

The Hon. Anthony Roberts MP
Minister for Planning

Dear Minister

Re: Proposed Multi-User Facility – Air quality

We are writing on behalf of the residents of Jacksons Landing, Pyrmont to ask you to ‘call in’ the Port Authority of New South Wales’ proposal to construct a Multi-User Facility (MUF) on Glebe Island.

The Port Authority commissioned AECOM Australia Pty Ltd (AECOM) to prepare a Review of Environmental Factors (REF) for the proposed MUF and sought submissions on that REF. At the time, we had grave concerns about the adequacy of the submissions process given the highly technical nature of the REF, the lack of relevant expertise of residents in the local community, and the short time frame for the preparation of submissions. Accordingly, we subsequently commissioned independent expert reviews of three of the key issues canvassed in the REF – air quality, traffic, and noise.

We have now received the report on air quality, a copy of which is attached. It was commissioned from National Integrated Creative Solutions (NICS) through the Environmental Defenders Office NSW. The report is an indictment of both the REF and the approach that the Port Authority has adopted to date in relation to the proposed MUF. While you need to read the NICS report in its entirety to appreciate fully the inadequacies of the REF, we draw your attention to four specific points.

First, the methodology used by AECOM to assess the air quality impact of the MUF is deficient and does not come close to complying with the NSW Environment Protection Authority’s ‘Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales’. Secondly, the measures proposed to mitigate the environmental impact of the MUF are totally inadequate. Thirdly, the REF fails to address properly the cumulative impact of the MUF and the proposed adjacent Hanson concrete plant (let alone the Western Harbour Tunnel construction site). Fourthly, and most importantly, an REF is a completely inappropriate form of review for a development of this nature.

Points one and three are relevant to the Port Authority’s obligations under section 5.5 of the Environmental Planning and Assessment Act 1979. That provision dictates that “a determining authority in its consideration of an activity shall ... examine and take into account **to the fullest extent possible** all matters affecting or likely to affect the environment by reason of that activity”. It is abundantly clear from the NICS report that the Port Authority, as the determining authority for the MUF, has failed to satisfy section 5.5.

In relation to the fourth point, namely the inappropriateness of the REF process, we refer you to the conclusion on page 32 of the NICS report.

According to AECOM, for the Multi-User Facility a Review of Environmental Factors report was prepared rather than an Environmental Impact Statement due to the fact that there will be minimal potential impact on the environment. I do not agree with this determination since for the assessment of potential impact on human health and environment **due to air emissions alone an EIS should have been prepared**. When considering the traffic impact, noise and cumulative impacts from all the proposed activities, I believe that an EIS should have been prepared.

The NICS report confirms our original view that it was ridiculous and disingenuous of the Port Authority, via the REF, to contend that the 24/7 operation of a major facility on Sydney harbor like the MUF “is not likely to significantly affect the environment”. We expect that the independent expert reports on traffic and noise are likely to raise similar fundamental concerns to those identified by NICS.

We do not know why the Port Authority did not undertake an EIS in the first place and chose instead to go down the path of an REF. The EDO told us at the outset that an EIS was manifestly the only sensible form of review in the circumstances. We are concerned that Port Authority may have chosen an EIS because it knows that an EIS (i) would highlight the major adverse environmental implications of the MUF and (ii) would either reveal the project as completely untenable or necessitate more substantive and costly mitigation measures than those proposed in the REF. The absurdity of not preparing an EIS for the proposed MUF is underscored by the fact that the proposed Hanson plant is subject to an EIS.

It is apparent that self-assessment by the Port Authority is not appropriate for a project as significant as the proposed MUF. You need to call in the project and ensure that it is subject to an EIS. It would be inconceivable for a major project in the heart of Sydney, opposite one of Australia’s most densely populated areas, to proceed without a proper understanding and assessment of its significant environmental consequences. This a matter of urgency as the Port Authority has recently notified local residents that it will shortly be commencing a geotechnical survey of Glebe Island in preparation for construction of the MUF.

Port Authority of NSW

Re: Proposed Multi-User Facility – Air quality

We are writing on behalf of the residents of Jacksons Landing, Pyrmont.

We understand that over 300 submissions were made in response to the Review of Environmental Factors (REF) prepared by AECOM Australia Pty Ltd (AECOM) for the Port Authority. We had grave concerns about the adequacy of the submissions process given the highly technical nature of the REF, the lack of relevant expertise of residents in the local community, and the short time frame for the preparation of submissions. Accordingly, we subsequently commissioned independent expert reviews of three of the key issues canvassed in the REF – air quality, traffic, and noise.

We have now received the report on air quality, a copy of which is attached. It was commissioned from National Integrated Creative Solutions (NICS) through the Environmental Defenders Office NSW. The report identifies serious problems with both the REF and the approach that the Port Authority has adopted to date in relation to the proposed MUF. While you need to read the NICS report in its entirety to appreciate fully the inadequacies of the REF, we draw your attention to four specific points.

First, the methodology used by AECOM to assess the air quality impact of the MUF is deficient and does not come close to complying with the NSW Environment Protection Authority's 'Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales'. Secondly, the measures proposed to mitigate the environmental impact of the MUF are inadequate. Thirdly, the REF fails to address properly the cumulative impact of the MUF and the proposed adjacent Hanson concrete plant. Fourthly, and most importantly, an REF is a completely inappropriate form of review for a development of this nature.

Points one and three are relevant to the Port Authority's obligations under section 5.5 of the Environmental Planning and Assessment Act 1979. That provision dictates that "a determining authority in its consideration of an activity shall ... examine and take into account **to the fullest extent possible** all matters affecting or likely to affect the environment by reason of that activity". It is abundantly clear from the NICS report that the Port Authority, as the determining authority for the MUF, has failed to satisfy section 5.5.

In relation to the fourth point, namely the inappropriateness of the REF process, we refer you to the conclusion on page 32 of the NICS report.

According to AECOM, for the Multi-User Facility a Review of Environmental Factors report was prepared rather than an Environmental Impact Statement due to the fact that there will be minimal potential impact on the environment. I do not agree with this determination since for the assessment of potential impact on human health and environment **due to air emissions alone an EIS should have been prepared**. When considering the traffic impact, noise and

cumulative impacts from all the proposed activities, I believe that an EIS should have been prepared.

We expect that the independent expert reports on traffic and noise are likely to raise similar fundamental concerns to those identified by NICS.

The NICS report confirms our original view that it was ridiculous and disingenuous of the Port Authority, via the REF, to contend that the 24/7 operation of a major facility on Sydney harbor like the MUF “is not likely to significantly affect the environment”. We do not know why the Port Authority did not undertake an EIS in the first place and chose instead to go down the path of an REF. The EDO told us at the outset that an EIS was manifestly the only sensible form of review in the circumstances. In the absence of any other apparent reason, we are concerned that the Port Authority may have avoided an EIS because it knows that an EIS (i) would highlight the major adverse environmental implications of the MUF and (ii) would either reveal the project as completely untenable or necessitate more substantive and costly mitigation measures than those proposed in the REF. The absurdity of not preparing an EIS for the proposed MUF is underscored by the fact that the proposed Hanson plant is subject to an EIS.

It is now self-evident that the Port Authority should undertake an EIS for the MUF. It would be inconceivable for a project in the heart of Sydney, opposite one of Australia’s most densely populated areas, to proceed without a proper understanding and assessment of its significant environmental consequences.