

NOTES on Review of Environmental Factors (REF) for GI1&2 PROPOSALS and ARGUMENTS against the proposed Multi User Facility (MUF):

Permissibility

Clause 68(1) of the *SEPP (Infrastructure) 2007* (Infrastructure SEPP) relevantly specifies that development for the purpose of port facilities may be carried out by or on behalf of a Port Corporation without consent on any land provided that the development is directly related to an existing port facility. The Port Authority states that the proposed development is therefore permissible without development consent because:

1. The Port Authority is a Port Corporation established under the *Ports and Maritime Administration Act 1995*.
2. The Project is development that is directly related to an existing port facility, being Glebe Island Berths 1 and 2.
3. The Project is proposed to be carried out by or on behalf of the Port Authority.

The PA claims that the project is an activity that is subject to assessment under Part 5 of the EP&A Act provided that the activity is **not likely to significantly affect the environment**.

Comment

Development with a Capital Investment Value (CIV) above \$10 million on land identified under Schedule 2 as 'Bays Precinct Site' is State Significant Development (SSD) for the purposes of the EP&A Act by way clause (8) of SEPP (State and Regional Development) 2011 (SEPP SRD). The CIV for the proposed development would almost certainly exceed this threshold and so it is SSD by definition, under this instrument.

Because of the significance of the Bays Precinct, this should be the overriding instrument

The proposed MUF will significantly affect the environment. The REF makes notable omissions in an apparent attempt to make a case that environmental effects are not significant. This would appear to invalidate The PA's right to self-determination under SEPP 2007.

Outline

PROPOSED LOCATION IS UNSAFE & UNSUITABLE

1. Port Botany is the appropriate port for the supply of construction materials to Sydney and should be developed accordingly to cope with future demand - not just for the short term but far beyond. Glebe Island is ultimately inadequate and increasingly irrelevant, as its context and usage shifts to more residential, urban-, tourism-, and leisure-related functions and will involve increasing traffic congestion on land and on water.
2. cargo ships servicing both facilities would be manoeuvring and berthing in the narrow waterway which links Rozelle Bay and Blackwattle Bay to Sydney Harbour. The PA describes Johnstons Bay as a port, which is a throw-back to times gone by, when cars were unloaded at Glebe Island and CSR's sugar refinery occupied the opposite shore.
3. Glebe Island is not a suitable location for manufacturing plants and numerous cargo ships unloading bulk materials. Its future is in commerce, technology, tourism and small-scale maritime services, as described in the Bays Transformation Plan objectives.
4. Johnstons Bay is an increasingly busy marine thoroughfare which servicing a constantly-increasing and diverse range of craft which include kayaks & dragon boats, the Sydney fishing fleet, yachts, pleasure boats and super-yachts of all shapes & sizes, Sydney Harbour cruise vessels, entertainment boats and ferries.
5. if the proposals were to go ahead, the ships berthed (with no specified limit in numbers) will be within metres of the narrow entrance to Rozelle Bay via the old Glebe Island bridge, thereby encroaching on safe passage for other boats in/out of Rozelle & Blackwattle Bays and endangering all marine traffic in the immediate area.
6. the potential consequences of all of this for the safe manoeuvring and passage of other boats should be obvious - at best significant congestion and interference and at worst potential disaster and fatality.

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7. the proposed location at GI 1&2 is completely incompatible with the residential and recreational needs and rights of surrounding residents and the general public in Pyrmont. The context is now urban; no longer industrial.
 8. the proposed location is also incompatible with existing and proposed public foreshore and open space development including existing promenades around Pyrmont point, Pirrama Park and Jones Bay wharf. Public enjoyment of these areas is a key plank of existing urban renewal as well as the visions for linking the various destinations of the Bays Precinct. Fumes, dust, noise and water pollution from an industrialized Glebe Island would seriously undermine the benefits of this public open space development.

ENVIRONMENTAL CONSEQUENCES ARE UNACCEPTABLE & DANGEROUS

1. the proposed 24/7 facilities are located within 200-250 metres of residents and public park users. Without ship-to-shore power, ships berthed will run engines continuously - **day and night** - resulting in **night-time noise levels in excess of EPA limits** (already proven).
2. the entire wharf is likely to be artificially lit at night with significant negative impacts on quality of sleep for nearby residents
3. emissions from ship engines continuously burning crude diesel - together with fine dust particles from bulk materials on vessels coming from countries with low emission-reduction standards - will severely impact air quality (ref reports elsewhere on this website). Yet there do not appear to have been any quantitative or qualitative estimates of likely air pollution under the proposed 24/7 operations or any specific plans to mitigate them.
4. water pollution impacts, which do not even appear to be addressed in the PA's REF, are likely to be significant given the level of human activity around this part of the harbour, the new fish markets, harbour cruises, dragon boat racing and other water-based sporting activities in Rozelle and Blackwattle Bays.
5. there appear to be no proposed mitigation measures for any adverse environmental effects in the PA's report/REF. Instead, an apparent attempt to convince the reader that there aren't any!

PROPOSALS CONFLICT WITH THE BAYS TRANSFORMATION PLAN 2015 OBJECTIVES FOR GLEBE ISLAND & THE 2000 MASTER PLAN FOR WHITE BAY & GLEBE ISLAND

1. proposals are not in keeping with the Glebe Island and White Bay Master Plan 2000, nor with Urban Growth NSW's Urban Transformation Program plan for the Bays Precinct. In that plan Glebe Island is described as the "Glebe Island Innovation District"
2. Transformation Plan objectives are to support economic activities of maritime industries, combined with a high-tech "economic hub that will promote Sydney's global economic competitiveness"; in a way that reflects high quality urban design and improved ecological and marine water quality improvements; to create a mixed-use innovation district.
3. current proposals to construct a gigantic unsightly shed and enormous adjacent concrete plant, with multiple ships each carrying 40,000 tonnes of loose material to discharge into 40 or more trucks per hour, to be operated 24/7, but likely mostly at night, is completely antithetical to the ambitions of the Transformation Plan.
4. the PA has dismissed or disregarded the following principles in the White Bay and Glebe Island Master Plan 2000:
 - enhanced environmental performance,
 - improve the appearance of the port,
 - maintain views of the Pyrmont Skyline and Anzac Bridge as seen from Balmain and White Bay Park,
 - protect vistas for streets which terminate at the water,
 - deliver a high standard of urban design,
 - provide noise, light spill, water quality, air quality and hazard risk control measures (some proposed but not all will be mandated for all operations at the facility, e.g. truck driver behaviours, ship-to-shore power etc)

PROPOSED 24/7 OPERATING HOURS ARE INAPPROPRIATE & INTOLERABLE

1. 24/7 proposal is contrary to current usage of Sydney Harbour, where very limited ship activity occurs before 8am or after 8pm. This will impact on the entire harbour, not just Johnstons Bay.
2. ship berthing, materials loading and unloading, concrete production and other industrial facilities constitute heavy industrial use and 24/7 operation will cause major additional night-time disturbance to all residents in Pyrmont and surrounding areas
3. the PA has set no restrictions on vessel or truck numbers and movements at night or on weekends or within any particular period. This is a totally inappropriate situation in such a densely populated area.
4. artificial lighting at night, in association with on-board ship lighting is totally unacceptable at times when residents should be able to enjoy peace and quiet at home.

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5. the absence of any limits in the PA proposal would allow operators to continually expand facilities in response to commercial demands. The cumulative effects of the 2 facilities would amplify the burden on residents.

PROPOSALS DO NOT CONSIDER SIGNIFICANT ROAD TRAFFIC CONSEQUENCES

1. the large number of trucks servicing these facilities, the remainder of Glebe Island and the possible Glebe Island dump site for excavated material from the new harbour tunnel would all have to access and egress via James Craig Rd at its intersection with the City West Link.
2. associated truck movements have been estimated to number in the several thousand per day, depending on the number of ships berthed at any one time and other uses of Glebe Island. The resulting effects on traffic on these roads, the Crescent, the Anzac Bridge and WestConnex carriageways would most likely negate many of the claimed benefits from these upgraded road systems and create further unwanted congestion on our roadways and nearby bridges.
3. the Port Authority claims (information sessions) that local supplies of sand and aggregate are nearing depletion, thus creating the need to ship these products from locations more remote from Sydney. But this will be the case regardless of the port to which the product is shipped and therefore does not represent a specific justification for Glebe Island 1&2 as an essential or valid site.
4. construction demands of Sydney will only increase over the future. Construction of this MUF does not address the longer term need to find a more permanent solution to the import of these materials, unless the Port Authority is misrepresenting the proposed short-term operating life of the facility. Once constructed, the PA most likely intends to retain it over the longer term to the detriment of the entire area.
5. regardless of where the ships are coming from or to, the number of trucks moving materials from ship to site across Sydney will not be reduced. (The only way this could occur would be if the number of planned projects reduced.) It is the route that the trucks take that will be different. Requiring up to 1500 trucks per ship to travel to inner Sydney to receive and dispatch construction materials through a single intersection will not result in reduced truck movements. On the contrary, it will result in serious additional traffic noise and congestion in areas which are already experiencing such problems.
6. trucks will be concentrated in a single pivotal area where massive public funds are already committed to road system upgrades, close to some of the most densely populated suburbs in Sydney, in an area where the State Government hopes to profit from further land sales and leaseholds with the re-development of the various Bays Precincts. This would result in a significant devaluation of public land.

PROPOSALS ARE NOT SUSTAINABLE

1. the proposed facilities will clearly add to noise, light, air, and water pollution in the harbour, as well as marine and road traffic congestion in Jones Bay and the surrounding already congested road network.
2. the PA goes to some lengths to make assessment and predictions about some, but not all, of these impacts, and (conveniently) assesses them all to be minor. It is the cumulative impact of each new development that must be considered, but has not been addressed.
3. the PA describes the proposed facility as a “low-cost” solution. Yes, low cost to shipping operators, transport companies and property developers who collect, transport and use the materials. The PA has advised that the facility will more likely operate at night, to reduce transport and fuel costs of trucking companies. Residents are expected to subsidise these outcomes by significant exposure to adverse outcomes and reductions in property values.
4. however, these operations will impose significant human costs on the surrounding residents, in terms of increased pollution, sleep disturbance, and traffic congestion (road & marine). the advice to “just close your windows” if the noise is bothersome will lead to higher power costs because air-conditioning will be required more often. Resulting increases in air and water pollution in such a busy area of human activity, and one increasingly visited by international tourists on cruises, flies in the face of sustainability.
5. therefore, low cost/low standards for the proponents to maximise profits & high costs to residents who will suffer the consequences of diminished health and wealth.

REF IS LACKING IN SUBSTANCE, ACCURACY, DETAIL & INTEGRITY

1. the REF “finds” that the key potential environmental impacts would include noise emissions during construction and visual impacts during operation of the facility. In fact, residents of Jacksons Landing are more concerned about **non-stop high-level noise emitting from ship engines**, diesel fumes and the extent of artificial lighting required along the wharf to sustain 24/7 operation of the proposed facilities.
2. the PA omits any serious acknowledgement of or response to these concerns despite having previously commissioned an acoustic consultant to measure actual noise levels emitted by a ship at berth at G11, where night-time ship-sourced noise levels were found to **exceed EPA limits by a significant margin**.
3. the REF appears to contravene the EP&A Act 1979 which requires the PA to take into account **all matters** affecting or likely to affect the environment from the proposed activities **to the fullest extent possible**. Clearly the **REF does not comply here**, and the PA therefore appears not to be in compliance with the

legislation. This seems to be a deliberate tactic to avoid a requirement for an EIS, which would most likely demonstrate that the proposal will create sufficient adverse environmental effects to warrant refusal, should the PA be required to seek development consent.

4. this appears to be a disingenuous response to the Act and represents a complete insult to the local community and surrounding suburbs. The REF fails to properly address both its context and the serious impacts which will undoubtedly fall on existing and future residents of Pymont and other surrounding suburbs.

SELF-ASSESSMENT IS NOT APPROPRIATE FOR SUCH A SIGNIFICANT DEVELOPMENT

1. the PA attitude to Jacksons Landing residents has consistently been disrespectful. Comments made at information sessions - "if noise levels too high, residents should go inside their apartments and close their doors and windows" are unprofessional, disrespectful and unacceptable.
2. the PA appears to be attempting to recreate a significant industrialized port in an area whose urban landscape is undergoing change to other uses and seems determined to get its proposal through regardless of issues and resistance. Its attitude is uncompromising.
3. the PA is not interested in providing ship-to-shore power to mitigate engine noise (as has been done at Garden Island) or to construct a wharf on the White Bay side of Glebe Island to accommodate the proposed facilities in an area where similar activity already occurs, so that impacts could be mitigated.
4. statements in the REF suggest that Jacksons Landing apartments have been designed to cope with noise are disingenuous & misleading - apartments have been designed with opening windows & balconies to aid natural ventilation and reduce reliance on air-conditioning. The PA dismisses the rights of residents to the peaceful enjoyment of their indoor and outdoor spaces.
5. the PA provides no measures to mandate environmental-impact mitigation in its proposal. The PA seems to hope that the entities operating at the facility will adopt such mitigation voluntarily. However, relying on the goodwill of private enterprises to undertake mitigating impacts seems naïve, deceptive and/or misguided. These operators will simply refuse to comply, and residents of the precinct will suffer significantly.
6. significant breaches of EPA noise limits have already occurred without any mitigation (ref. SLR Consulting noise monitoring report for CSL Reliance at Glebe Island Berth 1, which demonstrated that the **CSL Reliance exceeded night time noise levels at Pymont by up to 8dB** during the period measured). A response to this breach, which reflects future outcomes, is conveniently omitted from REF. Such an omission throws doubt on the ability of the PA to reach an outcome that acknowledges (let alone balances) the rights of the residential community.
7. the MUF proposal is open-ended in terms of potential future expansion - without any usage limits - which is not subject to any overriding planning controls. But surely this is an issue for both the wider community and the transformation objectives for Glebe Island.
8. arguably, the PA proposal does not even conform with planning legislation due to omissions in its REF. The PA has not addressed all the issues previously raised by the EPA and raised again in the EPA's response to the REF. To do so would weaken their case and make obvious the need for a development application & EIS.

CONFLICTING PROCEDURES FOR DETERMINATION OF PROPOSALS EXIST

1. the Hanson proposal is subject to assessment by the DOP, having been called in by the Minister for Planning as State Significant Development. This required both a full EIS and DA documentation to be assessed through a transparent public process. It is subject to rejection or conditions of consent to mitigate effects. It has met with a very high level of objection from the public and from local government and appears bound for higher-level assessment by the Independent Planning Commission.
2. the PA proposal is (currently) to be self-assessed by an institution which appears determined to push through its proposal regardless of its clearly significant environmental impacts. Little prospect of rejection, no prospect of conditions of consent, no respect for the EP&A Act - unless this situation is redressed. There is little prospect for mitigation of cumulative environmental effects under this contradictory process.
3. yet environmental impacts are likely to be the same for both applications. **This is a ludicrous situation which urgently requires redress by the NSW Government.**

PROPOSALS ARE COMPLETELY LACKING IN AESTHETIC QUALITY

1. the proposed facilities are completely lacking in aesthetic and architectural quality by contrast with the high aesthetic quality of Jacksons Landing and the general requirements for and public expectation of future developments within The Bays Precinct.
2. the proposals represent low-quality industrial design at its worst - a complete affront to the objective of developing a high-tech innovation hub on Glebe Island and the implications for high-quality and innovative buildings.

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3. the MUF, together with the proposed Hanson Concrete Batching Plant would obstruct views of the highly-acclaimed Anzac Bridge and the heritage Silos. This shows complete disregard for such iconic structures.

Conclusions

The proposed facilities - with their 24/7 operation - would create significant noise, light, water and air pollution emitted from both activities on Glebe Island and the ships berthed at GI 1&2 should they be approved. A severely negative impact on the health and wellbeing of residents in Pyrmont, located as close as 200-250 metres away in Sydney's most densely populated suburb, as well as those in neighbouring suburbs, would result. Based on documented evidence of ship operations, the reality of noise emissions, particularly at Pyrmont, is likely to be much worse than predicted in the REF. This will result in substantial sleep disturbance, adverse health and safety outcomes, and financial loss due to devalued property.

The proposed location on the east side of Glebe Island and within the increasingly busy marine thoroughfare which links Rozelle & Blackwattle Bays with Sydney Harbour will disrupt other marine traffic in/out of Rozelle Bay and create an unsafe waterway. This is clearly an unacceptable outcome and reinforces the argument that the proposed location for these facilities is both inappropriate and unsuitable.

The proposed structures are completely lacking in aesthetic value and will read as an over-scaled eyesore on the landscape between Rozelle and Pyrmont - a throwback to an era of dirty, ugly industrial buildings and activities dumping high-level pollution of all types on existing and future residential areas.

Glebe island now sits in a residential context as opposed to its early history within an industrial one. The development of Glebe Island as an intensive, industrialised inner-city port is clearly not compatible with the overall objectives of the Bays Precinct and the 2000 Master Plan for White Bay and Glebe Island.

The Port Authority appears to ignore the explicit requirements of the EP&A Act 1979 in relation to environmental impacts from the proposed MUF. It declares in its REF, quite disingenuously, that there are no significant environmental outcomes and therefore an EIS is not required. Clearly the PA is not fit to determine its own application if it cannot complete a genuine and complete review of environmental factors, as required under the Act.

The Port Authority should be instructed, as a matter of urgency, by the NSW Government to find a permanent material-handling solution elsewhere, in a more appropriate industrial port or alternative location. NSW government funds should not be wasted on the construction of a facility with such potentially disastrous environmental outcomes, whose presence and operations would impede the time frame for and the objectives of the proposed redevelopment of the Bays Precinct as well as the prospects of attracting investors to fund such development.

At the very least, the Minister for Planning and Environment must call the MUF in as a State Significant Development for assessment through the Department of Planning in a transparent and democratic public process - one which requires a complete and adequate EIS and extensive documentation; one that provides the opportunity for the public and other interested organisations to make submissions. The same process as currently applies to the Hanson application must also apply to the MUF.