

**Submission
No 158**

**INQUIRY INTO PERFORMANCE OF THE NSW
ENVIRONMENT PROTECTION AUTHORITY**

Name: Mr Sam Herbert

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29 August, 2014

Sam Herbert

The Hon Robert Brown MLC
Chair, General Purpose Standing Committee No 5
Legislative Council
NSW Parliament, Macquarie Street
SYDNEY NSW 2000

cc. Jamie Parker, Member for Balmain

Dear Chair,

RE: Submission to Inquiry into the performance of the NSW Environment Protection Authority

Further to 1. (b) (v) of the Inquiry's terms of reference, I would like to make the following comments about the regulation of cruise passenger ships at the White Bay Cruise Terminal at Balmain:

The basis of the Terminal approval process is questionable across a number of levels, but in particular the fact that the original and only Environment Assessment Report was that which the Sydney Ports Corporation themselves provided to support the transfer to White Bay. The EPA (or Dept. of Environment and Climate Change and Water [DCCW] as it was then) apparently only made a responding submission regarding the adequacy of the Sydney Ports' Environment Assessment Report. Given the subsequent environmental impacts that have actually occurred and that are now being suffered by the Balmain community, it is important that this Inquiry exposes the failures in the handling of the original Environmental Assessment process by the EPA.

Why was the Environment Assessment for such a poorly understood development allowed to be conducted solely by Sydney Ports (the developer)? The consequences of this failure is ruining the peace and well being of a large number of the Balmain community who are now suffering from excessive noise and air pollution levels that have since been revealed to be higher than the original assessments. Furthermore, why is it that New South Wales communities must accept and suffer

these impacts when in other countries these same cruise ship companies are prevented from inflicting the damaging health effects of cheap high sulphur fuels and excessive noise levels whilst in port? In these jurisdictions the shipping companies must comply with a range of controls in order to meet appropriate first world health and environmental safe guards (e.g., use of ultra low sulphur fuels in and around the port) as well as be provided with suitably equipped and complimentary port infrastructure (e.g. ship-to-shore electrical power).

Yours sincerely,

Sam HERBERT