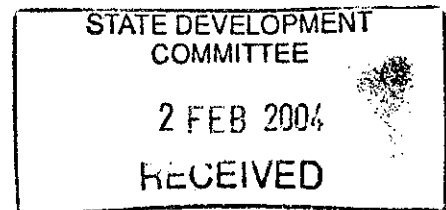


KURNELL REGIONAL ENVIRONMENT PLANNING COUNCIL

Suite 4, Level 1, 2-4 Merton St
Sutherland NSW 2232
PO Box 589, Sutherland NSW 1499
Ph. 9545 3077 Fax: 9521 1477
email office@ssec.org.au

30 January 2004

Hon. Tony Burke MLC
Committee Chair
Legislative Council Standing Committee
Inquiry into Port Infrastructure in NSW
Parliament House, Sydney NSW 2000



Dear Mr Burke

Introduction. My name is Robert Daniel Walshe – Bob Walshe – and I address the Select Committee as Chairman of the Kurnell Regional Environment Planning Council, a coalition of eight community organisations within Sutherland Shire concerned with protection and rehabilitation of historic Kurnell Peninsula, which is often described as the “Birthplace of Modern Australia” and as “First Meeting Place of the Aboriginal and European Cultures”. We usually work closely with the Kurnell committees of Sutherland Shire Council. I have served throughout 2003 as a “community representative” on the NSW Government’s Botany Bay Strategy Advisory Committee. My interest in Botany Bay has been continuous since 1956 when I was asked to research and dramatise a re-enactment of Captain Cook’s landing at Kurnell in 1770. I enjoy links with the Aboriginal community and with the National Parks and Wildlife Service which oversees Towra Nature Reserve and Botany Bay National Park.

1. A “Ports Growth Plan”?

Point 1 of the Standing Committee’s terms of Reference is: “*the NSW Government Ports Growth Plan, including any planned closure of shipping freight facilities in Sydney Harbour*”.

The Standing Committee has much to clarify here. For very good reasons, we caution against regarding this as an authoritative plan produced by the Government’s Planning Department.

The “Plan” was first heard of at the 5th October ALP State Conference – and that was a confused announcement for three reasons: (1) It spoke of the State’s “three ports – Sydney, Newcastle and Port Kembla” when in fact Sydney has two working ports, namely Sydney Harbour and Botany Bay, so there are four ports, not three. (2) It spoke of writing the next chapter of major container port growth at Newcastle, *but* also spoke of expanding Port Botany – which would mean (probably) at least seven years of that expansion before anything substantial would be done about Newcastle. (3) It spoke of

“creating up to 2,000 jobs for Illawarra families”, but said this would only happen if Sydney Harbour closed down as a container terminal, an eventuality that we know is bitterly opposed by the National Trust and others, and could take a long time to happen, if at all.

It is known that the Premier’s announcement met a very angry reaction from residents and others around Sydney Harbour and Botany Bay. Harbour lovers wanted a continuation of the 50,000 containers entering the Harbour each year; Bay lovers wanted no expansion of Port Botany which handled 1,150,000 containers last year.

Critical opinion swung towards seeing “the real agenda” behind the Premier’s announcement as doubling Port Botany’s *capacity* of 1.6 million a year and then proceeding to treble that. Alarm at that prospect led to demands to see, to study, the “Ports Growth Plan”, especially when the October issue of SPC’s *Sydney Ports Newsletter* was found to declare the “State Government’s Ports Growth Plan provides certainty for port planning”. Callers to the newsletter producers, to the Premier’s Department and to other Departments (e.g. DIPNR) all failed to locate any document. Again and again, callers were told “We can’t find a document by that name” or “the announcement came as a surprise to us too”. In this unsatisfactory way, October passed without result.

My own efforts persisted into November. When I saw the SPC *Newsletter* I began to ring the Corporation’s firm of consultants, Manidis Roberts, 1800 136 136. Eventually, on November 13th, I was told by Ms Anna Mitchell that no document was available; there was only the Premier’s announcement and a media release; she recommended that I (again) ring the Premier’s Department for details. This time I tried the Department’s Publications branch: a helpful Ms Alison Manwaring consulted her catalogues and website, found nothing and recommended I ring the Department’s Library branch; an Irene, after a search, concluded the ‘Plan’ did not exist as a document; a later call, on the 20th suggested I try the Transport and Ports branch of Treasury.

There at last I found someone who knew something. He had ‘been in talks’ recently on the subject and could say definitely there was no document; the Premier’s announcement had been put together for the speech from work over a long period on the State’s freight problems; yes, he said, as container operations closed down in Sydney Harbour they would probably go to Port Kembla; and yes, Newcastle would only be developed in earnest as a container port when Port Botany reached its capacity – which, he agreed, would be either (a) 2009-2010 if a Commission of Inquiry disallowed expansion on environmental grounds, or (b) 20 or more years hence if Port Botany was allowed to double or treble its present capacity.

To sum up, then, on the Ports Growth Plan: it was clearly a hurried contrivance for a political event (a party conference); it was certainly not a seriously considered planning document that has passed through a normal Planning Department process; it had not been integrated into Sydney's overall planning; we submit that, rather than view it as authoritative, the Standing Committee should regard it as an hypothesis in need of criticism and testing, then modification or rejection.

2. Prime Responsibility of the Inquiry Is to Protect Botany Bay

We submit that the prime responsibility of an inquiry into the port infrastructure of Botany Bay is to protect the health and status of this remarkable bay, noting that the Bay is:

- a remarkable natural/geological formation, of a fragile kind
- a remarkable "gift", being wholly within Australia's largest city
- a remarkable historic site: "birthplace of the nation"
- a remarkable icon in the eyes of all Aboriginals

To say *remarkable* on so many counts is entirely justified. Botany Bay evinces tremendous admiration and loyalty. Thus, on 28th February at the University of New South Wales scores of local, national and international scientists will gather to plan "research and action" for the betterment of the Bay: they describe themselves as "researchers ... who share a passion for independent science of Botany Bay and its catchment".

In the same spirit, Deputy Premier Andrew Refshauge on 3rd September 2002 launched the study of the Bay which has produced three large documents, a *Botany Bay Strategy*, the result of a year's work of the Botany Bay Strategy Advisory Committee. These documents set out in detail the values of the Bay and its catchment, values that are defined in order that they shall be protected.

But all these earnest efforts will be negated, we submit, if the expansion proposal looks *narrowly* at port container-handling and takes a *short-term* view of Sydney's needs, whereas Government should be looking *broadly* at container-handling across four NSW ports and taking a *long-term* view of the needs of the Greater Sydney we will have in 20-30 years time when Newcastle and Wollongong/Port Kembla are gathered into a single 250 kilometre conurbation.

Exactly how narrowly this port-infrastructure-expansion is conceived can be seen clearly if we realise that not only container-throughput is increasing but *all development pressures around Botany Bay are increasing*. Here are some of these pressures:

- population all around the Bay is increasing
- building activity on the north side is increasing

- traffic, already congested, is increasing
- the proportion of traffic from the west (land releases) is increasing
- oil, gas and chemical storages are increasing
- airport road traffic is increasing
- aircraft flights over the Bay are increasing
- size of container vessels is increasing
- threats from exotic marine organisms are increasing.

To reflect on the relentless growth of these development pressures is to become deeply concerned. To then project into this turbulent scene a doubling and then trebling of Port Botany's container-throughput is to become alarmed!

This visioning exposes the narrowness of the Expansion proposal: the proposal makes no sense beyond the limits of Port Botany's own facilities. The moment the proposal's added trucks and trains impinge on Sydney's traffic, unbearable congestion will take place. Let's keep clear at all times that this development proposal falls within "inner ring" Sydney which is known to be already the most densely populated urban area in Australia.

3. Industrial Abuse of Botany Bay Must Go No Further

Botany Bay has for too long suffered second-class status. This contrasts with the high esteem in which it was held for thousands of years by its Aboriginal inhabitants. Captain Cook in 1770 and his scientists Banks and Solander admired the Bay enormously. Cook and Governor Phillip both raised the British flag on the Bay, at Kurnell, thereby determining that it would henceforth be termed "Birthplace of Modern Australia" and "First Meeting Place of the Two Cultures" and would as such assume iconic significance among Aboriginals throughout Australia.

But Phillip found the bay to be too shallow and too open to make a good *port*. As we know, the geological miracle of having a deep and sheltered bay a couple of hours sail to the north enabled him, after six days, to shift the 11 ships of the First Fleet to what we now know as Sydney Harbour.

Phillip did not know he was condemning Botany Bay to two centuries of relative neglect, but *we need to know the lessons that the Bay's history can teach*. At first, the Bay had some uses that the Harbour could not match. It was far better for fishing and prawning during the early decades of the struggling, often starving colony when fish provided the best source of protein. It had tracts of good soil on which market gardens flourished. And it offered abundant fresh water from the aquifer underlying its surface.

By the mid-nineteenth century, however, its future was subordinated to sheep-based industries: Sydney needed an area for boiling-down, wool-scouring, tanneries and leather goods industries, and these came to cluster in the Botany area. Thus, while “respectable” Sydney expanded to the north, east and west, Botany-Mascot in the south found itself lumbered with the “offensive industries”. This sorry state of affairs reached its furthest extent in 1883 when this NSW Parliament decreed that 3570 acres of Kurnell land should be set aside for noxious trades, noxious wastes and a cemetery. (Only transport obstacles saved Kurnell.)

Yet positive forces were at work, though slowly. The opening of a tramway to Botany in 1882 signified that a resident population had grown up in proximity to the industry. The Municipality of Botany Bay was proclaimed in 1888.

A similar story could be told of other suburbs around the Bay. But the big surge in population – and decline of the sheep-based industries – did not come until after World War II when population grew in southern Sydney at twice the rate of Sydney as a whole.

Tragically, though, it has been in the past half century that the heaviest assaults on the Bay’s environment have taken place: in the 1950s the State’s largest oil refinery, in the 1960s major airport expansion and the north-south runway, in the 1970s the State’s largest container port, in the 1980s and early 1990s the third runway; and now, from the mid-1990s to the present day we are seeing the push for doubling and trebling of the port. Accompanying all this, there has been the relentless growth of the huge oil, gas and chemical storages in the Botany-Banksmeadow area. And along the way, million upon millions of tonnes of sand have been excavated from the Bay’s floor, deeply offending the natural shallowness of the Bay and starting up destructive wave energies.

This brief historical estimate explains why the Bay is overstressed: beach erosion is rampant, waves have made inroads into Towra Reserve which is supposedly protected by the international RAMSAR agreement, 85% of seagrasses have gone, the fishing industry has been wound up, the ugly rock groynes built to protect many beaches are faltering in their function.

It is time to say, “This is more than enough! Any talk of a *balance* of ‘natural’ and ‘industrial’ is spurious because the natural is everywhere in disarray”. Port expansion by way of more sand excavation, increased wave energies, more and larger container ships can only be destructive of what’s left of the Bay’s ecology.

So the lessons of the Bay’s modern history cry out against this Port Expansion proposal. We thought those lessons had been learnt when the Deputy Premier, on 3rd September 2002, pledged that a “regional blueprint” would be prepared to “ensure – once and for all – that development is not allowed to harm the environmental and social values of this

important area”... Which is why we see the “Ports Growth Plan” as contradicting the Deputy Premier and contradicting the lessons of history.

4. The Hazardous State of Botany-Banksmeadow Has Been Underestimated

The big ethanol explosion at Port Kembla in the mid-morning of 29th January sounded a message that should be heeded by the NSW Government in relation to Botany Bay. One of six storage tanks had “blown its lid” a hundred feet into the air; the fire could not be extinguished despite a drop of 30,000 litres of flame-retardant foam. If the explosion had spread to the other five tanks, said a Fire Brigade chief, “We’d be looking at a catastrophe, a very large scale disaster.” Observers said, “We were extremely lucky that no one was killed.”

It brought to mind the explosion at the Boral Company’s storage plant at St Peters on 1st April 1990 when an LPG tank exploded, prompting evacuation of 50,000 people from four suburbs.

Will the Port Kembla explosion prompt the NSW Government to look with profound concern at Botany Bay’s hazardous storages concentrated in the Botany-Banksmeadow area – storages that are enormous compared to Port Kembla? Probably not, because no effective action followed the St Peters explosion.

The fact is that this area is the most hazardous in the State and perhaps in Australia. That was acknowledged by Premier Carr in a 1999 statement that “Botany Bay already [has] the densest concentration of hazardous industries in the State” (*First Port, Future Port*, SPC, p.114). The storages are too numerous to list here; a Department of Environment report speaks of “flammable liquids, mainly petroleum products... liquified flammable gases... potential toxic materials... highly reactive substances”.

Other submissions to this Inquiry from worried local residents will go into detail about these hazardous storages; but two storages must be mentioned, both associated with the ORICA plant, formerly ICI, Imperial Chemical Industries. For decades, ICI-ORICA, which is next door to the Kelloggs breakfast cereals plant, has been stacking a highly toxic by-product of its plastic manufacture, Hexachlorobenzene (HCB), till it has accumulated 10,500 tonnes stored in drums, not to mention another 20,000 tonnes of “soil, drums and additives”. What to do with it? A “waste destruction facility” needs to be set up. But where? On-site or at a remote site? Will the process be successful anyway? The residents would like to see it go. But, says the EPA, it is too dangerous to transport: it must be destroyed on site. How? No-one is sure. A so-called *Geomelt* process, untried as yet, is to be used, and the residue from the high temperature process will still add up to 20,000 tonnes of what’s called “vitrified product”, that is, a glassy product – and heaven knows where that will be dumped!... The whole exercise is reminiscent of the *Synroc* which ANSTO at Lucas Heights talked and talked about for

30 years as the “answer” to its radioactive waste problems – and now, as everyone knows, that waste is to go to a dump in South Australia because *Synroc* was a total failure.

Even more toxic is the other ORICA product EDC (dichloroethanol). The media have several times reported that a big plume of this deadly stuff has polluted the precious Botany sand aquifer and is moving towards the bay precisely in the Port Botany area. Indeed the vanguard of the plume is already trickling into the bay, with heavier concentrations not far away. The plume is moving at 100 to 130 metres a year. Belated clean-up measures began only recently, but there is absolutely no certainty that they will be successful. Local people claim that *this EDC plume is the biggest pollution problem Sydney has ever faced*. An expanded Port Botany will only make the clean-up attempt more difficult, more uncertain.

Before leaving this “Botany-Banksmeadow Hazardous Storages Strip”, as locals term it, two further vital warnings need to be sounded. First, that ever-busier Kingsford Smith Airport is close neighbour to this strip and aircraft crashes in the Bay area have taken place in 1944, 1969, 1980, 1986 and 1994 (with deaths in every case except the last). Second, rather obviously, there is the terrorist threat – the national anxiety – known as “9/11”. Wouldn’t any half-intelligent terrorist rank Botany-Banksmeadow high on a potential target list? I must point out that a 1989 leaflet issued for people arriving at Botany Town Hall to protest against a Third Runway warned: “Terrorism worldwide is not abating: bomb devices are hard to detect”. Any expansion of Port Botany further complexifies this dangerous area, introducing more people, more vehicles, more activities – the very reverse of the hazard-reduction process that should be taking place.

5. Sydney’s Heartland Won’t Cope with Huge Port Expansion

Our main purpose in this submission is to say that the Sydney Ports Corporation’s expansion proposal will inflict two disasters on Sydney:

- (1) TRAFFIC CONGESTION of the Botany-Alexandria/Airport/M5/Enfield, etc. area;
- (2) BAY DESTRUCTION through sand excavation and increased shipping impacts.

Our concern is based on the fact that the *current impacts* of Port Botany are causing damage and distress:

- Local residents are protesting at present traffic congestion and noise levels
- The M5 East tunnel is “bumper to bumper with semi trailers” (*SMH*, 11-12/10/03)
- The hazardous Botany-Banksmeadow is in need of a hazard reduction plan
- Much of the Bay is in need of remediation, not further development impacts.

The expansion proposed for the Port can fairly be termed massive. We do not wish here to trace its extent and all its possible impacts, because that will be the detailed concern of

the Commission of Inquiry that will scrutinise the Sydney Ports Corporation's EIS. Instead we are pleased to support Sections C (Background...) and D (Key Environmental and Social Issues...) of the Submission to the Standing Committee by the well-informed Save Botany Beach Community Group, which has been working for 18 months to study the expansion proposal and its many implications. This Group's findings rest on a strong base of research documents ...

6. Many Professional Documents Weigh Against Expansion

We wish boldly to assert that the principles and arguments of the many past authoritative studies of the Bay have expressed concern for the health of a bay already considered overstressed by carrying the Caltex Refinery's southside wharf and northside installations, the Botany-Banksmeadow hazardous storages, the Airport's runways, and Port Botany's two kilometres of wharves and container stacks.

In effect those studies all say, "Enough is enough, and indeed remedial action is overdue, not further major development". Let me list four recent studies and a fifth which is impending:

- State of Botany Bay Report*, commissioned by six bayside Councils (Botany, Rockdale, Hurstville, Kogarah, Randwick, Sutherland), July 1998
 - Final Report* (on the Bay/Georges/Cooks) by the Healthy Rivers Commission, September 2001
 - The Tide is Turning*, report of the Southern Sydney Regional Organisation of Councils' Botany Bay Program, December 2001
 - Blueprint*, report of the Southern Sydney Catchment Management Board, Jul 2003
- And the Botany Bay Strategy Advisory Committee has presented to the DIPNR Minister its 3-volume
- Botany Bay Strategy*, Final Draft, November 2003.

These studies add up to a great weight of evidence of an overstressed Bay, evidence which is plainly contrary to any expansion of Port Botany. We are obliged to say that it is because of this *independent* evidence from authorities and because of unanimous opposition from community people that the Sydney Ports Corporation has felt compelled to field an enormous 10-volume EIS in a bid to justify its Expansion proposal – an EIS that does not rest on independent authorities but on consultants in the employ of the Corporation.

7. There is an Alternative to This Destructive Expansion Proposal

Community groups opposed to the SPC proposal have devoted much time and research to offering an alternative. Just as they are unanimous in opposition to Expansion, there is every indication of unanimity also in their broad outlining of an alternative.

This is shown by the following VISION statement agreed to by four groups that have joined forces in the Four Ports Campaign Committee.

See next page for the *Vision*.

8. No Rush!... Time for a Greater Sydney Freight Solution

Newcomers to the Port Botany problem can feel there is a desperate need for action to expand the Port. The Premier's October 5th announcement served to heighten that sense. But there is absolutely no need to think that any exceeding of container-handling capacity is imminent.

It has been clear to researchers for some years that the Port has about *seven years* to go before it will face over-capacity demands, and those seven years would give time enough to get Port Kembla and Port Newcastle functioning adequately.

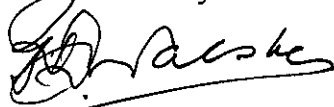
Moreover, late last year one of the two stevedoring companies, Patricks, was given permission to almost double its container-handling capacity – this without requiring bay reclamation! The Patrick “upgrade” would allow the Port's capacity to rise from the present 1,150,000 containers to about 2 million a year, a level that won't be reached till about 2015.

So Port Botany's capacity won't be reached for a decade. In that time, the port and transport (rail/road) infrastructure needed by Port Kembla and Newcastle can certainly be provided.

Let the Government be gripped by a sense of urgency to produce a Statewide Freight Policy, giving priority to Newcastle's and Port Kembla's needs and, no less, to the improvement of (especially) the freight rail infrastructure of Sydney's west and south-west.

Mr Chairman, I wish to present the above views orally to the Committee.

Yours sincerely



R.D. Walshe, OAM
Chairman KREPC



Four Ports Campaign Committee

Share the freight load – four ports, one plan!

Across the ports of Newcastle–Sydney Harbour–Botany Bay–Port Kembla
PO Box 589, Sutherland NSW 1499 Ph:(02) 9545 3077 Fax:(02) 9521 1477

Towards a VISION of...

The Four Major NSW Ports Newcastle-Sydney Harbour-Botany Bay-Port Kembla **within a National Rail Freight System**

Ideally the working ports of Australia would be linked by a modern freight rail system, its existence a stimulus to commercial growth and a benefit to the environment through shifting the balance of the freight task from road to rail.

But short as we are of that ideal, we must take the rail we have – a fragmented non-system, with networks only around the cities and even those uncertainly mixing passenger and freight services to the disadvantage of freight – and we must improve what we have while keeping in view the eventual link-up that will form an effective national system.

The three populous cities of east coast Australia – Brisbane, Sydney, Melbourne – are the centres from which industry, and therefore freight rail, can grow fastest, and the most burgeoning of these is Sydney, which needs to be seen as a 4-working-ports area, concentrated along a 220 kilometre strip of coastline from Newcastle in the north through Sydney Harbour and Botany Bay to Wollongong/Port Kembla in the south. Here are found the majority of Australia's shipping-related freight movements.

Because Sydney is now widely acknowledged to be 'overdeveloped, traffic-congested and air-polluted', there is no room for expansion of Port Botany adjacent to the city's crowded industrial and airport heartland, nor room for expansion of Sydney Harbour's freight facilities. *So, a rapid expansion of the freight-handling capacity of Newcastle and Wollongong/Port Kembla becomes the logical need of the moment.*

Fortunately Newcastle and the Hunter region, and Wollongong and the Illawarra-South Coast region, are both keen to see a steep increase in the throughput of freight at their ports. They see this as significant for the regional development and job creation that both are ardently pursuing. The case for encouraging such regionalisation wins ready support when there is realisation that the rapid rate of current coastal settlement north and south of Sydney means that soon these now satellite regions will be gathered into a single conurbation. It follows, then, that energetic improvement of freight rail links between these regional centres and the huge Sydney market would be money spent with foresight. (And NSW has access to considerable federal funding under the recent ARTC freight rail improvement scheme.)

There is no honour, no vision in the expansion of Port Botany; but there is a vision splendid in the planned growth and the even development of the 220km Newcastle-Sydney-Wollongong coastal strip. It could be brilliantly planned to promote quality of life, with ample provision of interspersed parkland and ample road-rail transport linkages, with parallel passenger and freight capacity ... A strip that would become a proud Greater Sydney, having avoided the patchiness and randomness of the developer-driven growth that is now proceeding.

A coalition of:

**Botany Bay and Catchment Alliance; Kurnell Regional Environment Planning Council;
No Port Enfield Community Action Group; Save Botany Beach Community Action Group**