

ENVIRONMENTALLY SPEAKING 10

Summer 2006 Randwick South Ward Enviro News from Botany Bay and Catchment Alliance www.botanybay.info
Protecting Environment=Protecting People



Entry to Botany Cemetery, Bunnerong Road

“You wouldn’t treat a dog like this”

Above is a photograph I took in 2006 and wrote about in my local newsletter:

<https://laperousemuseum.files.wordpress.com/2020/08/environmentally-speaking-10.pdf>

At the time the queues were over 3km long and there were hazardous skels parked on the side of Foreshore Road. People were killed and maimed because of the skels. There was no truck marshalling yard. I also have videos of HVs carrying 60TEU holding up traffic at the Beauchamp-Botany intersection because a container park had been approved in an inappropriate location. I have other photos of HVs traveling through school zones in Matraville Town Centre. There is no way a HV driver could brake to avoid a child who suddenly appeared but the HVs were forced into the Town Centre because other roads were off limits or again because the yards they needed to access were approved with no concern to how they would be accessed. In the case of Matraville which is in Randwick City the yard approved was in City of Botany Bay. I thought that some of the problems which were ‘low hanging fruit’ could have been solved and others avoided but it looked as though there were other agendas.

The following year I attended the IPART Round Table – link to minutes

https://www.ipart.nsw.gov.au/sites/default/files/documents/transcript_-_review_of_the_interface_between_the_land_transport_industries_and_the_stevedores_at_port_botany_18_july_2007_-_apd.pdf

and I remember very clearly the GM of the City of Botany Bay making a statement and leaving: *MR FITZGERALD: Mr Chairman, before you do, my name is Peter Fitzgerald, the general manager of Botany Bay City Council. You have no participants from the community*

at all. We have a vested and vital interest in relation to this. The operation of the port has been a nightmare. The expansion of the port is a nightmare and it will not get any better. I am staggered to think that you can sit around here and have a roundtable to the exclusion of the community. THE CHAIRMAN: I note your remarks. Let me say that if the community has something to say about the land/sea interface in terms of the efficiency of the operation that is consistent with our terms of reference, then we would take notice of that through their submissions. You will also have an opportunity to speak later on after we have dealt with the topics through our proceedings as I outlined, thank you. (Mr Fitzgerald left the hearing room)

That set the tone of proceedings for anyone from community. And then there was Mr Schultz from Patrick who set another tone. I formed the opinion that the Stevedores, in particular, but also the Government wanted to reduce the number of carriers accessing Port Botany and that it would be easier to deal with a small number of bigger players. This would be consistent with what was proposed in the Brereton 'Railing Port Botany Containers' report issued 13th October 2005, the same day the expansion was approved. I could see that with the volumes predicted that a series of intermodals was likely to be desirable, but I didn't see the roadmap. It was basically just pronouncements with no data, let alone accurate data, to support it. This was something I had come to expect from Transport/Sydney Ports. The first day of the Commission of Inquiry they were sent off to negotiate with Air Services because they hadn't acknowledged that planes had to fly out of Mascot. They had also been required to add 2 additional volumes to their EIS because their traffic report was useless, confined as it was to the immediate roads and excluding the corridors beyond. 17.5kg with far too much consisting of spin and unsubstantiated claims. They refused to acknowledge that the development of Enfield was integral to the bigger picture. Our group, the Botany Bay and Catchment Alliance, produced a video titled the Head of the Octopus in order to communicate what was ahead. When it came to community, Sydney Ports played off sections with offsets and promises so the representation at the Commission of Inquiry was not reflective of the extent of opposition. Those who were bought off didn't agree, they just accepted that this was making the best of a bad decision.

A roadmap should explain as accurately as possible the current situation and why it needs to change and also provide details on the future and how to get there. In some cases, it might require buying out businesses similar to buying up properties for freeways and other infrastructure. Instead, it appears to me, that the strategy is to let it happen 'organically'. If conditions are made more difficult than they need to be then only the fittest will survive. Another aspect of the lack of transparency, accountability and honesty has been the way stakeholders who might otherwise have common interests are pitted against each other and I think this has been the case with community. Make conditions extra difficult on the

roads. Don't accommodate for queuing. Channel HVs into town centres etc. and of course they are going to be the most conspicuous and easily blamed for Port dysfunction.

In 2003 the Government released the Ports Growth Plan

https://www.pc.gov.au/inquiries/completed/freight/submissions/new_south_wales_government_including_attachments_a_b_and_c/sub050attachment4.pdf nominating Newcastle as it's next container port. Rather than transition to the Hunter in an orderly manner allowing businesses time to adjust and local councils to plan there was a complete change of direction.

I look at the situation now with the dominance of Moorebank by one player and question whether Moorebank was the best location for an intermodal given the growth around Liverpool. Enfield was only developed because Sydney Ports held the land. As Chris Corrigan rightly pointed out at the Commission of Inquiry Enfield was too close to the Port to maximise rail benefits and it was in a high residential growth area. It also had a high incidence of respiratory disease exacerbated by unregulated diesel freight engines, but the people affected were to be collateral damage as negative externalities. This is also part of the problem when the benefits are being proclaimed the distributed negatives are not included in the cost-benefit analysis.

Recommendation: In the final report, would you please provide an accurate summary of the poor planning, poor decision- making and deliberate dishonesty that led to the need for PBLIS in the first place.

I have briefly scanned this document which looks at selected ports around the world, including Australian ports, Melbourne, Brisbane, Fremantle.

https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/d9ee879a1563ed8d9b00c84c34b5695466bfbf17/original/1653440123/a3372bbb58b8b87df9a373776a22b117_PBLIS_Comparison_Study_full_Advisian.pdf

This is an interesting study and I commend the author, but it doesn't capture the unique features of each Port, eg. why does NW Seaport Alliance have 8 terminals for 3.3TEU but Manila 2 terminals for 3.1TEU. While it is essential to examine other operations are there false conclusions being drawn from comparisons that are effectively irrelevant.

I think there should be more work done on examining the competing demands in key corridors to establish the degree of difficulty. Anyone who has driven around Port Botany compared to Port of Brisbane can understand that the former has a significantly higher degree of difficulty. Whoever made the decision against 3 lanes in the M5East should be exposed and the reasons given fully examined given the costs borne by businesses and individuals over the past 20 years. And while on the M5East the figures for a HV heading west, converted to a sedan impact value, makes HVs the dominant impact during peaks

midday. This should not be understated as it often is. With reference to Peak Pricing at LA and Long Beach there are other factors around Port Botany that would need to be considered, eg. impacts on residents in early hours of the morning and on visitors during summer weekends when there are long queues accessing beaches. There should also be work done on trends in work and leisure. In 2012 the Federal Government had 2020 Telework targets that were discarded by the Abbott Government the following year. However, the pandemic has shifted behaviour. Some of this is touched on in this Transport and Tourism forum discussion <https://youtu.be/OtQU4mkDYFY>

Minor reference is made to handling of dangerous goods however this is an area that has not been adequately addressed anywhere, at any time and is naturally of concern for local residents and 'combat' agencies. At the forum on 28/7/22 carriers present said that if they carried dangerous goods, they could not access the Truck Marshalling Yard on Bumborah. They obviously can't park in surrounding streets and it would be of concern if they were driving around while they waited for their slot. I can't see how they can manage to fine-tune their entry 100% of the time and for dangerous goods it needs to be 100% with current constraints. There needs to be appropriate management of dangerous good delivery, pick up and of the routes. I add here a related example of appalling planning that has made the situation worse with the excision of what is now the Bunnings site on the major dangerous goods route – Denison Street. I refer this article from 2014

<https://www.smh.com.au/national/nsw/tony-kelly-rezoned-botany-port-land-20140611-zs3sq.html> which begins: "Former Labor planning minister Tony Kelly made changes to a planning policy designed to protect land around Port Botany for port uses, clearing the way for a large Bunnings hardware store and a multi-storey residential development on a highly contaminated site in Pagewood. The changes were signed off by Mr Kelly in late 2010 without any advertising or public consultation and without going to cabinet. As lands minister, Mr Kelly was found to have acted corruptly over an unrelated matter." For the record a subsequent Planning Minister commissioned Clayton Utz to report on this matter <https://portbotany.files.wordpress.com/2015/06/clayton-utz.pdf> A further example of encroachment, this time into what is effectively a buffer zone, is the Meriton BATA development at Eastgardens where dwelling numbers have increased significantly with each planning modification.

You can't properly report on running time without examining the larger planning picture. This also includes recent attempts to relax planning rules in 'employment zones'. Both the NSW Productivity Commission and Greater Cities Commission have taken submissions on this. <https://greatercities.au/strategic-planning/monitoring-the-plans/industrial-lands-policy-review>
https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/ILPR_findingspaper.pdf

It has not been generally publicised as a potential problem for future freight efficiency as the Urban Taskforce, and the members that it represents, has a much stronger voice. Port Botany is not only poorly positioned – 9km from CBD of largest Australian city, adjacent largest Australian Airport – but this is compounded by deficiencies at the top of government, political and bureaucracy. There is encroachment into the 3 Ports SEPP, eg. Bunnings. Then there is a lack of strategic planning and coordination through Planning NSW to ensure that changes to land use will not lead to longer terms problems. There is no coordinated strategy to protect the buffer zone and mitigate impacts in the residential zones so negative sentiment is not addressed and instead festers.

In May 2005 a Commission of Inquiry into the Port Botany Expansion recommended against a 3rd terminal and instead for smaller developments at DP and Patrick, the latter as exchange for vacating Millers Point. After a regime change of Premier, Deputy/Treasurer and Planning Minister the COI recommendation was overruled by the incoming Planning Minister in October 2005. A cap of 3.2million TEU was one of the Conditions of Consent and this was not to be raised before an environmental assessment had been undertaken. In November 2012 Enabling Legislation for the 99- year lease of the Port was passed, and this included lifting the cap. There was no environmental assessment undertaken. When I took this up with the Planning Minister at a ‘Community Cabinet’ in 2012 he said take it up with the Treasurer who was not in attendance so then he pointed to the Finance Minister who proceeded to tell me he didn’t trust the Treasurer’s people. Such was the level of concern with critical detail. Getting a good sale price was all that mattered, hence the bundling of Kembla and the creation of a more powerful port owner in NSW Ports.

The lack of transparency and accountability came up many times in conversations last Thursday. I would add competency and honesty to the list. There is a history of dishonesty/distortion in presentation of data. The ‘truth, whole and nothing but’ is rare.

Shared themes identified in the Deloitte’s paper https://ehq-production-australia.s3.amazonaws.com/f5e53523d3fbf7ce330d464f42ca564eed1681b8/original/1653436053/3235234ebebb7ec7fe7c25fbc82f_PBLIS_Industry_Behavioural_Research_study_Deloitte.pdf

My comments in italics:

1. Road operators have focused on more direct trips into the terminal, and truck turnaround times (TTTs) have improved. *You need to distinguish between empties and full containers and think about alternative paths for empties as it is silly to see highly prized road space given over to transporting empties and then see them stacked around the port taking up valuable land. Other Ports have alternatives for empties. It is a dilemma where there is such*

an imbalance between exports and imports. There will always be some repositioning done at Port Botany but surely it is time to look elsewhere.

2. Road operators are booking more slots than required as they maintain high demand for VBS slots at peak times. *The carriers at the session I attended were asking for an increase in slots commensurate with trade growth since PBLIS commenced. There were also suggestions for fine tuning the system and improving the relationship with stevedores, particularly Patrick. It sounded plausible that there would be a power imbalance and that stevedores, particularly Patrick, would be more difficult. This is the detail that needs to be hammered out and then all parties made accountable. It's the original intent of PBLIS. There also needs to be more discussion about managing the super container ships when they are in port. It's the sheer volume of containers made available within a shorter window. The ships are getting larger each year and on a regular basis NSW Ports facebooks the 'largest' to visit. Also check on 'ship to shore' power. There has been an increase in serious noise impacts. This is part of the bigger picture which contributes to the 'social operating license' and it is not to be underestimated where there are strong developer interests at play in the background.*

3. Rail operators are holding onto windows, and rail windows are being underutilised. *Can't comment.*

4. Arriving within the VBS slot booking time zone has become the top priority for road operators *That appears to be obvious and similar to 1.*

5. Stevedores have effectively incorporated PBLIS into their commercial and operational decisions and behaviours. *My impression on Thursday was that there were differences between behaviours of the three stevedores and surely that is not satisfactory. It should be best practice across the board. When the Port Expansion EIS was on exhibition I rang a former local member, Peter Morris, to ask for some advice. Peter, a former Federal Transport Minister was responsible for the 1995 report Warehouse to Wharf. He said to me first up that one of the major problems that supply chain operators had was public perceptions: they think it is Harry Potter and that goods magically appear on the supermarket shelves. It is critical to address this appropriately. During the Port Botany Expansion campaign there were major sections saying all would be OK if only on rail totally disregarding the fact that rail is not flexible - there are no direct links to Westfields. And further, apart from the general public narrative there also needs to be one within the supply chain a reminder to all sections that each depends on the other.*

From Warehouse to Wharf 1995:

Many firms in the transport chain still claim that the blame for interface problems always lies elsewhere.

As the National Transport Planning Taskforce¹ noted:

To date there has been little success in developing effective linkages between the modes. This failure is due to the unwillingness of the parties involved to compromise in the interests of providing coordinated intermodal services that suit the needs of users. There is a tendency to work around the problems.

6. Road operators continue to favour daytime operations. *There are staffing issues with a shortfall in experienced drivers and as pointed out on Thursday some slots, eg. Christmas Day, Good Friday, are obviously unreasonable. Also consider what might suit neighbours as well. If there is a move to use more unsociable hours, then factor in mitigation before it becomes a problem eg. when planning a new marshalling yard. And by the way the position of the current yard behind the cemetery was a compromise at the time because of the approval of the Hale Street entry off Foreshore. That entry was necessary because of the impacts on residents and commercials on Botany south of Hale-Botany intersection but it meant a preferred site by Sydney Ports could not be used. It's been one compromise after the other because of the original decision to site the Port where it is and then to compound problems with expansion.*

At this point I would also mention the Orica Containment Line on Foreshore.



This was established at great haste in the middle of Foreshore, a poor site for safety reasons and for future planning. Once again, the long term was not fully considered. The wells here are the last line of defence against Orica's contamination reaching Penrhyn Estuary and Botany Bay. It is not possible to remove them for at least 50 years if not longer.

<https://www.smh.com.au/environment/botany-clean-up-may-take-a-century-20081127-gdt4fp.html>

Finally, I am going to address the proposition that Transport for NSW outsource the administration of PBLIS to NSW Ports. As I said at the meeting on Thursday there is no good

reason for Transport to abrogate its responsibility to sort out/continue to sort out the mess that was created by Government. From what I heard the Department is not as effective as in previous years I gather due to personnel and quality/interest of leadership. That needs to be addressed rather than adopt this 'cop out' approach. There is a lot more to ensuring the Port ticks over in our region, and I say 'our' because it is shared with residents and other businesses. As a resident, and I think I could claim to speak for others on this matter, I think it would be unacceptable to see NSW Ports wield any more power. It already proclaims that it represents 6 million Australians and that can be delivered in a tone that suggests that anyone complaining about amenity has no rights up against the interests of 6 million Australians. I totally accept that NSW Ports and the operations at DP terminal, in particular, as well as Patrick and Hutchison are critical and that they are the main stakeholder in Botany Bay, however, I think there needs to be checks on their power. Perceptions are important and that applies not only to those who have to work with or around NSW Ports but also staff within.

Recommendation: Concentrate on making the basic changes that have general agreement between all parties and insist on transparency, accountability and honesty. Then lay out the roadmap. There needs to be honesty and transparency regarding the intermodal network.

Thank you for conducting the forum on Thursday and for inviting submissions and for allowing me to submit this submission today.

I can be contacted by email: XX or by mobile XX if there is anything you wish to clarify. As I said at the forum, I am a resident and volunteer with an interest in my local natural and industrial environment.

