

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

Name: Name suppressed

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Partially Confidential

Submission to the Parliamentary Inquiry No. 5, into the EPA
White Bay Cruise Ship Terminal

The Environmental Protection Agency (EPA) is one of a number of State Government Agencies that have a responsibility with respect to the impacts that have arisen from the approval of, the location, design and operations of the recently built Cruise Ship Terminal at White Bay on the residential Balmain Peninsula. In view of the fact that the serious impacts that are occurring upon the local high density residential area adjacent to the Cruise Terminal are issues relating to air pollution, noise and vibration, the Agency that requires the greatest investigation to overhaul its regulatory effectiveness and procedures is the EPA. Sydney Ports and the Cruise companies are currently able to delay or refuse action to mitigate these serious impacts. The EPA must be able to direct Sydney Ports and the Cruise companies to act with urgency to reduce, and, where possible, remove these serious impacts, and be authorised to proceed to reduce or shut down operations at the terminal if this does not occur.

These are serious impacts upon a residential community. Other organisations can be served notice to close operations if they are in breach of environmental regulations which protect residential communities. Both the regulations, and the penalties for breaching them, in respect of the Cruise Terminal at Balmain need a major overhaul. The EPA is the appropriate authority to apply strict regulations in this case. The regulations must be in line with the latest and best international standards. This is a new terminal in a high-density residential area and the Terminal and its operations can, and should, comply with stricter standards.

The significant Council and community campaign in 2009 and 2010 which opposed the location of the cruise ship terminal at White Bay highlighted the range of problems and risks that it would bring to the local environment. The major concerns and risks were never addressed and a distressing situation exists now where problems and risks are now having to be resolved more than one year after operations have commenced.

The following were raised with government Ministers and Agencies prior to the relocation and approval of the White Bay Cruise Ship Terminal:

1. When the State Government chose to relocate the terminal from its suitable location at Barangaroo, the Government should have looked at finding an alternative location for cruise ships, away from White Bay, which would be more compatible with the way that this industry operates and would ensure that the significant impacts of the industry on communities is minimised. The provision of a new terminal in a suitable location (possibly Botany Bay) for all sizes of ships should be explored. The White Bay terminal can still be reassigned for public use, possibly as an indoor sporting facility for the fast-increasing inner-west population.
2. Ship arrivals should not occur before 6.30am and ships must not stay overnight. If the government chooses to locate a ship terminal in a high-density residential area it cannot designate it as a 24hr 7day port while assuring nearby residents that impacts are being minimised. This is a contradiction. An appropriate time should be canvassed with local residents. Noise disruption and sleep disturbance has occurred before 5.00am.
3. White Bay should be designated a 'quiet port' given its highly sensitive proximity to the high density residential community. Operations which require noise should be conducted away from White Bay. Testing of alarms, announcements, blasts of the ship funnel and other major sources of noise from the cruise ships have an enormous impact on households.
4. On-shore power should be provided at the terminal, with mandatory use by the ships that berth at White Bay. There is a saving in costs for the Cruise companies if the generators are not running while the ships are in port so they can contribute to the cost of provision of the power. There would be a major health and amenity benefit to the public if on-shore power is provided and mandatory. The State government can consider providing alternative energy sources of power for the ships in port by the installation of solar panels on the roof of the terminal itself and further solar energy power provision from an adaptable re-use of the White Bay Power Station. Approval of activities which are allowed to cause pollution impacts for the entire time that they operate – within residential communities – is indefensible.

The following points relate to the distinct weakness in State and Federal Government regulations, and/or their application, compared with progressive governments in other parts of the world. These shortcomings have caused serious and ongoing negative impacts upon the residential community:

1. The Balmain community has been exposed to air pollution for 10 hours or more a day (and increasingly overnight) from cruise ships. The fuels being used are amongst the worst in the developed world. In some countries, ships are prohibited from using this low grade fuel within 200 miles of shore. Yet it burns all day and even overnight here in Sydney Harbour, right in front of homes.
2. 1. Regulations relating to the operation of cruise ships at White Bay significantly lag behind other first world countries, yet this terminal has been approved adjacent to our high density residential community. The ships smoke stacks are at the same height as peoples' homes and fumes directly enter homes.
3. The sulphur content of the fuel is up to 35 times higher than allowed in Europe and North America. Cruise ships in Sydney Harbour burn fuel with a sulphur content of up to 3.5%. In North America, once ships are within 200 nautical miles of the coastline, they are not allowed to burn more than 1% sulphur fuel and this will reduce to 0.1% sulphur by January 2015. In Europe, ships in port are limited to 0.1% sulphur fuel.
4. Round 3 of the air quality monitoring (February and March 2014) showed that on all 20 days of this monitoring period, the 24-hour average sulphur dioxide measurement exceeded the levels recommended by the World Health Organisation.
5. Shore-to-ship power. Over 100 ports around the world now provide the ability for ships to use shore power so that they can switch off their engines. This greatly reduces dangerous diesel emissions in port. Why was the EPA not able to refuse the terminal on the basis of the lack of provision of shore power?
6. High polluting ships need to be identified and relocated away from high density residential locations. This has not been considered thus far.
7. No overnight stay of ships should be allowed at White Bay.
8. No more than one ship should be allowed at White Bay at a time.
9. Emissions monitoring criteria is inadequate. It is well known that diesel emissions are carcinogenic and contain dangerous toxins: sulphur dioxide, nitrogen oxides, particulate matter (both PM10 and the finer and more deadly PM2.5), benzene, toluene and formaldehyde. Yet, monitoring of the White Bay Cruise Terminal measures only two toxins – sulphur dioxide and PM10. It ignores the other dangerous emissions.
10. There is a lack of information from authorities about the composition of fuels and the expected effects from exposure to the variety of chemicals in these fuels especially given the very long durations of exposure faced by our community. Communities need to be provided with information so as to avoid risks to their health and to avoid exacerbating existing health conditions.
11. The industry which is causing these problems does little to acknowledge the community concerns, nor respond to these. Any contact made by Government agencies with the industry has carried little regulatory weight. Greater accountability and response by the cruise ship industry is needed and effective regulatory control of cruise ship operations by Government agencies, in particular the EPA, is needed.
12. Noise from cruise ships should be regulated, controlled, and managed by an independent government authority (such as EPA). Current monitoring of cruise ships which visit White Bay show that a high proportion exceed the noise controls. The impact on residents from noise and vibrations is a cause of great disturbance. Yet, there appears to be no penalties for these ongoing noise breaches. Vibrations can cause structural problems in nearby homes.

The problems will increase if not addressed soon. The number of cruise ships has been much more than was originally proposed and numbers are expected to increase further. It was suggested that 60 to 80 ships would come to White Bay. Last year, the very first year, it was 130 ships.

The EPA, the environmental protection authority, has failed to meet what would reasonably be expected to be its responsibilities in respect of the White Bay Cruise Ship terminal. It did not, or could not, insist upon provision of essential shore power for the new terminal, (situated as it is in a residential area), and

since operations have begun, it has failed to adequately regulate these operations to prevent serious health impacts and loss of amenity for the adjacent community.