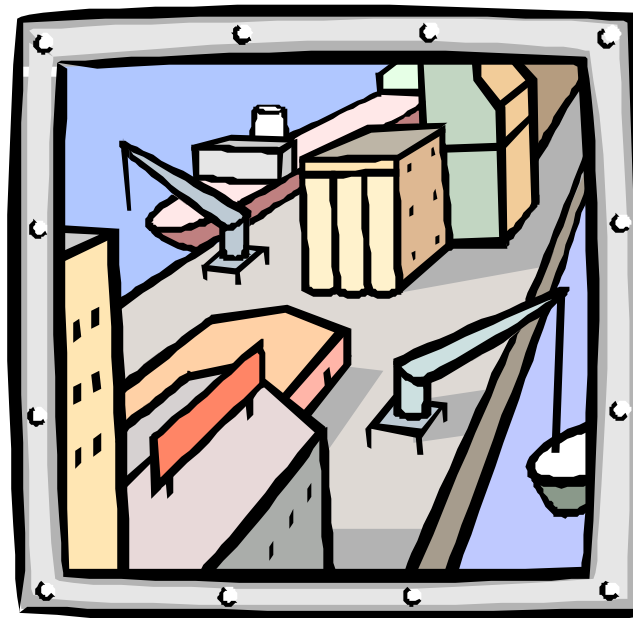




Submission to

Inquiry into Port Infrastructure in

New South Wales



Dated December 2003

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Executive Summary

This paper contains the City of Botany Bay's submissions on the inquiry into and report on port infrastructure in New South Wales, with the terms of reference being:

"That the Standing Committee on State Development inquire into and report on port infrastructure in New South Wales, and in particular:

- (a) the NSW Government Ports Growth Plan, including any planned closure of shipping freight facilities in Sydney Harbour,*
- (b) the economic, social and environmental impact on the State, including on the proposed Port Botany upgrade,*
- (c) the employment implications for Sydney, the Hunter and the Illawarra regions,*
- (d) current and future infrastructure needs and social impacts including with respect to the adequacy of existing road and rail infrastructure, and*
- (e) the future of public land at Millers Point, Glebe Island and White Bay on which shipping freight operations are currently located."*

Council's position is that the expansion of Port Botany should not proceed because of the impact that the expansion would have on the residents of Botany Bay Local Government Area. Council's position, widely supported by local residents, is that all future port related activities should be directed to alternative sites at Newcastle and Port Kembla.

Summary of Submissions

A summary of the submissions contained in this document are as follows:-

Submission No. 1

That the planned closure of the shipping freight facilities in Sydney Harbour should not increase the pressure for expansion of Port Botany. Any resulting pressure from the planned closures should be directed towards the Hunter and Illawarra Regions.

Submission No. 2

That the Commission of Inquiry recommend to the NSW Government the protection of the Botany Bay Shoreline and Penrhyn Inlet for recreational purposes and as an environmental resource and allow Draft Botany LEP 1995 – Amendment No. 31 to proceed.

Submission No. 3

That the Commission of Inquiry recommend to the NSW Government that the expansion of Port Botany not be supported as it is likely to significantly interfere with the water flow in Penrhyn Estuary channel flow, under both dry weather and stormwater conditions.

Submission No. 4

The amenity of the residential areas in the City of Botany Bay, and especially in southern Botany, would be greatly affected by the expansion of the Port

facilities and the increased traffic / truck movements that will occur on Botany Road and local road networks.

Submission No. 5

The loss of the beach is of major concern to the residents who utilise the area.

Submission No. 6

The principles within the Botany Bay Strategy (Final Draft dated October 2003) be applied to the expansion of Port Botany.

Submission No. 7

The expansion of Port Botany is not a sustainable development given, the existing impacts of the Port and the future impacts if the Port is expanded.

The expansion of Port Botany does not meet the objectives of the Botany Bay Strategy.

Submission No. 8

That further investigation of contamination is required prior to the alteration of the groundwater regime by any development within and around the bay.

Submission No. 9

The expansion of Port Botany would result in an increase in noise from additional heavy vehicle traffic used to access the site and this would have an adverse impact on residents, especially during night time hours.

Submission No. 10

The expansion of Port Botany would cause rail and shipping noise impacts, which have not been adequately addressed in the past by government authorities. From the experience of previous consents there is no co-ordinated – whole of government approach to address noise impacts.

Submission No. 11

The existing road infrastructure does not adequately serve the existing operations of Port Botany and the approval of expanded port facilities without major improvements to the existing road network will place a greater and unreasonable strain on existing infrastructure.

Submission No. 12

The existing rail infrastructure does not adequately serve existing operations of Port Botany, and the approval of expanded port facilities without major improvements to the rail network would place a greater strain on existing infrastructure.

Submission No. 13

The expansion of Port Botany will cause an increase in cumulative risk and will be inconsistent with DIPNR's risk criteria. Of particular relevance are the recommendations that there should not be any significant risk increase in toxic compressed or liquefied gases stored or handled at the Port and there

should not be an increase in cumulative risk, including both individual and societal risk, beyond the contours contained in the Port Botany Land Use Safety Study.

Submission No. 14

The issues raised by the South Sydney Amateur Fishing Association are addressed in any Port expansion.

Submission No. 15

Enhanced lighting spillage issues would result from the expansion of Port Botany.

Submission No. 16

The City of Botany Bay acknowledges the need for additional port facilities to meet the trade demands of the future but that these additional facilities be located in alternate areas, such as Newcastle and Port Kembla.

Submission No. 17

The needs for additional port facilities can be met by the development of additional port facilities at Newcastle and within the Illawarra Region, without incurring the environmental, social, and restructuring costs associated with the development of port facilities in the Botany Bay area.

Submission No. 18

The existing road infrastructure servicing Port Botany is inadequate to meet the required needs of expanded operations at Port Botany.

Submission No. 19

The existing rail infrastructure servicing Port Botany is inadequate to meet the required needs of expanded operations at Port Botany.

Submission No. 20

The future expansion of the Port (beyond 2025) once the proposed facility has reached capacity has not been considered.

Submission No. 21

There is inadequate land area available for the port related activities.

Submission No. 22

That in any redevelopment of Millers Point, Glebe Island and White Bay, public access to the foreshore should be provided, with site links to the foreshore maintained, and view corridors to the harbour retained along with the designation of new ones.

Abbreviations

DA	Development Application
DIPNR	Department of Infrastructure, Planning and Natural Resources
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
Patrick's DA	Development Application and Environmental Impact Statement for the Proposed Works to Patrick Port Botany Container Terminal Upgrade
SPC	Sydney Ports Corporation
TEU	Total Economic Units

1.0 NSW Government Ports Growth Plan

From media releases it is Council's understanding that the NSW Government Ports Growth Plan is that:

- *“Stevedoring leases at Darling Harbour East, Glebe Island and White Bay will not be renewed resulting in:*
 - *Sydney Harbour ceasing to operate as a container terminal, creating unbroken foreshore access from Woolloomooloo to the Anzac Bridge;*
 - *Newcastle and Wollongong gaining a much larger share of the NSW port growth; and*
- *A Commission of Inquiry to consider a final development of Port Botany's container capacity. (If given the go ahead this will be the final expansion of Port Botany.)”*

2.0 Planned Closure of Shipping Freight Facilities in Sydney Harbour

The City of Botany Bay has no major objections to the planned closure of shipping freight facilities in Sydney Harbour. However the closure of the facilities should not result in pressure for the expansion of Port Botany, which is of concern to the City of Botany Bay as this submission demonstrates.

Submission No. 1

That the planned closure of the shipping freight facilities in Sydney Harbour should not increase the pressure for expansion of Port Botany. Any resulting pressure from the planned closures should be directed towards the Hunter and Illawarra Regions.

3.0 The Proposed Port Botany Upgrade

Council objects to the proposed Port Botany upgrade for a number of reasons which are detailed as follows:-

3.1 Environment

3.1.1 Botany shoreline and Penrhyn Inlet

Botany Bay as far as harbours are concerned is quite shallow with an average depth of five to six metres. This was one of the reasons Captain Arthur Phillip decided to look elsewhere for a site to host the first European settlement in Australia. Most container ships have a draft (distance from water level to bottom of hull) of seven to eight metres and as such channels need to be maintained by dredging. It is envisaged the proposed port development will cater for the Panamax Class of container ships, which have a draft of more than 13 metres, approximately twice the average depth of the bay. To facilitate the movement of such large vessels a considerable amount of dredging will be needed and the channels created will require continual maintenance to accommodate the large vessels harbouring in the bay. Sea grasses are notoriously vulnerable to dredging and landfill operations. Further attempts to transplant sea grasses in other areas have met with limited success.

The sedimentation associated with the disturbance of the seabed during the course of construction and maintenance dredging will not only significantly

effect the fragile seagrasses in the bay but also the suspended material will impact fish species within the bay, which have only recently enjoyed protection from commercial fishing, thus adversely affecting recreational fishing.

The extension of the port facilities will also significantly alter the geometry of the bay. Expansion would change wave refraction patterns and impact other areas of the bay, including the protected habitats at Towra Point Nature Reserve.

Penrhyn Inlet is one of the most important sites for both migratory and over-wintering shorebirds in Botany Bay. Representing one of the few remaining areas of shorebird habitat on the northern side of the bay, this site is known to accommodate over 37 shorebird species, 14 of which are migratory waders. These migratory species are nominated under the Japan-Australia Migratory Bird Agreement (JAMBA) and China- Australia Migratory Bird Agreement (CAMBA) bilateral agreements, which commit the governments of Australia, China and Japan to protect endangered and migratory bird species listed in the agreements. One of the key objectives of these agreements is to establish sanctuaries for the protection of migratory birds and their habitats.

The extensive mudflats, which characterise Penrhyn Inlet during low tide, provide essential foraging habitat for up to 34 species of shorebird. Thirty- two species have also been recorded roosting on the sandflats and sandbanks

dominating the western side. Furthermore, this estuary represents one of two roost site for the Double-banded Plover and is an important staging area for up to 80 endangered Little Terns, which arrive on our shores in early October to breed on Towra Spit Island. Penrhyn Inlet also hosts Sanderlings, Terek Sandpipers and Pied Oystercatchers, all of which are classified as vulnerable under Schedule 2 of the NSW National Parks and Wildlife's Threatened Species Act (1995).

Unfortunately, the unique suite of species which utilise Penrhyn Inlet, as both foraging and roosting habitat, are not afforded the same protection as other sites in Botany Bay. For example, Towra Point Nature Reserve was identified as one of 57 most significant wetland sites in Australia in 1984 by the Ramsar Convention on Wetlands of International Importance and the shorebird community occurring on the relic delta sands at Taren Point are recognised as an 'endangered ecological community' under Schedule 1, Part 3 of the Threatened Species Conservation Act (1995).

The current shoreline and part of Penrhyn Inlet are identified as a deferred area under Botany Local Environmental Plan (LEP) 1995. The remaining part of Penrhyn Inlet, which abuts the port, is zoned Special Uses 5(a) – Port.

The majority of the subject land is not zoned under Botany LEP 1995, and therefore is not controlled by clear land use or planning provisions. Clause 19 of Botany LEP 1995 applies to future development activity on the unzoned

land and states that development in “deferred areas” may be carried out with Council consent provided Council is of the opinion that the development is compatible with the nature of development permissible on neighbouring lands and is consistent with the objectives of the zone and the development standards that apply to the neighbouring land.

Due to the non-zoned status of this land, under this clause, the zoning provisions of the special uses port zone and the open space zone would influence the future of the area. Given these issues, Council at its Meeting on 22nd November 2002 considered a report on the protection of the Botany Bay shore line and the Penrhyn Inlet and resolved that:

- A draft Local Environmental Plan to amend Botany Local Environmental Plan 1995 to rezone the Botany Bay shoreline and Penrhyn Inlet to an environmental protection zone be prepared; and
- The General Manager assist and support the community groups with their campaign to save the Botany Bay shoreline and Penrhyn Inlet.

On 26 November 2002, Council forwarded a report pursuant to Section 54(4) of the *Environmental Planning and Assessment Act* 1979, and Clause 9 of the Environmental Planning and Assessment Regulation 2000, to the Department of Infrastructure Planning and Natural Resources (DIPNR). Within the report, Council advised DIPNR of its intent to prepare a draft Local Environmental Plan to amend Botany Local Environmental Plan 1995 to rezone the Botany Bay shoreline and Penrhyn Inlet to an environmental protection zone. The

report also requested that DIPNR allow Council to exercise its Section 65 and 69 delegations. Section 65 Delegation would allow the Draft LEP Amendment to be advertised and Section 69 Delegation would allow Council to forward the Draft LEP to the Minister for Planning for making.

On 20 December 2002, Council received notification from DIPNR that Council could proceed to Section 62 of the *Environmental Planning and Assessment Act 1979* and consult with relevant public authorities. DIPNR indicated that it would not assess Council's proposal to exercise its delegated functions under Section 65 and 69 of the Act, until the outcomes of the Section 62 consultation process were known.

On 7 January 2003, Council proceeded to consult with the following organisations pursuant to Section 62 of the Act:

- Environmental Protection Authority
- NSW Heritage Office
- National Parks and Wildlife Service
- Waterways Authority
- NSW Fisheries
- Planning NSW
- Department of Land and Water Conservation
- Sydney Ports Corporation
- Sydney Airport

- Adjoining Councils – South Sydney, Randwick, Rockdale and Marrickville
- Southern Sydney Regional Organisation of Councils
- Botany Environmental Watch
- Save Botany Beach

The consultation period was from 7 January to 19 February 2003.

On 6 March 2003, Council wrote to DIPNR, pursuant to Section 64 of the Act, to provide details of the consultation process undertaken in accordance with Section 62 of the Act. As a result of the above consultation, 10 submissions were received within the exhibition period and three received after.

An overview of the issues raised in the submissions received during the Section 62 Consultation period is outlined in **Appendix 1**. The majority of the submissions were in favour of the Council's draft local environmental plan amendment to protect the beach and estuaries.

On 21 March 2003, three additional submissions were furnished to DIPNR as a result of comments received after the Section 62 Exhibition period. These are summarised in **Appendix 2** to this submission.

On 19 June 2003, the Department responded to Council's correspondence on the Section 62 Consultation. The Department indicated that in view of the

objections raised by Transport NSW, Waterways Authority and Sydney Ports Corporation, Council would not be permitted to exercise the delegated functions of the Director General under Section 65 of the Act. The Department further advised that Council should re-examine the issue following the release of the Botany Bay Strategy currently under preparation by DIPNR and represented by Council.

Submission No. 2

That the Commission of Inquiry recommend to the NSW Government the protection of the Botany Bay Shoreline and Penrhyn Inlet for recreational purposes and as an environmental resource and allow Draft Botany LEP 1995 – Amendment No. 31 to proceed.

3.1.2 Estuary Water Flow

Any expansion of Port Botany is likely to significantly interfere with the water flow in Penrhyn Estuary channel flow, under both dry weather and stormwater conditions. Due to the low-lying land, surrounding the proposed port expansion site, flushing of the estuary relies on the currents in the bay and the movement of tides. The proposed development would significantly alter the dynamics of the bay and, as such, the exiting waters would remain at the estuary outlet or stagnate in drains and not flush until a large storm event. As a result, this would likely result in a considerable increase in the deposition of suspended particles at the outlet to the bay due to the further constriction of

the estuary. At present, the high rates of deposition of sediment, caused by the existing developments on Botany Bay, has forced Council to relocate the boat ramp at Penrhyn Estuary.

Submission No. 3

That the Commission of Inquiry recommend to the NSW Government that the expansion of Port Botany not be supported as it is likely to significantly interfere with the water flow in Penrhyn Estuary channel flow, under both dry weather and stormwater conditions.

3.1.3 Amenity

The use of the golf course and Sir Joseph Banks Park as well as the amenity of the residential areas in Southern Botany would be greatly affected by the expansion of the Port facilities and the increased traffic / truck movements that will occur on Botany Road and local road networks.

Council built a viewing platform in Sir Joseph Banks Park for people to view the Bay. Concerns have been raised that the view of the bay would be restricted and all that would be seen would be port activities and the airport. The platform was built by Council as an attempt to enable people using the park to be able to view the expanse of Botany Bay.

The general amenity of Foreshore Road and the Beach frontage area has deteriorated. The RTA and Sydney Ports have no interest in the aesthetic qualities of the areas they control. Indeed, the RTA has mowed planting carried out by Council and weed infestations in the fore dune area has been getting gradually worse.

Further, under the proposed expansion, the northern soft edge to the bay would be replaced with a concrete barrier.

Submission No. 4

The amenity of the residential areas in the City of Botany Bay, and especially in southern Botany, would be greatly affected by the expansion of the Port facilities and the increased traffic / truck movements that will occur on Botany Road and local road networks.

3.1.4 Loss of Access to Botany Bay

The loss of the beach is of major concern to the residents who utilise the area. They are presently able to walk through Sir Joseph Banks Parks and cross Foreshore Road to access the beach. This area has already been reduced in area by the construction of the third runway and the previous construction of the Port.

The path system in Sir Joseph Banks Park was designed to provide access to the beach as it was recognised in the late 70's that this was a loss of amenity to the residents who had previously had the beach at their doorstep. Unfortunately, the RTA removed the pedestrian lights as they were seen as superfluous. This is of concern as increased traffic flows, in particular truck movements, would make crossing in this area even more dangerous.

The beach area to be retained will be located in an area where natural water movement would be restricted by the construction of the Port closer to the existing third runway. The quality of the water would be adversely affected making it an undesirable location for swimming.

Further, the loss of the Boat Ramp is of concern as there are very few public facilities in the Eastern Suburbs. This is a regional facility used by people wishing to access Botany Bay.

Submission No. 5

The loss of the beach is of major concern to the residents who utilise the area.

3.2 The Botany Bay Strategy

Botany Bay is a significant economic centre and the interactions between economic activities and Botany Bay's environment are complex¹. However, future development in Botany Bay must achieve a higher level of sustainability for the natural environment than has occurred historically².

On the 3 September 2002, the then Minister for Planning announced the development of a strategy for Botany Bay to address planning and development assessment within the Bay and the surrounding area. Co-ordinated by DIPNR, the study is expected to deliver new mechanisms for the better management of the Bay's environment, building on the earlier work of the Botany Bay Program (SSROC) and the Healthy Rivers Commission's *Independent Inquiry in the Georges River – Botany Bay System – Final Report* (HRCF 2001).

The strategy provides for a stakeholder committee, with representatives from the three levels of government key business and transport interests, environmental and recreation sectors. Council is represented on the Committee.

The strategy focuses on the local environment of the Bay, which includes: -

¹ Botany Bay Strategy, Final Draft, October 2003, pages 33 and 34

² Botany Bay Strategy, Final Draft, October 2003, page 35

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- The Bay
 - Foreshores and minor bays
 - Minor catchments
 - Kurnell Peninsula

The final draft of the Botany Bay Strategy was released in October 2003.

The Botany Bay Strategy Advisory Committee has recommended that, if the Government is committed to its desire to preserve the Bay, then firm action needs to be taken to implement and support the Strategy. One of the key messages that support the assertion³ is:

- ***The principles within the Strategy should be applied to all government planning processes that have an impact on the future of the region, most particularly Sydney Metropolitan Strategy. The Strategy should be used to assess current major development proposals, such as the airport and sea port, that require the sort of framework provided by the Strategy. We also suggest that a range of statutory and non-statutory frameworks is required for the practical and effective implementation of the strategy.***

³ The key messages are taken from a Draft letter to Minister Knowles from the Chair, Botany Bay Strategy Advisory Committee.

The Strategy recognises Botany Bay as Sydney's pre-eminent location for trade, as a gateway for national and international tourism, the potential to support new, sustainable development, including residential development, and as a significant provider of regional and local employment⁴. According to the Strategy, the objectives for the management of this value are stated as:-

- *Botany Bay will continue to be a place where opportunities for high quality employment are provided and enhanced.*
- *Botany Bay will contribute to be regionally significant centre for trade and related commercial and economic activity.*
- *Recreational and tourist activity in and around Botany Bay will be a significant economic contributor and local employer.*
- *The Botany Bay area will provide a variety of housing opportunities.*
- *Botany Bay will be promoted as a place of significant economic activity.*

The important expression here is sustainable development. It is Council's position that the expansion of Port Botany is not sustainable given the existing impacts of the Port and the future impacts if the Port is allowed to expand.

The Botany Bay Strategy also proposes an Assessment Protocol, Final Draft, October 2003. The Protocol has been designed to identify those factors in landuse or management proposals that present the potential to impact on management of the whole Bay.

⁴ Botany Bay Strategy, Final Draft, October 2003, page 15

Submission No. 6

The principles within the Botany Bay Strategy (Final Draft dated October 2003) be applied to the expansion of Port Botany.

Submission No. 7

The expansion of Port Botany is not a sustainable development given the existing impacts of the Port and the future impacts if the Port is expanded. The expansion of Port Botany does not meet the objectives of the Botany Bay Strategy.

3.3 Contamination

Recent data (provided by Orica) has indicated that there are three chlorinated hydrocarbon plumes migrating towards Botany Bay. The source of the plumes is the Orica chemical plant at Pagewood and data shows that they have advanced further than anticipated. Indeed, the presence of a third, and hitherto unknown plume, was revealed by Council's own testing regime and not by any information supplied by Orica or the EPA. A shallow Chlorinated hydrocarbon plume has intercepted Floodvale Drain, Southlands, Banksmeadow, and a deeper chlorinated hydrocarbon plume is a mere several hundred metres from Foreshore Beach, which is in the immediate vicinity of the proposed Port Botany expansion project. This is particularly relevant as the development is likely to affect the flushing of the Floodvale

Drain discharge point to the bay. Further, dredging and the construction of footings associated with the proposed development are likely to intercept the EDC plume under the bay, which is a sensitive receptor, not to mention the impact 70 hectares of reclaimed land will have on the local groundwater regime.

Submission No. 8

That further investigation of contamination is required prior to the alteration of the groundwater regime.

3.4 Noise

Council has previously raised the issue of noise generated by the increased operational activity at the Port and the increased use of rail and its impact on the community during the assessment and determination of Development Application (DA453-12-2002-1) for the upgrade of the Patrick Container Terminal at Port Botany which was consented to by the Minister for Planning and Natural Resources in November 2003. In assessing the Patrick's DA, Council raised the concern that the cumulative impacts of road traffic noise in the Botany Bay Local Government area should be considered together with noise from ships at the Terminal. Further, the revised Noise Assessment should have considered the requirements of the Council's Industrial Noise Policy developed from studies and recommendations conducted by the Planning and Environment Commission.

The proposed noise limits contained in the Patrick's consent issued by DIPNR do not comply with Council's noise policy. Council's noise policy has a noise limit of LA_{eq} 50 dB(A) during day time and LA_{eq} 40 dB(A) during night time. This policy was endorsed in the 1980s by then Department of Planning and Environment and the EPA. The Department considered compliance with the Council's noise policy would be a long-term objective for the Patrick's development.

The EPA raised three issues for consideration by the DIPNR with the Patrick's DA and which are of relevance to the expansion of Port Botany. These are⁵:

(1) Noise from heavy vehicles on traffic routes used to access the site

The EPA agreed with the Patrick's assessment that the absolute noise criteria are likely to be exceeded by existing levels of road traffic noise and considered this to be a significant issue. The EPA's Environmental Criteria for Road Traffic Noise requires where levels exceed the criteria that where feasible, existing noise levels should be mitigated (such as times of use, noise barriers and acoustic treatment). The EPA considered the Patrick's proposal did not provided an adequate assessment of feasible

⁵ Assessment Report dated September 2003 prepared by DIPNR on "Development Application (DA453-12-2002-1) Patrick Stevedores Operations Pty Ltd Proposal for the Upgrade of the Patrick Container Terminal at Port Botany in the Botany bay Local Government Area".

(or reasonable) measures to mitigate levels to meet the criteria, and that the proposal was likely to generate additional traffic noise on routes used by heavy vehicles accessing the terminal. Night time heavy vehicle movements may give rise to sleep disturbance for residents.

If Port Botany was expanded, additional residents would be affected by sleep disturbance.

(2) Noise generated by rail movements off the premises

The EPA considered the assessment of rail noise impacts by Patrick's from duplication of the Botany Freight Line was inadequate for the purposes of assessing the rail noise impact of the proposal. The EIS stated that a number of dwellings were above the nominated design criteria for rail traffic noise, but no information has been provided on feasible or reasonable measures to mitigate rail traffic noise to meet the criteria. The EPA suggested that DIPNR sought additional information on mitigation measures for rail noise impacts.

DIPNR's report⁶ on the DA for Patrick's considered that rail noise impacts was a matter for RIC to consider in the context of the environmental protection licence for the rail line and its future duplication.

⁶ Assessment Report dated September 2003 prepared by DIPNR on "Development Application (DA453-12-2002-1) Patrick Stevedores Operations Pty Ltd Proposal for the Upgrade of the Patrick Container Terminal at Port Botany in the Botany bay Local Government Area".

DIPNR also considered it was not appropriate for the Applicant to address rail traffic noise as it was not the owner of the rail line, not the exclusive user of the line and that the implementation of noise measures along the rail corridor would be considered through any future duplication works and should not be the responsibility of Patrick's.

3) Noise pollution from shipping

The EPA considered that there were opportunities for shipping noise impacts to be reduced by incorporation of best practice management procedures. Patrick's advised that they have no control of the ships that berth at the terminal. The consideration of providing shore-based power to ships was considered by Patrick's and found not to be practicable.

DIPNR agreed that the control of shipping noise was outside the responsibility of Patrick's and was more appropriately a matter for the Sydney Ports Corporation.

Given the EPA's comments on the inadequacies of Patrick's noise assessment, Council considers that the expansion of Port Botany would have a greater significant adverse affect on the residents of Botany Bay.

Submission No. 9

The expansion of Port Botany would result in an increase in noise from additional heavy vehicles on traffic used to access the site and this would have an adverse impact on residents, especially during night time hours.

Submission No. 10

The expansion of Port Botany would cause rail and shipping noise impacts, which have not been adequately addressed in the past by government authorities. From the experience of previous consents there is no co-ordinated – whole of government approach to address noise impacts.

3.5 Traffic

Council's main concerns about the road traffic impacts of any expansion of Port Botany is the resultant increase in truck movements on Botany Road. In its submission⁷ on the Patrick's EIS, Council recommended that:

- (1) The intersection of Foreshore Road and General Holmes Drive be redesigned to provide direct northbound and southbound access between Foreshore Road and General Holmes Drive**

Council recommended the upgrade of the Foreshore Road and General Holmes Drive intersection to provide direct north-bound and south-bound access between Foreshore Road and Southern Cross Drive. This is a significant missing link in the road network near Port Botany. Presently there is no direct access from Foreshore Road to Southern Cross Drive.

⁷ Assessment Report dated September 2003 prepared by DIPNR on "Development Application (DA453-12-2002-1) Patrick Stevedores Operations Pty Ltd Proposal for the Upgrade of the Patrick Container Terminal at Port Botany in the Botany bay Local Government Area".

The approved truck route to Southern Cross Drive from Port Botany is Botany Road/Beauchamp Road/Denison Street/Wentworth Avenue. Council is concerned that truck traffic is using Botany Road to access Wentworth Avenue. The RTA advised there were significant constraints with this proposal and it would require the involvement of the Sydney Airport Corporation Ltd. DIPNR agreed that a direct link from Foreshore Road to Southern Cross Drive would provide a more direct route for northbound trucks. However, DIPNR was of the view that the investigation of the link should be undertaken as part of the assessment of the Sydney Ports Corporation's proposed expansion of Port Botany rather than as a condition of consent for the Patrick's proposal, stating that in the longer term the link would be beneficial to truck movements in the Botany Bay local government area.

- (2) A comprehensive traffic /transportation management plan be prepared, to outline the monitoring procedures for major truck routes inbound and outbound from the Port and to identify trigger mechanisms and a remedial action plan to resolve conflicts and issues.**

(3) Penrhyn Road/Botany Road/Foreshore Drive Intersection

The intersection be redesigned so that the main exit route is from Penrhyn Road onto Foreshore Drive for heavy vehicles traveling north. Council required that physical deference as well as signage be installed to encourage all trucks traveling through the Council area to use Foreshore Road only.

Council also raised the need for a direct link from Hale Street to Foreshore Road. Currently access to the Hale Street industrial area is gained from Botany Road. Council is concerned that truck traffic accessing the industrial area has detrimental impacts on the residential and commercial areas of Botany. A direct link to Foreshore Road would remove a significant volume of trucks from Botany Road. DIPNR considered that this link had merit and should be investigated as part of the assessment of the Port Botany expansion.

Submission No. 11

The existing road infrastructure does not adequately serve the existing operations of Port Botany and the approval of expanded port facilities without major improvements to the existing road network will place a greater unreasonable strain on existing infrastructure.

3.6 Rail

Council supports the increased utilisation of rail for the movement of TEUs. However, the expansion of Port Botany would result in increased rail support and Council is concerned that this increased usage would adversely affect the community through increased noise and vibration levels and the creation of

traffic congestion at the level crossing between General Holmes Drive and Botany Road. This issue was raised by Council in the Patrick's DA⁸.

Council did advise in its submission on the Patrick's DA that the impact of increasing the use of rail through increased train movements and an increase in the length of trains would further deteriorate the already existing queuing problems at the level crossing on General Holmes Drive, Mascot. Council recommended that the Sydney Ports Corporation and Rail Infrastructure Corporation, in consultation with the Road and Traffic Authority, consider the provision of a grade separation between the rail line and General Holmes Drive to address the rail / road issues that would occur at the level crossing in Mascot, as a result of an increase in rail usage.

DIPNR in its assessment of the Patrick's DA considered this issue more appropriately dealt with as part of the duplication of the rail line and the proposed expansion of Port Botany.

Council would also want the potential impacts of the construction of a dedicated Sydney freight line from south of Campbelltown to Port Botany, as proposed by the Australian Rail Track Corporation in its lease of the NSW

⁸ Assessment Report dated September 2003 prepared by DIPNR on "Development Application (DA453-12-2002-1) Patrick Stevedores Operations Pty Ltd Proposal for the Upgrade of the Patrick Container Terminal at Port Botany in the Botany bay Local Government Area".

non-metropolitan rail network, included in the assessment of the proposed expansion of Port Botany.

Submission No. 12

The existing rail infrastructure does not adequately serve existing operations of Port Botany and the approval of expanded port facilities without major improvements to the rail network would place a greater strain on existing infrastructure.

3.7 Hazards and Risk Assessments

The Port Botany Land Use Safety Study, released in 1996, reviewed the risk factors associated with the functions at the Port - based on an existing case (existing and approved new development) and future (postulated future development).

The study considered the risk of the functions of the Port on adjacent land use activities, such as sensitive uses, residential, commercial, recreational and industrial.

The risk in the areas surrounding the Port was shown via individual risk contours. The 1996 study found that development “in the vicinity of the Port should reflect land uses which provide a buffer between the Port and its surrounding residential and commercial areas”.

Council's concern is that the expansion of the Port would significantly expand the individual risk contours which may result in:-

- Recreational land and residential areas being subject to increased levels of risk; and
- Restricting future redevelopment or revitalization of industrial areas to non-industrial uses such as commercial operations or residential due to increased levels of risk.

With the Patrick's DA, Council considered that the analysis of hazards and risk was not sufficiently comprehensive and rigorous and not appropriately conservative. The risks from that proposal and associated transportation were treated in isolation rather than on a cumulative basis, and the individual risk criteria was likely be exceeded if the transportation of hazardous materials were considered cumulatively with hazardous materials transported from other port and industrial sources. Council considered the additional information provided by the Applicant did not address Council's original concerns and it remained Council's view that the PHA was not of a standard sufficient to enable an informed decision on the hazard and risk aspects to be made.

Council in its submission to DIPNR on the Patrick's DA recommended:

- An external audit is undertaken by parties independent of the applicant, their consultants and DIPNR and that the audit reports should be available to the Council.

- An independent fire safety review to be prepared to review the provisions on the EIS on the fire protection arrangements and to identify mechanisms to deal with the contaminated fire fighting water; and
- A requirement that a comprehensive safety management system is prepared.

Notwithstanding, Patrick's DA did not adequately address the recommendations of the Port Botany Land Use Safety Study and DIPNR considered the PHA had demonstrated the proposal has acceptable risk levels.

Submission No. 13

The expansion of Port Botany would cause an increase in cumulative risk and would be inconsistent with DIPNR's risk criteria. Of particular relevance were the recommendations that there should not be any significant risk increase in toxic compressed or liquefied gases stored or handled at the Port and there should not be an increase in cumulative risk, including both individual and societal risk, beyond the contours contained in the Port Botany Land Use Safety Study.

3.8 Boat Ramp

The Penrhyn boat ramp is located to the north of the Patrick's terminal. Penrhyn Road currently provides public access to the boat ramp and car parking area. The proposal incorporates Penrhyn Road within the terminal lease area.

The Sydney Port's proposal for the expansion of Port Botany would result in the relocation of the boat ramp and the area between Penrhyn Road and Penrhyn estuary (including the boat ramp) would be developed as a transport corridor.

The South Sydney Amateur Fishing Association⁹ has advised that is unhappy with the proposed boat ramp because:-

- The proposed dual boat ramp was totally inadequate as two lanes were not enough to handle the expected traffic flow that Botany Bay has to cope with.
- The ramp has a southerly aspect that would see no protection from the prevalent and strong southerly winds experienced in the Bay.
- Traffic flow in and around the ramp seems disjointed, with the Penrhyn Road ramp having 110 boat/trailer spaces, and the proposed ramp/recreational area having 115 spaces. With enhanced pedestrian access, boardwalks and public viewing areas these spaces would be taken by cars without trailers, leaving recreational boaters and anglers

⁹ South Sydney Amateur Fishing Association, Newsletter, May-June 2003

with nowhere to park. As a minimum, more parking for the non-boating fraternity needs to be made available either along Foreshore Rd or in the car park.

- Traffic lights need to be installed at Foreshore Rd to enable patrons with boats to enter and leave the facility in safety. SPC also needs to work with the RTA to reduce the speed limit on Foreshore Rd to 70km/h to ensure the safety of the increased flow of pedestrians, cars and trailers. The increased flow of trucks to the area would make crossing Foreshore Rd hazardous for patrons of the boat ramp.
- Barriers or bollards must be installed to prevent trucks entering the facility. This is a very common practice at the existing ramp and results in almost half the ramp's parking used as a container storage depot or changeover site for trucks.
- Conclusive tests need to be undertaken by SPC at the Mill Stream and identify what, if any, pollutants or toxins exist adjacent to the beach and boat ramp. It is wrong to force the patrons of Foreshore Beach closer to this large storm water outlet by limiting their access to 'safer' parts of the beach and not accept any responsibility for their well being
- The public amenities need to be closer to the boat ramp and tug berth depot for safety and the discouragement of unsafe and dangerous practices or, alternatively, two separate amenities blocks need to be built to cater for the beach users and boating fraternity.
- No mention is made of lighting or security within the ramp, something that needs to be addressed within the public open space design.

- A series of pipes needs to be installed under the new terminal to allow a flow of water from Botany Bay to the proposed intertidal sand/mud/seagrass flats. Tidal flushing is inadequate, testament to the state of the Penrhyn Estuary that relies on tidal flushing and is an ecological disaster. SPC are relying upon models that show the channel width is adequate and will provide the necessary flushing, but we are mindful of the fact that models were also presented when the Port was originally extended and when the runways were built, and to date these have interrupted the water flow and currents within the Bay to such an extent that the Bay's foreshore is slowly disappearing and measures are required to offset the damage.

Council supports the comments made by the Association.

Submission No. 14

The issues raised by the South Sydney Amateur Fishing Association are addressed in any Port expansion.

3.9 Lighting

Council has raised concerns that the increased lighting in the northern part of the terminal would enhance light spillage issues currently experienced by residents in the vicinity of Anniversary Street, Waratah Street, Dent Street and Botany Road, Botany.

Council recommended in its submission on the Patrick's DA that any lighting on the site should be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure there was no adverse impact on the amenity of the surrounding area by light overspill.

Submission 15

Enhanced lighting spillage issues would result from the expansion of Port Botany.

4.0 Employment Implications for Sydney, the Hunter and the Illawarra Regions

Botany Bay City Council (BBCC) would like to express its support for the development of port facilities in the Hunter and Illawarra Regions in favour of the further development of port facilities in the Port Botany Area. The City of Botany Bay acknowledges the need for additional port facilities to meet the trade demands of the future. However, it is of the opinion these needs could be met by the development of additional port facilities at the BHP site at Newcastle and within the Illawarra Region, without incurring the environmental, social, and restructuring costs associated with the development of port facilities in the Botany Bay area.

Submission 16

The City of Botany Bay acknowledges the need for additional port facilities to meet the trade demands of the future but that these additional facilities be located in alternate areas, such as Newcastle and Port Kembla.

Submission 17

The needs for additional port facilities can be met by the development of additional port facilities at Newcastle and within the Illawarra Region, without incurring the environmental, social, and restructuring costs associated with the development of port facilities in the Botany Bay area.

5.0 Current and Future Infrastructure Needs and Social Impacts

5.1 Road System

At present, the majority of trucks travelling to and from the Port Botany Container Terminal use Botany Road. As a result, Council has received numerous complaints about excessive noise (from residents of dwellings close to carriageway), vibration damage and safety of pedestrians on Botany Road. If the current model split between Foreshore Road and Botany Road continues to exist, the port expansion would exacerbate all the above issues.

In order to make Foreshore Drive a more viable carrier for trucks, major construction works are needed at the intersection of Foreshore Drive/-General Holmes Drive and General Holmes Drive/-Mill Pond Road to enable trucks to travel without hinderance around the Sydney Orbital, in a counter clockwise direction as intended.

Further, the airport tunnel and O’Riordan Street rail bridge heights are less than the rail bridge height at Botany Road. As such, major works are required at the O’Riordan Street rail bridge to increase the height limit to match at least that of Botany Road so as not to concentrate approved over height vehicles on Botany Road.

Submission 18

The existing road infrastructure servicing Port Botany is inadequate to meet the required needs of expanded operations at Port Botany.

5.2 Rail System

Should the port facilities at Port Botany be expanded, the increase in units transported by rail would considerably increase problems associated with rail noise and vibration as well as requiring substantial upgrading to cater for the increased traffic, particularly through residential areas.

Submission 19

The existing rail infrastructure servicing Port Botany is inadequate to meet the required needs of expanded operations at Port Botany.

5.3 Capacity

Access Economic have forecast growth values of 6% p.a. for the Port. "Such growth," its report said, "indicates a trade throughput demand of 3 million TEUs and in excess of 20 million tonnes of non containerised cargo by the year 2020".

At this growth rate the present Port capacity would be exceeded by 2010.

The current proposal to expand Port Botany is aimed at meeting this growth. However, Council raises concerns on the future expansion of the Port (beyond 2025) once the proposed facility has reached capacity.

Submission 20

The future expansion of the Port (beyond 2025) once the proposed facility has reached capacity has not been considered.

5.4 Availability of Land for Port Related Activities

The majority of transportation and freight functions associated with the Port are located in the areas abutting the Port – for example in Banksmeadow and Botany. The location of these uses and the routes used for freight movement often result in conflict with the amenity and function of residential suburbs.

The conflict results from the diversity of established land uses found in these suburbs. Council for many years has introduced controls and mechanisms in an attempt to lessen or resolve these conflicts. However, there is concern that this conflict would be compounded with due to factors such as: -

- the rezoning of industrial land to residential,
- the changing nature of the residential suburbs,
- the limited supply of land for Port related functions, and
- the expansion of the Port and an increased demand for Port-related functions.

Submission 21

There is inadequate land area available for the port related activities.

6.0 Future of public land at Millers Point, Glebe

Island and White Bay

The City of Botany Bay has no major submissions to make on the future use of Millers Point, Glebe Island and White Bay. However, in any redevelopment public access to the foreshore should be provided with site links to the foreshore maintained and view corridors to the harbour retained and new ones designated.

Submission 22

That any redevelopment of Millers Point, Glebe Island and White Bay public access to the foreshore should be provided with site links to the foreshore maintained and view corridors to the harbour retained and new ones designated.

7.0 Appendices

**Appendix 1 - Summary of Submissions Received as a Result of Section
62 Consultation**

ORGANISATION	OVERVIEW OF SUBMISSION
Marrickville Council	<ul style="list-style-type: none"> • No comment in respect of the draft plan.
Save Botany Beach	<ul style="list-style-type: none"> • Supports the proposal and looks forward to the development of the environmental study to support the proposal. • Supports the continuation of the use of the beach by dog walkers. • The need for bush cares work to be undertaken on the dune. • The need to protect and upgrade Penrhyn Estuary due to its environmental / ecological importance.
National Parks and Wildlife Service (NPWS)	<ul style="list-style-type: none"> • NPWS appreciates Council's actions to prepare planning provisions for the subject area. • Consideration should be given to the findings of the Botany Bay Shorebird Action Plan as part of the preparation of the LEP to assist in determining permissible land uses. • Council needs to consult with the Local Aboriginal Land Council in relation to Aboriginal heritage. • Recreational activities may not be complementary to the conservation measures that are required for the protection of the Inlet. NPWS recommend exploring two zones: - recreation and conservation. In determining the zone boundaries consideration needs to be given to the relevant studies including the shorebird action plan.
Waterways Authority Maritime Property and Assets Division	<ul style="list-style-type: none"> • Waterways are the landowner of the shoreline and seabed. The Authority objects to the proposed draft amendment due to:- <ul style="list-style-type: none"> (i) The plan fails to acknowledge that the beach was created as part of the

ORGANISATION	OVERVIEW OF SUBMISSION
	<p>reclamation works for the Port.</p> <p>(ii) The area has been earmarked for future port use since 1970.</p> <p>(iii) No regard has been given to the fact that the area is needed for the possible expansion of the Port to meet population demands.</p> <p>(iv) The need to reserve area of Botany Bay for Port use was highlighted in documents Sydney Ports into 21 Century and Port Land use Strategy for Botany Bay. The submission makes reference to correspondence in 1993 between Council and Maritime Services Board – where the Board indicated that a “Future Port” zone would be appropriate for this area.</p> <p>(v) The Authority states that Council should await the outcomes of the strategy for Botany Bay prepared by Planning NSW and the findings of the environmental impact statement being undertaken for the Port Expansion.</p>
Sydney Ports Corporation	<ul style="list-style-type: none"> • The area west of Port Botany has been formerly identified for Port expansion since 1969. • Ports Corporation objects to the proposed zoning / rezoning and it is inappropriate for Council to pursue the proposal due to:- <ul style="list-style-type: none"> - It is inappropriate to remove the 5(a) zone that applies to part of the land. - The Port EIS will address the recreational and environmental values/issues of the area. - The proposed Port Expansion will retain the beach and Penrhyn Inlet. - An environmental study undertaken by Council to study the recreational and environmental issues will be a waste of resources – as such work is being done by the EIS for the port expansion. - The proposed rezoning pre-empts

ORGANISATION	OVERVIEW OF SUBMISSION
	<p>works being undertaken by the Botany Bay Strategy – Planning NSW.</p> <ul style="list-style-type: none"> - The proposal is not in the theme of Plan first. • Ports believe that the outcomes of the EIS and the expansion of the Port are not inconsistent with Council's objectives for the area.
The Botany Bay Program – Southern Sydney Regional Organisation of Councils	<ul style="list-style-type: none"> • The area has significant recreational and environmental values, which are under threat due to the adverse impacts of development – industrial, port and airport. • The protection of the “remaining natural area” in the Bay is necessary through a process of permanent protection. • Council's initiatives deserve support and the Group will provide further comments once the study is completed.
NSW Environmental Protection Authority	<ul style="list-style-type: none"> • The EPA supports the rezoning – in context of the rezoning proposal providing improved protection of environmental values and habitats. • The proposal appears consistent with Southern Sydney Catchments Management Boards draft Catchments Blue Print. The objectives of the draft LEP need to be consistent with this document. • The EPA in November 2002, as part of the Botany Bay Strategy, indicated the need for an Assessment Framework to cover salt marshes, foreshores and beaches. • The EPA supports further research on the cumulative impact of development on the Bay. • Contamination of the sediments and groundwater in Penrhyn Estuary need to be considered in the study process.
Sydney Water	<ul style="list-style-type: none"> • The corporation has no in principle objection to the rezoning. • The area contains four Sydney Water storm water outlets that silt up due to sand

ORGANISATION	OVERVIEW OF SUBMISSION
	<p>mitigation. Access to the drains is via gates along Foreshore Road.</p> <ul style="list-style-type: none">• Access to the outlets and area must be maintained for maintenance and possible future works.• A sewerage pumping station and sewer main is located along Penrhyn Road.
Heritage Office	<ul style="list-style-type: none">• The office states that an environment study will need to determine whether the land contains items of environmental heritage.
Planning NSW (now DIPNR)	<ul style="list-style-type: none">• Planning NSW states that the rezoning proposal is premature and Council should await the release of the Botany Bay Strategy.

**Appendix 2 - Summary of Additional Submissions Received as a Result
of Section 62 Consultation**

ORGANISATION	OVERVIEW OF SUBMISSION
NSW Fisheries	<ul style="list-style-type: none"> • The Authority supports the rezoning to promote the restoration and protection of degraded habitats. • The Environmental Study should include a review of the aquatic habitats – in particular marine vegetation such as salt marshes, mangroves etc. • The submission lists the approval requirements from Fisheries. • The submission outlines a number of points that Fisheries consider should be included within the planning instrument. – e.g. riparian buffer zone of 50m, the protection of threatened species, etc.
NSW Transport	<ul style="list-style-type: none"> • The Authority states that the current zoning situation does not appear to be causing problems in terms of management and development control. • Council should defer the rezoning until Planning NSW has finished the broad framework relating to Botany Bay – based on the recommendations of the Health Rivers Commission Report on the Bay and the Botany Bay Strategy / Master Plan.
Sydney Airport	<ul style="list-style-type: none"> • SACL has no objections to the proposed amendment to the LEP. • The Environmental Study should consider the impact of non-migratory birds that are attracted to the estuary and the issue of bird strike. • SACL supports the use of the beach for low scale public recreation.