

31 March 2020

General Manager

North Sydney Council

Attention : George Youhanna

OBJECTION TO DESIGNATED DEVELOPMENT AND INTEGRATED PROPOSAL

PROPERTY: 6 JOHN STREET, MCMAHONS POINT

APPLICATION NO: DA 57/19

Addendum; Response to Revised DA 57/19 (revisions of March 2020).

Waverton Precinct has previously lodged detailed objections against the DA application lodged in 2019 with regards to this proposal. We remain opposed to the importation of this floating factory into this picturesque Bay as a completely inappropriate change. We remain supportive of a working shipyard at Noakes as part of our long-standing support of the 'Working Harbour' concept. All the concerns expressed by members of the community and others as regards the previous applications (9 March 2018 and 16 April 2019 respectively, remain valid and we understand will be considered as part of DA57/19 in its amended form. Nevertheless, we add some specific concerns regarding the March 2020 amendments. These are stated below.

General

Most of the proponent's March 2020 revisions are written assuming continuation of existing use of the site. This is made specific in each Consultant's report. For example, Hamptons report Page 32, 2 para states: "activities in the bay will remain similar to the current operations". Similarly, the Jacobs noise report (which adds information on the amended plans relating to noise & vibration assessment as at 19.07.19), also states that the reports are based on ongoing existing use. But on the contrary, the proposal for an FDD will involve numerous new uses, making these revisions of little or no value. Similarly, the SLR report – a letter dated 29 November – asserts in its third para asserts "there are no changes to the activities on the site". The community consultation report by Wilkinson Butler also asserts that "there are no changes to the proposed activities on the site" but at another point (Executive Summary page 3 Fourth para) states the obvious truth, namely that there will be a substantial expansion of operations. *Indeed, what is actually proposed is a radically changed operation: an application to transform an 80Mt Land Operation to a 1,000 MT operation over the water through the use of a massive steel box.*

The result is that the above reports, based as they are on spurious reasoning and a false assumption, are worthless.

Another misleading aspect of many of these reports is that there is a deliberate obfuscation by repeatedly switching between what actually exists on site and what maybe might exist on the

site by the time the FDD would start operating : without any clear distinction being made between the two. The simplest example is the documents speak of a ventilation stack as if exists, but in reality there is no such thing on site. This type of deliberate confusion of the ‘current state’ and the ‘future state’ applies to multiple pollution and waste treatment suggestions in these documents.

Other specific, and particularly blatant, examples of this blurring is the assertion that all air will be captured on the FDD and will be sucked ashore and put through scrubbers then through the carbon filter and out the ventilation stack ; or another is that all rain water and water-based waste on the FDD will be pumped ashore and put through a reverse osmosis treatment and the waste put into the sewer; and yet another is that the hardstand and shore work areas will be graded, bunded, and fitted with catch drains leading to storage sumps.

We have no idea whether Noakes already has this equipment, or even if it had, whether the equipment has the capacity to cope with the volumes of waste and toxic substances generated by the FDD; or if extra equipment is to be installed and if so, what it is and where this would be located. Frankly, it all sounds fanciful.

Given the ongoing and regular non-compliance with its own pollution license requirements for the last 30 years since these were last set, it is hard to imagine how or why the factory scale FDD would suddenly change the mindset of ‘whatever it takes’ that characterises the running of Noakes. It is far more likely that the scale of the breaches will be on a much larger scale.

Proposed Filtration

It is proposed that a carbon filter might be installed. However, the addition of a carbon filter (even if the proponent were required to install one) will not address the manifest failure of the proponent to prevent exposure of the community to noxious and hazardous substances contrary to the requirements of their existing DA of 1990.

When the DA was approved 30 years ago (DA 1164/90), the plan included construction of a stack, meant to assist in dispersion and turbulence of the vapours and particulate matter, (given the cliff face topography) To date this remains unbuilt and emissions are channelled through a yellow mobile and horizontal plastic apparatus, which results in nearby residents being exposed to toxic releases, the extent of which varies with the weather conditions and wind direction.

In any event, to be effective, the stack needs to be able to take advantage of ‘air turbulence’ and the cliff topography is not ideal for this situation. (refer EIS and Air Quality reports of WHTL). This suggests that the site cannot be designed in a manner that meets the requirement of the existing DA and safeguards the health of the community.

Noise

As the previously submitted Acoustic Logic consultant’s report makes clear, the maximum 49 Dba noise limit (as prescribed in DA 1164/90) is *already* being exceeded under current working conditions. Such exceedances can only increase under the FDD proposal. Indeed the Jacobs Noise and Vibration report of March 2020 states at p5 that noise levels of 94Dba are contemplated, and a p 9, for a new crane, 98Dba. This is double the existing permitted level.

Conveniently, the proponent assumes that no tugs will be used in tandem with the FDD and so no additional noise will be contributed by their activities. However, the proponent will have no

choice except to opt for either; (i) Using tugs and far exceeding the permitted noise limits or (ii) Relying upon one of two manifestly unsafe ways of operating the FDD: either (a) try to slew the FDD, load it, and slew that back into against the hardstand (nominated last year by Noakes) It is noted that all vessels lose steerage at very slow speed).

The proponents proposed noise ‘solution’, namely acoustic curtains, have never been tested in a marine environment. The new addition in this amended DA - the curtain across the top - sounds a very odd answer to covering vessels where the typical superstructure often includes masts and shrouds and halyards. It remains a novel, untested and unprecedented idea that these curtains can even be used – let alone be successful - in such an environment. In any event, the onus is on the proponent to demonstrate that they will work in a marine environment and they have completely failed to do so. We also note the acoustic curtains are designed to keep people from outside hearing the noise, but Noakes then intend to have staff doing inherently noisy activities like sandblasting, *inside* the curtains. Moreover, clearly spray painting is also contemplated, but how this will be undertaken, with or without the curtains, is a matter of conjecture. The WHS implications of these suggested work practices would be severe for those staff, or contractors, and would involve high risks of industrial disease or deafness. Nowhere in all the reports is this aspect acknowledged or addressed.

Track record of the Applicant

The Hampton’s report asserts that the site currently operates in accordance with Development Consent 1164/90. This is demonstrably nonsense. There are numerous well documented complaints and overwhelming evidence that Noakes does not now, and never has, operated in compliance with multiple conditions of that Consent. These breaches are documented in considerable detail in previous submissions re DA 57/19 and are comprehensively evidenced by videos, test monitoring by environmental consultants, diary notes going back many years and documented exceedances.

The failure, until recently, of either Council or the EPA to take any action with regard to the servicing of STS Young Endeavour, over the 25 years in which this has been undertaken - over the water and in manifest breach of the EPA licence conditions - is one particularly egregious manifestation of much deeper problem of an abject failure to ensure compliance with DA 1164/90 or the EPA licence.

Unlikely Work Practices

There are some highly implausible work practices outlined in these documents. In particular, we query from a practical viewpoint the idea that these contractors can perform their tasks effectively operating inside a set of acoustic curtains the are going to limit the height they work to 7.7m. As a result we query how such work is going to be done for any remaining needed height. The documents merely say “all other work will be done outside FDD”, which means the vessel must be in the open tied up to the hardstand and on the water. The cranes cannot lift such large vessels on to the hardstand. That would be entirely unacceptable.

Height and visual impact: It is widely asserted by the proponent and their consultants that the FDD is 7.7 metres height above water (for example statements by Peter Wilkinson at most

recent Waverton and Union Precincts, meetings - see Union St minutes). However, we refer to layout drawing after Sk07 Annexure 9 RSI request for further particulars re AQS (unattributed to any company but noted to Ben Tang) which identifies height above water as 8.5m.

On that same drawing, the ‘top curtains’ are only drawn around the superstructure/mast(s) of the boat. The statements by the proponent and their consultants as to whether, to what extent and in what ways the FDD will be ‘enclosed’ by the top curtains vary wildly between reports and lack any semblance of consistency. They are variously stated: to *not* enclose the roof (email correspondence with Noakes operator S Langman); that they *will* be enclosed (emails from B Loader) but contradicted by his letter dated 29 August, which states: “We conclude that any references to enclosure of the FDD is to be taken to mean temporary local enclosure of the work areas”. Jacobs’ EIS takes another tack, stating that there will be top covers but they will **not** be fully enclosed and air tight. Yet Jacobs also (Page 1 Executive summary) indicates: “under operations, “it’s complete enclosure” and at Page 31, 7 Conclusions Second last para second line, refers to ‘its complete enclosure’. More fundamentally, we query in what sense are the curtains can be ‘enclosed’, given that they are not surrounded or closed off on all sides.

David Chesterman AM LFAIA FPIA, in the attached addendum to his earlier Visual Impact Assessment, which was attached to the Precinct’s 2019 submission, notes that while the top curtains add minimal height, the end curtains (bow and stern aspects) make the FDD look even more like a large grey box, replacing a view of whatever vessel is being serviced in the dock with one devoid of any visual interest whatsoever. This will make the FDD even more incongruous with its surrounding environment.

This adverse visual impact is exacerbated when one also considers the impact of servicing a tall ship (as may be the case). So, also attached is his photograph of the scale model of a vessel in the FDD, which visually displays how this factory, when working, would become even more out of scale and out of character with the surrounding environment of iconic Berrys Bay.

Community Consultation

The findings of the report by Wilkinson Butler fly in the face of the community’s experience. As the substantial majority of community submissions indicate, there is considerable and widespread community opposition to the FDD. We would have liked an opportunity to conduct our own survey of community opinion, but the advance of the corona virus has prevented this. We request an opportunity to do so at a later date when it is safe to do so

Ian Grey

Chair Waverton Precinct

31 March 2020