

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

Name: Name suppressed

Date received: 10/08/2014

Partially Confidential

10 August 2014

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

Dear Sir,

RE: Submission to Inquiry into the performance of the NSW Environmental 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:

It appears that the regulations relating to the operation of cruise ships at White Bay significantly lag behind other first world countries, yet this new terminal has been approved in an area immediately adjacent to a high density residential community, with the ships smoke stacks the same height as homes.

Examples of the inadequate regulations at White Bay are:

- 1. Fuel sulphur content is up to 35 times higher than allowed in Europe and North America.** Cruise ships in Sydney Harbour are allowed to burn fuel with a sulphur content of up to 3.5%. In North America, once ships come within 200 nautical miles of the east or west coastlines, they are not allowed to burn more than 1% sulphur fuel and this will further reduce to 0.1% sulphur by January 2015. In Europe, ships in port are also limited to 0.1% sulphur fuel.
- 2. Shore-to-ship power has not been provided.** Over 100 ports around the world now provide the ability for ships to plug in to the local power grid so that they can switch off their engines stopping dangerous diesel emissions in port. Whilst there was a requirement to allow for shore power at the White Bay Cruise Terminal in the future, there is no requirement to actually provide it and as predicted Sydney Ports are reluctant to embrace shore power at the site.
- 3. Emissions monitoring criteria is inadequate and unsafe.** It is well known that diesel emissions are carcinogenic containing the 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 completely ignores the other dangerous emissions. By way of example, benzene is a carcinogen for which there is no safe level of exposure. Further, the criteria against which sulphur dioxide is being monitored is woefully inadequate, with the 24 hour allowable limit 11.4 times higher than the World Health Organisation recommends.

4. **There are no penalties for breaches of planning conditions.** There is no provision for cruise companies to be penalised for breaches of the regulations that do exist (inadequate as they are). For example, monitoring has shown that the cruise ships have breached noise criteria 75% of the time, yet the only requirement in the planning approval to address such breaches is for more monitoring to be conducted.

This lack of regulation has already resulted in our community experiencing a range of health symptoms and exposure to serious, known health risks. All of which could easily been avoided if the protective measures which were adopted long ago in the Northern Hemisphere, were implemented here.



We accept the ships but not the pollution they bring to our community.

The role of the EPA in the White Bay Cruise Terminal approval process:

- Sydney Ports Corporation were the proponent - they were responsible for the major project application to construct and operate the White Bay Cruise Terminal as a result of the need to quickly relocate the terminal from Barangaroo to allow development at that site.

- In 2011, the Government changed and a petition of 15,000 saw the decision to relocate the cruise ship terminal re-examined. Minister Hazzard, the then Minister for Planning, was initially concerned about the relocation to White Bay and impact on the community. However, the Director General of Planning signed off on what has proved to be, a terminal with woefully inadequate environmental controls, a few days before ships began arriving on April 15, 2013.
- Sydney Ports Corporation provided the Environmental Assessment Report, **not the EPA**.
- The EPA (then known as the Department of Environment and Climate Change - DECCW) made a submission along with other government departments and members of the public on the adequacy of the Sydney Ports Environmental Assessment Report.

Amongst other things, the submission stated:

- o "DECCW considers that the adverse air quality impacts of the proposed CPT operations could be significantly reduced through the use of 0.5 per cent sulphur fuel"
- o "DECCW still 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"

Given these highly appropriate recommendations by the EPA were seemingly ignored by Sydney Ports and the Planning Authority, serious questions need to be asked about why? Had the recommendations been adopted, the community would not be suffering air and noise pollution to the extent it is today. The EPA's role is to protect the NSW environment and community. Their advice, was ignored.

I have noticed with surprise and disappointment that local residents objections have been taken lightly by Sydney Ports.

We do expect our elected representatives and Government Departments to properly look after our health interests in particular in new development in any Residential neighborhood.

Yours sincerely,

cc: Jamie Parker MP, Member for Balmain