated involvement in local community groups and/or activities.
- Recognise the need to balance between environmental, social and economic needs.
- Attend meetings at the times and dates set by the committee's independent Chair; actively participate in discussions; and work collaboratively so that meetings begin and end on time.
- Read and review papers provided in advance of committee meetings and bring the views and perspectives of their organisation, local community / those they represent to the discussion.
- Suggest agenda items in advance of meetings.
- Be able to represent and share the views of their organisation / local community / those they represent with NSW Ports.
- Give feedback from the committee meetings to their organisation / wider community / those they represent as appropriate.
- Respectfully engage with other committee members, contribute to an atmosphere of open and constructive participation and openly communicate relevant concerns, interests and ideas and make reasons for any disagreement clear in a constructive and thoughtful manner.
- Ensure confidential matters handled by the committee are kept confidential and refrain from discussing these matters with other parties outside of PBCCC meetings.
- Not speak publicly on behalf of NSW Ports or on behalf of the PBCCC. All media enquiries should be directed to the NSW Ports Corporate Affairs team.
- Will abide by the Code of Conduct outlined in the Terms of Reference

3. NSW Ports' responsibilities

NSW Ports will:

- Work within the framework of the Terms of Reference.
- Provide a Chairperson and other resources as required.
- Convene meetings at a time that is acceptable to the majority of the Group and arrange site inspections where required.

² Previously Botany Bay Council. Botany Bay Council merged with Rockdale Council in 2016 forming Bayside Council.

- Share the committee's advice and recommendations to relevant NSW Ports managers and staff.
- Where appropriate, give feedback on suggestions and ideas made by the Committee, explaining how each contributed to the decision-making process or the reason they did not.

4. Role of the Independent Chair

The Chair is approved by the Department of Planning, Industry and Environment and engaged by NSW Ports. The Chair will:

- Provide leadership and facilitation of the meeting to ensure full participation during meetings, adherence to the Agenda, timekeeping and the appropriate recording of action items (through a delegate, as relevant).
- Act in a manner that is unbiased and independent of NSW Ports and other Committee members.
- Oversee the timely collation and distribution of meeting Minutes in addition to receiving correspondence between meetings for and on behalf of NSW Ports and the group in question.
- Bring any breach of Conduct to the attention of the persons concerned. This may take the form of a verbal warning during the meeting (which is formally recorded in the meeting Minutes) or a written warning following the meeting. After three warnings, the independent Chair may seek to replace the member.
- Provide an annual report to the Department of Planning and Environment on the operation of the Committee, which will be published on the Department's website.

In the event a new Chair is required, NSW Ports will make recommendation of a replacement Chair to the Department for approval.

5. Confidentiality

Confidentiality agreements may be put in place to ensure committee members can be provided with confidential material as needed.

6. Code of Conduct

- The Chair will have the final say on the conduct of meetings and the finalisation of Minutes.
- Members are expected to attend the PBCCC at dates and times set by the Chair. If unable to attend, the committee member must advise the independent Chair in advance of the meeting. If the committee member misses three consecutive meetings the Chair may replace this position on the Committee.
- Attendees may not use intimidatory, offensive, defamatory or discriminatory language or actions in meetings or correspondence.
- The Chair may ask an individual to desist from certain behaviour or leave the meeting if the behaviour is not in accordance with the Code of Conduct or the Terms of Reference.
- Where a committee member does not attend three consecutive meetings, the Chair may replace this position on the PBCCC.
- The PBCCC is not to be used for personal or political interests.
- Correspondence directed to the PBCCC must be done through NSW Ports or the Chair (or delegate).
- Members are required to adhere to the Member responsibilities and Code of Conduct outlined in this Terms of Reference as a condition of membership
- Community members are required to sign a declaration of pecuniary and non-pecuniary interests as a condition of membership (refer Appendix C).

7. Attendance

Attendance at the meeting may be in person or via suitable electronic means (where appropriate). Meeting attendance, including apologies, will be noted in the minutes of each meeting. It is expected that members should attend at least two meetings per calendar year. Members who fail to attend three consecutive meetings in a calendar year may have their membership revoked.

8. Agenda

The Chair will advise on date, time and location for the meeting with at least one month's notice, in consultation with NSW Ports. All members will be invited to submit Agenda items for each meeting two weeks prior to the meeting, and provide the required agenda, papers and other documentation in advance of each meeting. Where (or if) an agenda item cannot be addressed sufficiently in the time leading up to the proposed meeting date, it will be the Chair's responsibility to ensure the item is carried over and addressed in either a subsequent meeting or through appropriate correspondence.

9. Minutes

Minutes will be taken by an independent note taker under the guidance and direction of the Chair on behalf of the Chair and circulated to all stakeholders within two weeks of a meeting occurrence. NSW Ports will be responsible for retaining meeting Minutes and circulating copies of the minutes to committee members and stakeholders along with publishing on the NSW Ports website.

10. Meetings

Unless otherwise agreed by the Committee, the PBCCC meetings will be held quarterly, with February, May, August, November as a guide.

11. Out of Session Items

Where an issue of importance arises out of session that cannot be dealt with at a meeting, but does not require calling an additional meeting, the chair may circulate material out of session.

12. Review of Terms of Reference

A review of these Terms of Reference will be undertaken every third year. Administrative changes will be made as necessary by NSW Ports when the Chair is satisfied that there is a valid reason for the amendment. Amendments to the Terms of Reference are to be endorsed by the Chair in consultation with the Committee. The version and date of the revision will be recorded in the footer of the Terms of Reference and a copy will be maintained on the NSW Ports website.

APPENDIX A - Port Botany Expansion Conditions of Approval

B3.2 /C3.2 Within 6 months of this consent or prior to commencement of construction, whichever is earlier, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development.

This Committee shall:

- a) Be comprised of:
 - 2 representatives from the Applicant, including the person responsible for environmental management;
 - 1 representative from Botany Bay City Council (now Bayside Council); and
 - at least 3 representatives from the local community, whose appointment has been approved by the Secretary in consultation with the Council;
- b) Be chaired by an independent party approved by the Secretary;
- c) Meet at least four times a year, or as otherwise agreed by the CCC;
- d) Review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and
- e) Port rail noise within the Port Botany Expansion site is to be discussed by the CCC and relevant stakeholders.
- f) Within 12 months of the commencement of MOD 16, an advertisement must be placed for new members to join the CCC, given that the other working groups such as the RNWG are no longer present.

B.3.3/C3.3 The Applicant shall, at its own expense:

- a) Ensure that 2 of its representatives attend the Committee's meetings;
- b) Provide the Committee with regular information on the environmental performance and management of the development;
- c) Provide meeting facilities for the Committee;
- d) Arrange site inspections for the Committee, if necessary;
- e) Take minutes of the Committee's meetings;
- f) Make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee;
- g) Respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and
- h) Forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Secretary within a month of the Committee meeting.

APPENDIX B - Application Form

Name of Applicant	
Address of Applicant	
Contact Phone Number	
Email Address	
Please describe your interest in Port Botany? Have you had any involvement to date?	
In what ways do you feel you can add value to the Port Botany Community Consultative Committee? Please include any local community groups and/or activities that you are involved with.	
Have you participated in community liaison groups (or other such groups – i.e. community / environment) in the past? If so, please list and describe your experience.	
Can you, in a few words, describe your understanding of the local environmental/ community or business needs of the area neighbouring Port Botany?	
Can you, in a few words, describe a situation where you have needed to balance environmental, social and business needs and how you have dealt with this?	
Do you have any conflict of interest and/or connection with the port other than outlined above, i.e. related to a worker at the port, supplier to the port or any business operating at the port?	



If you are selected to join the committee, will you agree to abide by the Terms of Reference of the Committee?	
Signature of Applicant	

APPENDIX C - Declaration of Pecuniary and Non-Pecuniary Interests

All members of Community Consultative Committees must sign a declaration of pecuniary and non-pecuniary interests before they join the committee and keep this declaration up to date while they are members on the committee.

This declaration is designed to protect the integrity of the committee and the reputation of its members.

Examples of pecuniary interest may include but are not limited to:

- holding shares in an entity proposing or carrying out all or part of the State significant project
- holding a private contract with the proponent
- holding voluntary acquisition or mitigation rights under the proponent's consent
- receiving sitting fees or payments of personal expenses from the proponent
- a member representing a stakeholder group and the stakeholder group has received funding or grants from the proponent.

A pecuniary interest is an interest a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. Money does not have to change hands for there to be a pecuniary interest.

A non-pecuniary interest is a private or personal interest a person has that does not amount to a pecuniary interest but that may arise from family or personal relationships, or involvement in community, social or other cultural groups that may include an interest of a financial nature.

A No pecuniary or non-pecuniary interest to declare

As a member of the Port Botany Community Consultative Committee I declare that I have no pecuniary or non-pecuniary interest to prevent me from carrying out my role on the Port Botany Community Consultative Committee impartially and in the best interests of the local and broader community.

Should this change, I agree to update this declaration and advise the committee accordingly.

Name

Signature

Date



Feedback Summary on the Community Update Report

For Port Botany Community Consultative Committee
June 2020

EXPLANATORY NOTE

Due to the circumstances around the COVID-19 pandemic, NSW Ports was unable to host the May 2020 meeting of the Port Botany Community Consultative Committee (PB CCC). A Community Update Report was developed in consultation with the PB CCC Chair and other committee members and issued to the committee.

This document provides a summary of the questions and feedback received from the PB CCC in relation to the report.

DISTRIBUTION

The information in this report has been provided for the members of the Port Botany Community Consultative Committee and to share with the wider community where relevant.

Community Report Feedback Summary – 12/06/20

Report Comments and Feedback

Item Number	PB CCC Member	Question/Feedback	Response
1.1 – Acceptance of February Meeting Minutes	M. Gibbs P. Fagan A. Costabile J. Stevenson J. Burgess	The February Meeting Minutes were accepted.	February meeting minutes are accepted as final.
2.2 – Previous Action Item – Port Botany Boat Ramp	John Burgess	“I would like to see item 2.2 " Boat Ramp" kept open. This can be closed off when the work to the lights is complete - the replacement lights may be on order but nothing else has happened. Boat users also want to see the second of the 2 lights at the top of the ramp also restored and made operational - as a safety measure. Also it is disappointing that access to the security cameras will be restricted to police only who sadly are not willing to share the footage even for legitimate good reason such as establishing the source of accidental or intentional vehicle/trailer damage for insurance claim purposes. If you may recall it was recfishers who pushed the case for their installation in the first place as a security measure against theft and vandalism.”	Item 2.2 will remain open as an action until works are complete and confirmed by PANSW.
4.3 – Port Botany Tenant Updates - Qenos	Mark Walker	Qenos would like to provide an operational update that was absent from the community update report.	“Qenos Hydrocarbon storage is operating as per normal with no developments or operational changes to report”.
4.3 – Port Botany Tenant Updates - Orora	Mal Jagdev-Imrich	“Is there any impact to the proposal by Suez Cogeneration Plant because of this sale?”	Karen Jones – Opal (previously Orora): “The sale of the Orora assets to Nippon Paper has no impact on the proposed Cogeneration Plant by Suez. The key drivers for a project of this type – securing energy into the future, responsible alternatives to fossil fuels and an alternative to landfill – continue to be drivers for both Opal Paper and Suez.”

3.4.2 – Updated Terms of Reference	N/A	There was no specific feedback provided to NSW Ports on the draft updated Terms of Reference for the group.	The ToR has now been finalised and a copy will be provided to committee members as the final version.
3.4.3 – Consultation on Molineux Point Community Facilities	N/A	<p>There were four responses to the survey.</p> <p>Three out of four respondents believe the signage is important to the community.</p> <p>All respondents believe that signage should be updated with a combination of historical and current viewpoints.</p> <p>Three out of four respondents would like to be involved in the final design of the signage.</p>	NSW Ports will develop draft signage that will have a mix of historical and current day photos / positional location markers / points of interest. NSW Ports will share a draft with the PB CCC before or at the next meeting to gain feedback on the final designs.
6.2 – Format of Future Meetings	N/A	<p>There were twelve responses to the survey.</p> <p>All respondents believed that the community update report was effective or very effective in providing an update on the port projects and initiatives.</p> <p>Eleven respondents stated that they would be comfortable attending future meetings in person if appropriate social distancing is in place.</p> <p>All respondents stated that they would participate in an online CCC meeting if COVID-19 requirements were not relaxed.</p> <p>Zoom was the preferred platform for respondents (58% of responses) followed by Webex (25%) and Skype (16%).</p> <p>One respondent would prefer another written report.</p>	<p>The next PB CCC Meeting is scheduled for 11 August 2020.</p> <p>Three weeks prior to the meeting, NSW Ports will review the COVID-19 requirements and recommendations and will advise the committee whether a physical meeting can be held.</p> <p>If a physical meeting cannot be held, then an online meeting will likely be organised.</p>