

**Submission  
No 136**

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

**Name:** Ms Helen Gilbert

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The Director  
General Purpose Standing Committee No 5  
Parliament House  
Macquarie Street,  
Sydney 2000

28/8/14

Dear Sir or Madam:

**Submission to Parliamentary Inquiry into the Performance of the EPA:  
With reference to the Authority's performance in the Regulation of Cruise  
Passenger Ships at the White Bay Cruise Terminal, Balmain**

**Background/context:**

Thank you for the opportunity to make a submission to this inquiry. It is notable upfront that **the environmental assessment and approval process** for the above Cruise Passenger Ship Terminal at White Bay was **very poor** in terms of strategic planning, the lack of assessment of alternative options and the siting of a noxious landuse next to a medium density residential area.

Moreover, the role of the EPA as an advisory agency/concurrent approval authority at the time of the approval appears to have been downplayed at best and basically ignored at worst given that some important recommendations it provided to the Department of Planning were not implemented. Consequently nearby residents now face major air quality and associated health problems.

However since the development of the facility in this location, the performance of the Environment Protection Authority (EPA) in its **monitoring, minimizing and regulating** role has been very disappointing and ineffectual given the scale and intensity of **air quality and health impacts** from the facility.

**Major air pollution hazard and associated health impacts at this site:**

As long-term residents living a few streets away from the terminal, we have put up with noise from containers and cranes associated with the working harbour for many years. The noise impacts associated with the new terminal and the noise we used to endure are both substantial – but we accept those as part of living near a working harbour.

**However any noise impacts are dwarfed by the HIGH DEGREE OF AIR POLLUTION and the likely LONGTERM ASSOCIATED HEALTH IMPACTS that we now face.**

Without doubt the air pollution impacts are the major concern for most Balmain residents in the White Bay locality currently. *The air pollution we now experience from cruise ship exhaust funnels is far more substantial than any we have put up with in 27 years of living in Balmain.*

**Questions for the Environment Protection Authority:**

1. **Fuel sulphur content:** Why is it that cruise ships berthing at White Bay are allowed to burn fuel with a sulphur content up to 3.5% when ships in Europe are restricted to using fuel containing less than 0.1% sulphur. In North America the current restriction of 1% will also go to 0.1% by January next year (2015) for all ships that come within 200 nautical miles of the coast. **Why is the fuel sulphur content allowable within Sydney Harbour (and next to residential areas) up to 35 times higher than what most of the developed world allows?**

2. **Provision/requirement for ship to shore power:** Why has ship to shore power **not been REQUIRED and provided** - with a **requirement for ships to use this facility rather than burn low grade diesel fuel** that pumps out dangerous emissions next to local residents all night and often in the day as well?
  
3. **Inadequate emissions monitoring and monitoring criteria:** Why has the EPA placed its two monitoring stations almost in line with (and only one street block apart from) each other? We live 6 blocks away, near the second highest part of the Balmain Peninsula and we breathe and smell the stench from these ships frequently. We can often tell when a ship is in from the smell in the air, long before we hear the noise of the loud speakers, music, fireworks and the engines. In addition, apparently the air quality monitoring at White Bay measures only two (2) of the known toxic emissions from the ship funnels that the nearby residents are subjected to. **It is well recognized that emissions from burning diesel are carcinogenic.** These toxins include sulphur dioxide (which is measured at White Bay with a 24 hour limit more than 11 times higher than World Health Organisation recommendations – why?); nitrogen oxides, particulate matter (including PM10 and PM 2.5), benzene (which has no safe level of exposure) and other toxins such as toluene and formaldehyde.  
**Why is the monitoring of these carcinogenic toxins so poor?**
  
4. **Lack of enforcement of penalties for breaches:** As noted the required air quality standards are seriously inadequate, but when even these standards are breached, cruise ships are allowed to continue to breach both the noise and air quality standards. Surely authorities at Sydney should be allowed to control impacts according to the standards set for users of the harbour? However we understand that EPA officers who have boarded ships to discuss breaches have been ignored. We have access to little information about monitoring results (which, given the location of the monitoring stations seem woefully inadequate anyway) and we have no information about what is done about the continual breaches. **It is obvious that NOTHING EVER HAPPENS TO IMPROVE THINGS.**
  
5. **Ignoring the EPA's recommendations at the approval stage:**  
 The recommendations of the EPA [then under the Department of Environment and Climate Change (DECCW)] were ignored in the rush to approve this facility in April 2011 in the early days of the current government. **WHY?**  
 We note that DECCW'S submission to the proposed terminal included the following recommendations:
  - *"The adverse air quality impacts of the proposed CTP operations could be significantly reduced through the use of 0.5% sulphur fuel". [As noted earlier this is 5 times higher than what is required in Europe and will soon be required in North America – but it is well under the level of 3.0% which is currently allowed at this facility.]*
  - *DECCW considers that adoption of shore to ship power would be the most effective and innovative way to satisfy Action for Air objectives of reducing air pollutants. [We understand that 'provision for shore to ship power' to be potentially used in the future was part of the approval, but no onshore power supply was provided.] **Please note: 'potential provision' is useless – it should be ACTUALLY INSTALLED and BE IN USE NOW.***

**Regardless of all the evidence indicating White Bay was an *inappropriate* location for this facility, its approval (given its close proximity to a high density residential suburb) should have included these recommendations.**

**WHY WEREN'T THE EPA'S RECOMMENDATIONS INCLUDED  
AS CONDITIONS IN THE APPROVAL OF THIS FACILITY?**

As an urban planner, who has worked in the environmental assessment of major projects, I am disappointed in a **planning system that approves such high impact projects without the appropriate environmental regulation expected.** Why has the city of Sydney (and its residents) been subjected to such conditions? Surely one would expect world-class environmental standards and performance from such a facility, not the substandard outcome we now so obviously have.

The Balmain peninsula is a medium to high density residential area that includes 6 primary schools, a high school and numerous preschools – many with increasing enrolments. Some of these are in close proximity to the cruise terminal (there are two different primary schools within metres of our house). Our children and the children attending these schools are constantly subjected to this air pollution and the associated health risks. Accordingly, given the major air quality issues arising from the first two years of operation of this facility, we ask that appropriate stringent environmental conditions be implemented immediately.

Specifically the following needs to occur:

- Ship to shore power needs to be provided as a matter of urgency – and ships *must* be required to use this.
- Allowable fuel sulphur content standards for ships coming into the harbor and berthing in it and at White Bay need to be reduced immediately *to be in line with the standards operating in the rest of the developed world* (ie less than 0.1%). The cruise ships berthing at White Bay also visit terminals all around the globe and they must comply with higher standards in over 100 other ports. Prior to entering those ports, ships simply switch to using higher quality fuel. There is no reason for not requiring much better standards than those currently required in Sydney Harbour – **ESPECIALLY IN AREAS WHERE RESIDENTS LIVE IMMEDIATELY ADJACENT TO A CRUISE SHIP TERMINAL.**
- Proper air quality monitoring in line with more stringent standards such as the air quality standards required by the World Health Organisation and northern hemisphere ports is required immediately. Monitoring stations need to be installed at various locations on the Balmain peninsula – particularly in the White Bay vicinity.
- Breaches of air quality and noise level standards need to be prosecuted and nonconforming ships and companies should be banned from Sydney Harbour.

It is simple – if over 100 other ports around the globe are able to implement and effectively monitor such standards (many of these have considerably older terminals than the White Bay facility) WHY CAN'T WHITE BAY CRUISE SHIP TERMINAL REQUIRE PROPER STANDARDS TOO?

I asked, but was not allowed to participate in the planning process for this facility (I was told that only invited 'stakeholder representatives' were included). The community was also told that the facility was only 'temporary'. It now appears that the facility is permanent – and yet it has huge impacts on our environment and local amenity. Most significantly, from current scientific evidence about the toxic pollutants that are emitted from ships that use the facility, it is highly likely to have significant negative impacts on the long-term health of residents who live in the area.

### **Recommendations:**

We request that the Parliamentary Inquiry take the issues raised above into consideration and make some **strong recommendations** regarding:

- **The role of the EPA in development approval.** The EPA has a **crucial voice in the environmental assessment and approval** of such noxious facilities. Despite the repeal of Part 3A (which this cruise terminal project was approved under), current streamlined approval processes of State Significant Development and State Significant Infrastructure have also reduced the authority and role of expert agencies such as the EPA in the approval process. It is imperative that **EPA recommendations should ALWAYS be included in any approvals of high impact developments.** It is apparent that such recommendations need to be strongly worded as required conditions of consent. *We can see in the case of White Bay the dreadful outcomes that occur when the recommendations of agencies with expertise in certain areas are ignored.*
- **The role of the EPA in setting appropriate standards, monitoring and enforcement:** The EPA needs to play a significant role in:
  - **The continual monitoring of air quality,**
  - **The protection of environmental quality** of this area, and
  - **The reduction of risks to human health.**

Accordingly the EPA needs to: **set mandatory targets for significant environmental improvement** in the White Bay locality around the cruise ship terminal to ensure the toxic discharge from the ships that berth there is **'reduced to harmless' levels.**

All these **functions and actions** are noted **objectives** of the EPA under **Section 6** of the *Protection of the Environment Operations Act, 1991*. However, these legislative obligations are currently not being met with respect to the operation, monitoring and mitigation of impacts (particularly air quality impacts) arising from the operation of the White Bay Cruise Ship Terminal.

Helen Gilbert and family