

**Port of Newcastle Community Liaison Group
Meeting Minutes – Monday 23 March 2015**



Attendance	Representation
Chairperson	
Lauren Eyles	Port of Newcastle , Executive Manager Communication
CLG	Community Liaison Group
Richard Howard	Newcastle Cruising Yacht Club , CEO
Claire Charles	Correct Planning & Consultation for Mayfield Group , Newcastle Trades Hall Council
Richard Anicich	Hunter Business Chamber
Ron Sorensen	Port Authority of NSW , Chief Operating Officer – Newcastle
Rhett Morson	Alternate for Dr Richard-Finlay-Jones
John Thacker	Carrington Resident. Carrington Community Centre Management Committee , Carrington Community Council, Throsby Business Chamber
Robert Aitchison	Business / Tourism; Highlander Travel
Julie Kearney	Stockton resident. Newcastle Surf Life Saving Club
Todd Robinson	Golder Associates , Associate – Environmental Planner
Samantha Marsh	Office of Tim Crakanthorp M.P. Alternate for Tim Crakanthorp.
John McLeod	Newcastle Rowing Club, Carrington Community Council
Susan Bradley	Parks and Playgrounds Movement , Member. Throsby Villages Alliance , Delegate.
Geoff Crowe	Port Waratah Coal Services , General Manager Commercial - Company Secretary
Peter Francis	Port of Newcastle , Executive Manager Trade and Business Development
Sarah Purser	Independent Minute Taker
Guest Presenter	Representation
Brett Boehm	Roads & Maritime Services (Hunter) , Senior Boating Safety Officer
Apologies	Representation
Dr Richard Finlay-Jones	CLEANaS , Co-Founder. EcoEnviro , Director. Dixon Park Surf Life Saving Club , Member. Newcastle Stand Up Paddle Club , Co-Founder, Surf Rider's Association Hunter
Jeff Coleman	Port of Newcastle , Chief Executive Officer
Wayne Diemar	HunterNet
Jill Gaynor	City of Newcastle , Manager of Strategic Planning Services
Sonia McKay	Roads and Maritime Services , Principal Manager, Boating Operations Branch (Brett Boehm attended on Sonia's behalf)
Absent	
Robert Coombs	Australian Maritime Officers Union (AMOU)
Abbreviations	
PON	Port of Newcastle
PANSW	Port Authority of NSW
CLG	Community Liaison Group

1 Welcome and Introductions; Lauren Eyles, Chair

Lauren welcomed CLG members and introduced Samantha Marsh, Senior Electorate Officer from the Office of Tim Crakanthorp, and Rhett Morson, representing Richard Finlay-Jones. Lauren advised that Tim Crakanthorp has accepted PON's invitation to join the CLG, and that Samantha is Tim's alternate.

2 General Business

2.1 Actions from the previous meeting

- 2.1.1 **Lauren provided a link to the International Energy Agency World Energy Outlook in the 19 January 2015 PON CLG Meeting Minutes.**
- 2.1.2 **David Brown; PON Cruise Development Coordinator & John Thacker; Carrington Community Centre Management Committee to meet off-line regarding Carrington Tour Options.** Lauren confirmed that a date had been set for the meeting.

2.2 Representations

- 2.2.1 **New Community Group “Carrington Community Council (CCC)” established;** It was confirmed that John McLeod and John Thacker will be conduits of information between the CCC and the CLG, and that Lauren had met with the CCC.
- 2.2.2 **Richard Finlay-Jones** asked that Surf Rider’s Foundation Hunter Region be added to the groups that he represents. This has been agreed.

2.3 Port Authority of New South Wales Update – Ron Sorensen

Ron advised that PANSW had received a noise complaint from a Honeysuckle resident regarding a helicopter movement. Ron contacted the resident to work through what had happened. Ron explained that helicopters need to take off into wind, and due to a change of wind direction on this occasion, the flight path took the helicopter into the centre of the entrance before it could be turned. Ron advised helicopters have been operating since 1999 and there had only been four complaints to date. Effort is made to limit helicopter noise at all times and to not vary from the defined flight paths that are in place.

2.4 Port of Newcastle Update – Peter Francis

2.4.1 Tenants

- **Newcastle Agri Terminal (NAT)** is about to transition to stage 2 works. In July NAT will take over the Toll Shed at Carrington having won the expression of interest.
- **Park Fuels** is making good progress re: constructing its pipeline from Greenleaf Road to K2.
- **JSteel** took up tenancy in June 2014. Construction at Walsh Point has been completed and JSteel will receive its first major delivery of steel into site this week. JSteel has been involved in the port for a long period of time and has taken permanent tenancy which is a positive outcome.

2.4.2 Business Perspective

- A Reorganisation within PON has been completed, with a greater business focus on growing new trade.
- Meetings have been conducted with business communities interstate and locally, including Engineers Australia and HunterNet. The focus is to engage with the supply chain to promote the business in relation to non coal trade, highlighting PON’s point of difference and strong access to land. These efforts have generated a lot more interest in the port.
- Following the successful transition of the company from public to private ownership over the past 10 months, PON’s CEO Jeff Coleman will soon be leaving PON and returning to work with Hastings which manages The Infrastructure Fund’s 50% shareholding in PON. The recruitment process for a new CEO is well advanced, and PON’s Chief Financial Officer Simon Gelder will be the acting CEO until a new CEO is appointed.
- PON recently awarded nearly \$80,000 in sponsorships. Since PON commenced, we have awarded more than \$175,000. Round two of the Community Partnerships Program will open in April.

2.4.3 Cruise

- In March PON hosted a record three cruise ships in one week, bringing in an estimated 7,000 tourists to the Hunter Region.
- This includes the *Rhapsody of the Sea* that was brought in with only 24 hours notice. It needed to change its itinerary due to cyclone conditions in the South Pacific. Peter advised that this was a credit to the PANSW Harbour Master and teams, also to PON's security team to receive the vessel at short notice.
- The 317 metre long *Celebrity Solstice* had her second visit to the Port on 13 March.

2.4.4 CLG Discussion

Cruise ships: Claire Charles said that the increase in cruise ship trade has caused problems in Balmain in relation to the use of heavy fuel and air quality. Peter said that the industry is working on encouraging ships to transfer over to generators and low sulphur fuels when in ports. The shipping industry as a whole is cognisant of the need to provide an environmental alternative when in port and is actively leading the change to make sure vessels have got a low diesel option when in port. All ports in NSW, working under the leadership of Ron's PANSW team, are striving to expedite reaching that solution and to encourage ships with fixed fit-outs to make the necessary capital upgrades.

Claire asked if it is feasible for vessels to hook up to electricity when in port as a means to address air quality concerns. Peter advised that this is not possible for several reasons including that ships are not currently designed to hook up to a shore power source and sufficient electricity infrastructure is not in place to power ships. He advised that electricity is coal-powered.

Peter advised that given the way ships are currently geared, low sulphur diesel is a good alternative. It was asked if this applied to coal ships. Ron confirmed that this work is proceeding in increments. He explained that the process is not like turning a switch on and off. It involves retrofitting and installing additional equipment. There will be regulations coming in by 2016 making it compulsory to burn low diesel fuel while in port. Peter advised this is a good signal that the industry and shipping lines are taking this matter seriously.

Ron advised that when the *Celebrity Solstice* was in the port, it loaded parts for the ship's scrubbers, so whilst a ship continues to burn heavy oil, scrubbers are utilised to contain this.

Peter advised that PON has installed power to the Mayfield Site which was an \$11 million project and this was just to support land based activities.

Peter suggested that the EPA be invited to speak at a future CLG meeting re: air quality. Peter advised that the air quality performance in the port area is good, particularly from a dust perspective.

ACTION: Lauren to invite the EPA to speak at a future CLG Meeting

Susan asked if PON could update the CLG re: its recent sponsorship recipients. Lauren agreed.

ACTION: Lauren to provide a sponsorship update at the May meeting.

3 Other Business

PON to address question from Claire Charles, Newcastle Greens and Correct Planning and Consultation for Mayfield (CPCFM), regarding Stolthaven

Claire had provided PON with a link to an ABC news story: <http://www.abc.net.au/news/2015-03-10/epa-concerned-about-toxic-emissions-if-fuel-terminal-expands/6292564>. Claire asked PON:

Can you please provide information on the above story on the ABC 10/3/15. As the leases of the Mayfield site can you please inform CPCFM and the port community liaison group, what investigations are occurring, is PON supporting the EPA or running their own investigations, what if any restrictions have you placed on Stolthaven for breaches, how many times and what breaches have occurred.

Lauren asked Peter to respond on behalf of PON and invited Claire to comment following Peter's response if she would like to.

Peter advised that the ABC had acquired the reported information from the EPA's website. He said that the EPA is in the process of working through and assessing the data provided in Stolthaven's Annual Return, including looking at Stolthaven's Emission Model. This process is in conjunction with Stolthaven. He advised that the EPA and Stolthaven's engineers and energy consultants are the appropriate people to do this. There is the need to wait for this self driven audit to be completed prior to the EPA making its determination as to if there has been an exceedence.

Claire advised that the report states the EPA was investigating exceedences not only of vapours but also of throughput. Claire said that she wrote to Lauren on 10 March asking for information on this matter and queried if PON was liaising with the EPA. She was disappointed to have not received a direct response at the time and that the matter was put onto the next CLG meeting's agenda.

Claire is concerned about this process and feels that responses to these matters should not be held over to future meetings. Claire said that other community members that may not have contact with the CLG should be able to ask for this information and be provided with the answers.

Lauren advised that Peter was interstate promoting new trade at the time of Claire's enquiry. As the CLG meeting was not far away, following his return, PON decided to address the question at the meeting for the benefit of the broader group. Lauren noted that if a CLG meeting was several months away, PON would have given that consideration. She explained that community members who are not involved with the CLG are welcome to contact PON.

Claire reiterated that she does not want to wait until CLG meetings to receive feedback and was interested to see the lease arrangement with Stolthaven. Claire queried what is the role of the port to direct Stolthaven to stay within their compliance.

Peter advised that all registered leases are public. In the matter of Stolthaven, it has not yet been determined if there has been an exceedence. Stolthaven's responsibility under the lease is to advise PON of any notices from authorities and Stolthaven has done that, which is their lease obligation. PON has met with Stolthaven and the EPA separately. PON meets with the EPA every month on a raft of matters in relation to new developments and existing operations. Discussions with the EPA at a recent meeting, confirmed that it is investigating Stolthaven's report and has asked Stolthaven to do some further calculations.

PON has met with Stolthaven as well to understand its position. Stolthaven submitted an Annual Report that told the EPA what its numbers are. The EPA, as the independent, will come back to both Stolthaven and PON.

Claire queried how does PON monitor who it leases land to and what is the strategy in regard to community consultation. Claire looked for information on the PON website but could not find detail on the Mayfield site notifying of Stolthaven's intent and asked if PON is obligated to put this information on its website as part of PON's conditions of consent i.e. at the start of the process.

Claire was aware that Stolthaven put in an application to increase throughput but not that it would be tripled to 1 billion. Claire said CPCFM met with Stolthaven last year and was told that the business was increasing to two new

tanks, and that the group understood this as doubling their capacity. Clair said the company did not give the impression that it would triple in size and Stolthaven did not speak to throughput. Claire is concerned that Stolthaven has breached its conditions of consent.

Claire said that Stolthaven has not been upfront in informing the community about its intent and what its plans will mean for Mayfield / Tighes Hill and the CPCFM will write to both the PON and Stolthaven to raise these concerns.

Peter said that companies are not required to publicly disclose their commercial intent, as this may become a source of information for competitors. The Stolthaven application needs to go through the state significant process, which is a public process and the community is welcome to comment on that. The application will then be assessed by the Department of Planning.

Peter said that the Stolthaven facility is performing at a standard that is one of the best in the world and Peter feels we should be proud of this. Most tank farms turn over tanks 7 times and Stolthaven has outperformed this by 10 to 11 times. Australia is no longer refining fuel and the Kurnell & Clyde Refineries are closing. Newcastle and the Hunter are 50% users of this refined fuel, mostly being utilised by trains that haul coal.

Peter said that Newcastle is a great place to import this fuel which is now coming out of Singapore and areas of Asia. Previously this fuel was delivered at Botany and road hauled along the M1 and M3 all the way up the valley. By taking thousands of trucks off the road this will reduce the carbon impact of haul trucks bringing fuel into Newcastle, and it is a safer option for motorists. Peter said that Park Fuels is about to open and PON is in discussions with other third party fuelling facilities.

Discussion:

Community consultation & commercial in confidence: Susan said from a community member's perspective, when dealing with business there tends to be a "no go card" around references to "Commercial in Confidence". She queried what are the type of matters that are so confidential at a business and government level that information cannot be shared with near neighbours.

Susan noted that when working with new business, many people tend to know what is happening in relation to this. Susan questioned the complexity of commercial in confidence in relation to lack of transparency. She would like to see business not only talk to the Hunter Business Chamber, but to the community as well.

It was acknowledged that Stolthaven had been open in the past, and that members had seen the drawings in relation to the tank farms, but it was felt that to particularly not tell the community the anticipated throughput was deceitful and that was the concern raised at today's meeting.

Peter said that Stolthaven made its intention quite clear by stating its plans were to do 1 billion litres. Peter confirmed that PON does not have a lot of control in this matter, and with regard to any breach of conditions, the Department of Planning would be the best point of contact. Peter confirmed that the Port Lease is a public document, available via the NSW Land and Property website and that details of PON's responsibilities were presented at the July 2014 meeting.

In relation to "Commercial in Confidence", Peter explained that there are some matters related to customers that are confidential and worth millions of dollars. In these cases, PON does not own the information and is not able to share the information until it is made public.

Richard Anicich, Hunter Business Chamber representative and a solicitor, acknowledged that the CLG discussion was talking about all different stages of projects and the obligation for community engagement differs as to where projects are up to in the planning process.

Stolthaven's Managing Director presented at a Business Chamber forum a year or so ago, which was a ticketed event with the media present. Richard felt that they reported future outlines of plans well.

In relation to Stolthaven and other potential business that might be building operations around the port, in the very early stages those enquiries are likely to be confidential to negate potential for another competitor to grab their opportunity. Richard explained that those discussion processes will take place under a confidential arrangement and may even require PON to sign a confidentiality agreement prior to the exchange of any detailed information.

Richard explained that once a project gets to a development application status, that is then a public document and the community will have access to that along with the opportunity to comment through the process. It would be at this time that the Chamber would also comment if appropriate.

Claire would like clarity whether the community consultation relates to the current approval in hand, as opposed to the subsequent one. She finds this a grey area being unsure if this relates to the old approval or the approval for the new D.A. Claire feels it would be nice if businesses were more open and transparent, especially new ones that come in.

Richard said community engagement is likely to be in the minds of most boards and that businesses that are going to be successful will have an understanding and appreciation of the need to communicate with the community. Most businesses recognise this responsibility and their businesses bottom line depends on it.

It was agreed that community members appreciate being recognised as a stakeholder. There is a requirement now in a sense, that business recognises the community as stakeholders who want to benefit from living near a working port and a vibrant part of the state. The community does not want to read about events in the paper but would rather share this information in groups around the table.

Susan said she joined the CLG to build her understanding of the economics and running of the port and to make more educated responses. She explained that she does not want to spend hours reviewing submissions, and is seeking to understand information in reports and what the cumulative result is on life in Newcastle.

Susan acknowledged that Port Waratah Coal Services is very positive in its dealings with the general public and is an example of good community engagement. Claire added that she feels the PWCS is open to and enjoys the rigor of a debate, and this is perhaps what is lacking elsewhere.

Geoff appreciated the positive feedback and stated that Port Waratah works very hard in the social license to operate space, communicating and engaging with the community regularly.

Newcastle Agri Terminal was also acknowledged for its serious community consultation role and that it had made itself available to the community in numerous locations and was willing to answer questions.

Peter advised that PON's focus for the CLG meetings to date has been to provide detail of the port's general operation and updates from the PANSW. Peter suggested that given the direction of interest at today's meeting, that PON invite tenants to come and present at future meetings. He felt this would be a good way to address the CLG feedback at this meeting and to assist members to gain greater knowledge. Lauren agreed that tenants could be invited by PON to present to the CLG, and that PON could make new tenants aware of the CLG and of the groups that it represents. Lauren advised that PON is introducing a quarterly community newsletter, which will be made available to the CLG. It was acknowledged that the Department of Planning will continue to be the main source of detailed information regarding proposed new developments or expansions.

Richard raised that PON had spoken about growing non-coal trade and there was an interest around the table to see that grow. Peter advised that PON was actively looking for new trades.

ACTION

- **PON to include tenants in its CLG presentation program.**
- **PON to provide its community newsletter to CLG members, when published.**

4 Presentation - Roads and Maritime Services' role on Newcastle Harbour Brett Boehm, Senior Boating Safety Officer for the Hunter

A summary of Brett's presentation follows.

About Boating in NSW

- Each year an estimated 1.5 million people go boating along the NSW coastline and on inland lakes, rivers and estuaries
- Approximately 234,000 registered vessels in NSW, including 8,000 PWCs (jetskis)
- NSW Maritime is responsible for 2,137 km of coastline and 32,424 km² of navigable waterways comprising:
 - 5,000 km² enclosed waters, and 27,691 km² of coastal waters to 12 nautical miles
 - More than 20,000 moorings
 - More than 3,400 aids to navigation on NSW waterways

Boating Operations Branch

- Boating safety education and on-water compliance
- Marine pollution preparedness and response
- Maritime product services – Boat Licences, registrations, moorings, aquatic licences.
- Tweed Heads to Lake Macquarie, west to Dubbo & Tamworth
- Three sub-areas:
 - Far North – Tweed Heads, Ballina, Yamba, Tamworth & Lord Howe Island
 - Mid North – Coffs Harbour, South West Rocks, Port Macquarie, Taree, Forster
 - Hunter – Myall Lakes, Port Stephens, Newcastle/Hunter, Lake Macquarie, Orange/Inland
- Provides emergency response for oil spills.
- Roads and Maritime is the Combat agency for maritime incidents in state waters between Fingal Head, Port Stephens and the Qld border.

Commercial Vessels

- Implements the *National System for Domestic Commercial Vessel Safety* in NSW under delegation from the Australian Maritime Safety Authority
- Commercial vessel surveys and safety audits
- National certificates for operation of vessels and national certificates of competency for crew

State-wide Coordination Branch

- Manages major aquatic events
- Boating operation and educational campaigns
- Operational planning
- Emergency planning (including chemical and oil spill response).

Maritime Operational Capability Branch

- Specialist investigation of serious boating incidents
- Regulatory prosecutions and reviews penalty notices
- Develop operational policy to support Maritime Policy Agenda
- Delivers survey and spatial services
- Delivers \$5 million Better Boating Program, in partnership local government and the boating community
- Manages the safety audit of approximately around 240 public ferry wharves across NSW, including 70 in Sydney Harbour.

NSW Regional Boating Plans

A state-wide program to improve boating facilities and safety measures.

Boating Education Officers

- Key element of Minister's \$20m Maritime Initiatives Package
- Reinvesting savings into frontline services
- 13 boating education officers, 9 located regionally
- Commenced in January 2014:
 - Contacts customers to educate on safe boating requirements
 - Attends boat ramps and other boating locations to engage the public
 - Visits retail outlets selling boats or boating equipment

Boat Ramp Signage Improvement

- Further element of the Minister's \$20m package
- Improving safety signage at boat ramps
- Key safety messages using modular signage infrastructure
- Responsive to campaign themes
- Rationalises signage clutter through multi-agency messages
 - Fisheries, Marine Rescue, Crown Lands
 - New signs to be at about 100 boat ramps by 30 June 2015

Discussion

Who manages incidents such as Pasha Bulker?: Under the National Plan arrangements, Transport for NSW is the Statutory Agency for NSW and as such is responsible for ensuring that NSW is prepared for, and can respond appropriately to a maritime incident in State waters. The Newcastle Port Corporation was the designated combat agency for the Pasha Bulker incident.

Would the whole pollution incident have fallen under a port's responsibility when within 3 nautical miles?

Ron advised that Transport for NSW (TfNSW) would do their investigation and the Deputy Director General of TfNSW, Rachael Johnson, takes charge.

Cleaning & rubbish removal: It was asked whether RMS has responsibilities for cleaning and rubbish removal around the Harbour. Brett advised that maritime is responsible for materials that may get caught up in areas below the mean high water mark up to Hannell Street Bridge. Hunter Water is responsible for the area past that mark. There is not a regular clean-up program in place and work tends to be a result of observations and complaints. Maritime has regularly engaged contractors to remove rubbish from Horseshoe Beach and Throsby Creek, including Clean up Australia days.

Brett advised that National Parks had built a wire fence in Boolalmbayte Creek at the top of Myall Lake, which has a gateway that boats go through, as a means to stop noxious weeds travelling along the waterway. He suggested that a similar wire fence/gate under the Hannell Street Bridge might trap rubbish before it reached the mangroves in Throsby Creek.

Next Meeting*:

Monday 25 May 2015

Travelodge Hotel Newcastle

5.30pm to 7.00pm

* Attendance is by Port of Newcastle's invitation.

Lauren advised that Kristen Keegan, CEO of the Hunter Business Chamber, would be the guest speaker. Kristen will provide an overview of the Hunter Region's economy, including importers and exporters.