

Meeting with EPA and JL residents on 18 Sept 2018

Jennifer Owen

Yesterday, Stephen Paull, David Gordon and I met with Jacinta Hanneman and Mike Sharpin of the EPA to discuss recent correspondence and that Jacinta and I had regarding the ongoing night-time noise limit breaches by ships at Glebe Island Berth 1 in the past (2008 to 2018).

The purpose of the discussion was to understand why no apparent action had been taken to date on noise limit breaches and to raise our concerns from the community that the proposal to operate the MUF, on a 24/7 basis, could likely result in breaches occurring every evening. We wanted to understand how compliance with limits would be monitored, and how we could be confident that breaches would be penalised/rectified, based on past historical evidence.

Meeting Outcome Summary:

- The EPA is working to harmonise all 6 licenses that it regulates for the Glebe Island port area, to form a consistent approach to noise mitigation.
- The operating license conditions for the MUF will be set by the development approval. If the MUF is approved for 24/7 operations, the EPA cannot restrict operations to less than this, but the conditions around night time operations (if allowed) must reflect community concerns.
- Our stipulation that we wanted a more regular compliance reporting and some escalation of complaints process to be put in place for any license governing the MUF activities was noted. The need for meaningful financial penalties or operational constraints was also flagged.
- The EPA is working with the PANSW to determine an “uncharacteristically noisy ship management procedure”. The EPA suggested that, for example, ships may be required to be towed elsewhere overnight (thus imposing a greater cost on off-loading). Compliance with the procedure will form part of the license. Compliance will be enforced through fines or rectification. If a history of no action is evident, the EPA can prosecute.
- The EPA is intending to have more progress on the discussions with PANSW on the management of the MUF license and the “uncharacteristically noisy ships management policy” towards late November. It was agreed that representatives of the JL Community would meet with the EPA and the Department of Planning and Environment in late November to discuss progress.
- The EPA, Department of Planning and Environment, Port Authority, RMS, Metro West and councils are intending to form an Inter-Agency Group to work together to better co-ordinate the combined impacts of all the development proposed for the Glebe Island area. No timeframe could be given on the formation of this group.
- Meeting ended on a constructive note. I think the EPA were left in no doubt that the community is vigilant around the development of the MUF, looking to the regulator to assure appropriate limits on noise and compliance with those limits, and prepared to act if the governance by the EPA is found to be inadequate.

Key Takeaways for Don't Waste Glebe Island

- It is very important for the community to lodge complaints with the EPA (131 555) and the PANSW (926 4922). If we don't, the conclusion by the EPA is that the noise is not a concern.
- We were surprised at the lack of knowledge that the EPA seemed to have about various issues. For example, it seems they only heard about the Western Harbour Tunnel project and its planned use of Glebe Island as a temporary dumping site when they read about it in the paper. This underscores our need to regularly engage with the EPA. We can't assume they are well-informed.
- The EPA has offered to regularly engage, and we must take them on here. They are the body who will impose license conditions on the operation of the MUF, and our only hope for a good

night's sleep when the MUF is built. We must also engage with the Department of Planning and Environment around the other projects proposed, to force a co-ordinated regulatory outcome.

Details of meeting:

The EPA explained that it is the regulator for some, but not all, of the activity in the Glebe Island and Bays Precinct area. Some activities are regulated by Department of Planning and Environment and some fall to local councils to regulate.

The Department of Planning and Environment approves on a project-by-project basis. This leads to the situation where the combined impact of multiple adjacent projects is not assessed by any agency. The EPA encouraged us to lobby government for a single body with oversight of all environmental impacts. To their knowledge, this is not contemplated by the current government.

The EPA is responsible for regulation of 6 port licenses in the area, one of which is Glebe Island Berth 1 and 2 (License 13008), and for activities outlined in Schedule 1 of the Protection of the Environment Operations Act. These are

Shipping in bulk

*(1) This clause applies to **shipping in bulk**, meaning the operation of wharves and associated facilities for the bulk loading or unloading of agricultural crop products, rock, ores, minerals or chemicals into or from vessels (except where they are contained in shipping containers).*

(2) The activity to which this clause applies is declared to be a scheduled activity if the facilities have a capacity to handle:

(a) more than 500 tonnes of agricultural crop products, rock, ores, minerals or chemicals per day, or

(b) more than 50,000 tonnes of agricultural crop products, rock, ores, minerals or chemicals per year.

Activities at the 6 licensed areas that do not fall within Schedule 1 above are the responsibility of the relevant local council to regulate.

The regulators for adjacent activities are as follows:

- Hanson concrete batching facility – Department of Planning and Environment
- Cruise Ships/White Bay Cruise Terminal - Department of Planning and Environment
- Metro West and Western Harbour Tunnel – not determined yet but could be the EPA and Department of Planning and Environment jointly.
- Bays Precinct - Department of Planning and Environment and Urban Growth Development Corporation.

The current Process for Noise Compliance Monitoring at Glebe Island is that the PANSW provides an annual return to the EPA of breaches, and also self-reports community complaints to the EPA. The EPA acknowledged that my enquiries had identified errors in the PANSW reporting, where in some years, breaches had occurred but had not been included in the License Summary on the EPA's own website.

The EPA considers only large (>5 dB) breaches of any real seriousness, and only investigates those which have occurred. The timeliness of reporting is an issue, as is the self-reporting of community complaints. The 6 licenses which the EPA issues and monitors all have varying conditions around noise. If limits are in place, not all are set as time-of-day limits. The EPA is working to standardise all license conditions as they come up for review. Glebe Island Berth 1&2 License review is due on 28 Nov 2018.

We outlined, in some detail, our concerns around our confidence in the EPA's future compliance of the MUF, based upon the evidence of inaction on breaches to date.

We flagged to the EPA that the community had formed a campaign called "Don't Waste Glebe Island (DWGI)" and directed them to our website.

We outlined independent reports that were commissioned by the DWGI group to review the traffic and air pollution studies in both the MUF REF and Hanson's EIS. Both of these reports are on the DWGI website and are particularly critical of the REF process adopted by the PA. The EPA undertook to access the reports.

The document prepared by Dr Bill Ryall in relation to the Western Harbour Tunnel and the risks to the environment was also discussed and a hard copy given to the EPA.

We outlined our concerns that the EPA, as the regulator, must act according to its mandate in governing the activities of the MUF to ensure compliance with the license terms, and that the community will be vigilant in holding the EPA to account for its governance of the activities of the PANSW at Glebe Island.

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