

Submission IPART Review Rail Access December 2022 – Lynda Newnam

Thank you for allowing me to participate in this review of rail access-

<https://www.ipart.nsw.gov.au/Home/Industries/Transport/Reviews/Rail-Access/Review-of-third-party-access-to-Rail-infrastructure-in-NSW> - and particularly for allowing me to attend the forum on the 29th November. I participate in my capacity as a citizen who lives near Port Botany and has taken an interest over the past 22 years in Ports and Freight and the operations of the NSW Environmental Protection Authority.

ENVIRONMENTALLY SPEAKING 10

Summer 2006 Randwick South Ward Enviro News from Botany Bay and Catchment Alliance www.botanybay.info
Protecting Environment=Protecting People



Entry to Botany Cemetery, Bunnerong Road

“You wouldn’t treat a dog like this”

INTRODUCTION

Above is a photograph I took in 2006 and wrote about in my local newsletter:

<https://laperousemuseum.files.wordpress.com/2020/08/environmentally-speaking-10.pdf>

At the time the queues were over 3km long and there were hazardous skels parked on the side of Foreshore Road. People were killed and maimed because of the skels. There was no truck marshalling yard. I also have videos of HVs carrying 60TEU holding up traffic at the Beauchamp-Botany intersection because a container park had been approved in an inappropriate location. I have other photos of HVs traveling through school zones in Matraville Town Centre. There is no way a HV driver could brake to avoid a child who suddenly appeared but the HVs were forced into the Town Centre because other roads were off limits or again because the facilities that they needed to access were approved with no concern to how they would be accessed. In the case of Matraville which is in Randwick City the yard approved was in City of Botany Bay. I thought that some of the

problems which were 'low hanging fruit' could have been solved and others avoided but it looked as though there were other agendas.

The following year I attended the IPART Round Table – link to minutes

https://www.ipart.nsw.gov.au/sites/default/files/documents/transcript_-_review_of_the_interface_between_the_land_transport_industries_and_the_stevedores_at_port_botany_18_july_2007_-_apd.pdf

and I remember very clearly the GM of the City of Botany Bay making a statement and leaving: *MR FITZGERALD: Mr Chairman, before you do, my name is Peter Fitzgerald, the general manager of Botany Bay City Council. You have no participants from the community at all. We have a vested and vital interest in relation to this. The operation of the port has been a nightmare. The expansion of the port is a nightmare and it will not get any better. I am staggered to think that you can sit around here and have a roundtable to the exclusion of the community. THE CHAIRMAN: I note your remarks. Let me say that if the community has something to say about the land/sea interface in terms of the efficiency of the operation that is consistent with our terms of reference, then we would take notice of that through their submissions. You will also have an opportunity to speak later on after we have dealt with the topics through our proceedings as I outlined, thank you. (Mr Fitzgerald left the hearing room)*

That set the tone of proceedings for anyone from community. And then there was Mr Schultz from Patrick who set another tone. I formed the opinion that the Stevedores, in particular, but also the Government wanted to reduce the number of road carriers accessing Port Botany and that it would be easier to deal with a small number of bigger players. This would be consistent with what was proposed in the Brereton 'Railing Port Botany Containers' report issued 13th October 2005, the same day the expansion was approved.

In 2005 rail share was around 19.5%.



The target set in the Brereton report was 40% by 2011.

RECOMMENDATION 1 It is recommended that: • The 40 percent rail share target must be met and if possible exceeded; and • Government and industry embrace strategies to further lift the rail freight share.

RECOMMENDATION 2 It is recommended that: • The NSW Government take all necessary steps to ensure that Sydney has sufficient additional intermodal terminal capacity to meet a rail freight share of 40 percent; • Intermodal terminals be treated as critical infrastructure under NSW planning provisions; and • Sydney's future network of intermodal terminals be connected to Port Botany by way of dedicated freight rail lines.

https://www.pc.gov.au/inquiries/completed/freight/submissions/new_south_wales_government_including_attachments_a_b_and_c/sub050attachment3.pdf

Yet in 2011 rail share at Port Botany was less than 11%.

I could see that with the volumes predicted that a series of intermodals was likely to be desirable, but I didn't see the roadmap. It was basically just pronouncements with no accurate data in support. This was something I had come to expect from Transport/Sydney Ports. On the first day of the Commission of Inquiry into the Port Botany Expansion in 2004 they were sent off to negotiate with Air Services because they hadn't acknowledged that planes had to fly out of Mascot. They had also been required to add 2 additional volumes to their EIS because their traffic report was seriously flawed, confined as it was to the immediate roads and excluding the corridors beyond. The EIS weighed 17.5kg with far too much consisting of spin and unsubstantiated claims. SPC refused to acknowledge that the development of Enfield was integral to the bigger picture. Our group, the Botany Bay and Catchment Alliance, produced a video titled the Head of the Octopus in order to communicate what was ahead. When it came to community, Sydney Ports played off sections with offsets and promises so the representation at the Commission of Inquiry was not reflective of the extent of opposition. Those who were bought off didn't agree, they just accepted that this was making the best of a bad decision.

At the forum Philip Laird cited the case of Manildra being denied rail slots and defaulting to road. How can there be public confidence in the Government when it has failed, over and over, to meet commitments regarding rail mode share. Philip regularly publishes on Road being advantaged over Rail under current arrangements.

<https://theconversation.com/instead-of-putting-more-massive-trucks-on-our-roads-we-need-to-invest-in-our-rail-network-172491>

There is a legislated objective for Sydney Trains: "to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates"

http://www5.austlii.edu.au/au/legis/nsw/consol_act/taa1988305/s36a.html but why are they not held to account?

POLLUTION REGULATION

When discussing rail share and access it is also important to note that it was not until 2020 with the introduction of the 2019 POEO Amendment that the NSW EPA has regulated rail pollution impacts. <https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/regulation-of-railway-systems-activities> Under the recently introduced regime there have been exemptions and regular non-compliance. It is important for IPART to recognise negative externalities borne by communities and the role of the pollution regulator in contributing to a 'level playing field'. It is a pity there is no submission from the EPA.

It took a long time before the EPA addressed rail pollution (likewise shipping emissions). At an early open forum, operators made it clear that they couldn't dump their polluting stock. They needed a generous lead time for conversion. At the noise forum the EPA convened it appeared the issues were complex eg. frequency, old rolling stock, track, time of day, and it was doubtful anything would have been done but for the spirited work of local citizens who collected data and weren't deterred by Transport for NSW push back.

Along with communication of Climate Change objectives:

https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Climate-Change-28-Oct-2021.PDF IPART needs to communicate clearly to communities how current externalities are being addressed and measures to address residuals.

TRANSPORT 2061 STRATEGY

Minister for Infrastructure, Cities and Active Transport, Rob Stokes, in the Introduction to the Transport 2061 Strategy:

https://www.future.transport.nsw.gov.au/sites/default/files/2022-09/Future_Transport_Strategy_2.pdf

The pandemic has shown how we need to be agile and alive to shocks to our transport system, and be willing to adapt to new realities and priorities. As commuting patterns have been upended and demand for freight has skyrocketed, our strategies need to reflect our new normal.

This ***new normal*** needs to be discussed in detail and the measures for optimising support has to be established by Government. This means taking a holistic approach. In 2012 the

Federal Government had 2020 Telework targets that were discarded by the Abbott Government the following year. However, the pandemic has shifted behaviour. Some of this is touched on in this Transport and Tourism forum discussion between heads of transport in Queensland, NSW Victoria and the ACT: <https://youtu.be/OtQU4mkDYFY>

PLANNING AND SOCIAL LICENCE

The 2061 Strategy, though 'bare bones', does attempt integration with a focus on mobility and supply chains (rather than modes and segments). The Strategy is superior to the 2056 and a big step up from the 2020 South East Amendment to the 2056. That amendment looked to be no more than a prospectus for high rise residential and major tourism development, and in the process ignored the critical importance of preserving freight corridors and landside and maritime buffers around Port activities. The NSW Productivity Commission gave encouragement to the developers but thankfully the notion of 'encroachment' didn't progress in the Greater Cities Commission Review and the 2061 Strategy makes clear statements on the fact that Planning controls are needed to protect supply chain activities, including transport corridors. I raise this because the Strategy was only issued in November and earlier IPART documents refer to 2056.

In the discussion on the Hunter there also needs to be an examination of the mid to long term consequences of decarbonisation policies and the Port of Newcastle (Extinguishment of Liabilities) Act, passed in November (and the outcome of the ACCC appeal).

It is also critical that a level of certainty be established for operators and community. Freight and Ports plans to date have not provided a reasonable level of certainty. Big on talk at the launches and then little to no follow through.

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| <p>'Best practice' is needed to drive down emissions and address air and noise pollution however operators cannot adopt 'best practice' in investment unless there is certainty and support for innovation. More support, less 'gate-keeping'.</p> |
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A roadmap to better rail access and mode share should explain, as accurately as possible, the current situation and why it needs to change and also provide details on future scenarios and how to get there. There has been too little attention paid to the role that communities can play. It is telling that the TAHE submission does not mention 'community.' ARTC are known for a hands-off approach with community. Attempting to discuss 'active transport' opportunities during consultation on the Botany Goods Line duplication was a notable brick wall exercise see -

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-2553%2120200818T054009.667%20GMT> All stakeholders need to do

better. They all operate in communities. TfNSW does refer to 'social licence' and also raises 'transparency' which of course should be a non-negotiable.

A transparent and agreed structure for costs and contributions across the industry which is embedded within the Undertaking framework could assist in the ready acceptance and equal distribution of costs. This structure would assist with the implementation of reliable long-solutions to mitigate rail network impacts for the environment and community which would maintain or improve the social licence and level of acceptance for rail operations.

https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Online-Submission-Confidential-NSW-Government-B.-Anlezark-13-Jan-2022-093122526.PDF

In your final report, would you please provide an accurate summary of the poor planning, poor decision-making and poor coordination that has occurred for decades.

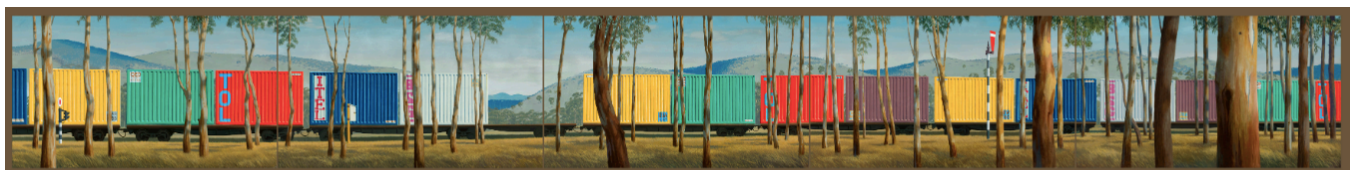
From Warehouse to Wharf 1995, Peter Morris Report:

Many firms in the transport chain still claim that the blame for interface problems always lies elsewhere.

As the National Transport Planning Taskforce¹ noted:

To date there has been little success in developing effective linkages between the modes. This failure is due to the unwillingness of the parties involved to compromise in the interests of providing coordinated intermodal services that suit the needs of users. There is a tendency to work around the problems.

I can be contacted by email: [REDACTED] if there is anything you wish to clarify.



Jeffrey Smart "Container Train in Landscape"