

Danijela Karac
Director, Planning Frameworks
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Danijela,

Explanation of Intended Effect for proposed Environment SEPP

The Port Authority of New South Wales (Port Authority) manages the navigation, pilotage, security and operational safety needs of commercial shipping in Sydney Harbour, Port Botany, Port Kembla, Newcastle Eden and Yamba and has the role of Harbour Master in all these ports. Port Authority also owns and manages the port at Glebe Island and White Bay and the cruise ship facilities at the Overseas Passenger Terminal (OPT) in Circular Quay and White Bay Cruise Terminal in White Bay.

Commercial shipping and working harbour activities continue to be important and fundamental uses of Sydney Harbour and whilst the Port Authority agrees that uses of Sydney Harbour have changed over time, particularly in comparison to decades past, the reality is that commercial shipping is expected to increase in Sydney Harbour over the coming years. Current and proposed uses will see an increase in 'heavy shipping' compared to recent times, not a decrease, and this can be seen as part of the ever changing context of Sydney Harbour as a working harbour.

Cruise shipping continues to expand and the number of cruise vessels berthing in Sydney Harbour shows strong year on year growth with a record 344 ships visiting Sydney during 2016/17, up from 311 ships in 2015/16. The Gore Bay Terminal, located on the western shores of Gore Cove, has been operating as a fuel import and storage facility since 1901 and continues to be a critical part of the fuel supply chain in NSW supplying about 40% of the State's fuel requirements. Diesel, marine fuel oil, jet fuel and gasoline fuels are all imported by ship through the Gore Bay Terminal, from where it is piped to the Clyde storage facility for distribution by road tankers across the State. The port precinct at Glebe Island and White Bay is critical to the bulk construction materials supply chain for concrete, the cruise industry and the provision of essential services to the Harbour economy. It offers a land/water interface, essential to current and future industrial/heavy commercial uses, which could not be replaced within Sydney Harbour and for which there are few, if any, feasible and sustainable alternatives. For the bulk construction materials supply chain, the port provides the only sustainable marine logistics solution where the alternate transport option is often long-haul truck movements coming from sources that are increasingly remote from Sydney. For the cruise industry, White Bay services approximately 30% of the cruise ships calling in Sydney with no alternate facility available in Sydney Harbour. The port precinct also provides essential services for Sydney Harbour including commercial vessel refuelling and the staging of harbour based construction and events.

Sydney Harbour as a whole saw 1206 trade and cruise vessel visits in 2016/17, up from 1169 in 2015/16.

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In 2017, following an Infrastructure NSW (INSW) strategic review of Glebe Island, the NSW Government endorsed a recommendation that port facilities at Glebe Island be retained and expanded to meet the strategic supply needs of the construction industry, in particular the materials for concrete production being sand, cement and aggregate. Following this recommendation, the planning for two port facility related projects at Glebe Island commenced and are currently under assessment: a multi-user import, storage and distribution facility for sand and other bulk construction materials delivered by ship (Port Authority of NSW under Part 5 of the Environmental Planning & Assessment Act); and a proposed concrete batching plant and aggregate shipping facility by Hanson Construction Materials (SSD 8544), relocating the existing facility at the head of Blackwattle Bay.

Given the above discussion of the existing and planned expansion of port industrial and commercial shipping uses in Sydney Harbour and that the maritime and harbour construction and maintenance aspects of a 'working harbour' will continue to be fundamental aspects of Sydney Harbour, the proposed Environment SEPP needs to acknowledge and facilitate this. The proposal to redefine 'working harbour' away from actual working harbour uses as outlined above, to a focus on recreation, tourism and transport is not supported. More generally, replacing the Sydney Harbour REP with provisions in an Environment SEPP that are contrary to, or hinder, the reality of current and future port industrial, commercial shipping and working harbour uses is likewise not supported. These uses are part of the 'current uses, needs and future of Sydney Harbour' and the Environment SEPP should seek to improve protections for Sydney Harbour whilst acknowledging and supporting these uses.

The Port Authority also provides the following comments about specific components of the Explanation of Intended Effect of the Environment SEPP.

Proposed Ministerial Direction – Sydney Harbour Foreshores and Waterways

Reviewing the examples of the principles to be included in this Ministerial Direction which planning proposals must consider, the Port Authority requests the following amendments in red.

- Adequate provision should be made for the retention of foreshore land to meet existing and future demand for port and working harbour uses **appropriate to Sydney Harbour's unique character**

As discussed above, the Port Authority considers that the facts about existing and planned port and working harbour related activities and commercial shipping numbers in Sydney Harbour do not support changing the definition of what 'working harbour' means, nor does it support statements such as 'appropriate to Sydney Harbour's unique character' unless it is acknowledged that port and working harbour uses are a fundamental part of the Harbour's unique character.

- The use of foreshore land adjacent to, **or in the vicinity of**, land used for industrial or commercial maritime purposes should be compatible with those purposes

The existing planning principle in the Sydney Harbour REP, replicated in this proposed Ministerial Direction, should be broadened so that the test of compatibility with land used for industrial and commercial maritime purposes includes areas that may be impacted by those land uses. This is not necessarily limited to adjacent land parcels and may include, for example, a consent authority considering the appropriateness of allowing the introduction of sensitive receivers in an area known to be noise affected by existing operations.

Relationship with other environmental planning instruments

Clause 7(5) of the Sydney Harbour REP should be retained in the Environment SEPP ensuring that the State Environmental Planning Policy (Infrastructure) 2007 prevails to the extent of any inconsistency. Consideration should also be given to broadening this provision to ensure that the State Environmental Planning Policy State Significant Precincts 2005 also prevails to the extent of any inconsistency.

Zoning

The Port Authority does not support aligning Sydney Harbour REP W1 Maritime Waters with Standard Instrument W3 Working Waterways unless the clear intent of objectives (a) and (b) in zone W1 Maritime Waters are retained. It is felt that the objectives of Standard Instrument W3 do not adequately support the reality and importance of port and working harbour uses particular to Sydney Harbour.

Maintenance of a working harbour

The current provisions of clause 23(a) of the Sydney Harbour REP should be retained and/or strengthened in the relevant provisions of the Environment SEPP to ensure that foreshore sites are preserved for working harbour uses. Once sites for working harbour uses are gone, they are gone forever and, almost always, cannot be replaced elsewhere in Sydney Harbour.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

Regarding the proposal to transition the DCP into one or more design guidelines that will cover the current content and provide updated guidance to consent authorities based on design principles and landscape character, the Port Authority highlights the importance that the relevant guideline(s) support port and working harbour uses.

Please don't hesitate to contact me with any question or to further discuss the matters raised above. The Port Authority looks forward to further engagement regarding the Environment SEPP and, particularly, those aspects relating to Sydney Harbour.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Bennett', is written over a long horizontal line that extends across the page.

Ryan Bennett

Senior Planning and Sustainability Manager

31 January 2018