

Meeting Minutes:

Government Agencies and Balmain Residents re Cruise Ships at White Bay Cruise Passenger Terminal

Date and Time: 17 April 2015 10.30 – 12.20 pm

Location: NSW Health, Eora Room, Level 9 King George Fifth Hospital, Camperdown.

Attendees:

Balmain Resident Community: Kate Horrobin, Maree Thomas, Alan Rosen and Kerin Cox.

Environment Protection Authority (EPA): Frank Garofalow, Sarah Deards and Anthony Savage.

NSW Health: Richard Broome, Sydney Local Health District Public Health Unit (SLHD, PHU), Leena Gupta (via telephone), Graham Burgess.

Leichhardt Municipal Council (LMC): Kursty Delmas and Mario Mouxouris

Port Authority of NSW (PANSW): Brad Milner, Brendon Elliot and Joe James.

Department of Planning and Environment (DPE): Karen Harragon, Karen Jones and Ingrid Ilias.

These minutes are a summary record of what was stated at the meeting as they relate to actions, and do not necessarily reflect the views of all attendees.

1. Welcome – Karen Harragon (DPE)

2. Apologies

Christa Sams and Ryan Bennett (PANSW), Lisa Maree Murphy (Balmain Resident) and Ryan Cole (LMC).

3. Minutes of previous meeting

No further changes were requested and the previous meeting minutes were adopted as an acceptable record of what was stated.

NSW Health indicated that it will sign off on the minutes, distribute them to the group and upload them on its website.

Maree Thomas sought clarification regarding licensing. EPA confirmed that any licence needs to be consistent with the planning approval and is generally not able to be changed until five years had passed from the date of issue. Frank Garofalow stated that changes could be made earlier to the licence but this does not normally happen.

The Balmain Resident Community provided a number of questions prior to the meeting. Rather than agencies providing an update on what was being undertaken in relation to the site, the meeting focused on the provision of responses to the questions raised.

The questions have been reproduced as part of these minutes for completeness in the order that they were discussed.

4. Question 1. from Balmain Resident Community (Low Sulfur Fuel)

The then Minister for the Environment, Rob Stokes, announced on 16th March 2015 that he would regulate to ensure the use of ultra-low sulphur fuel by cruise ships at berth, as soon as possible after the election (approx. 6 weeks).

- *What steps have been taken to ensure that this regulation is put in place? [EPA]*
- *What is the expected date of implementation? [EPA]*
- *When will the requirement to use low-sulphur fuel be extended to ships manoeuvring through the harbour? [EPA]*

Frank Garofalow stated that the government made some good decisions prior to the election. The EPA is currently working with PANSW and preparing a working proposal for draft regulation for Parliament based on a three stage process. There are some challenges around the timing stated, so these dates may change (it was stated that the 1 July 2015 date would be the only date at risk given it is not very far away):

1. 1 July 2015 – cruise ship auxiliary engines at berth (White Bay) will be required to use ultra low sulfur fuel (0.01% sulfur content). Frank Garofalow stated that the various ships are different and that most cruise ships are likely to still need to use their main engines while at berth.
2. 1 October 2015 – cruise ship main engines at berth (White Bay) would be required to use low sulfur fuel (0.1% sulfur content).
3. 1 July 2016 – all cruise ships in port (all ports in NSW) will be required to use low sulfur fuel (0.1% sulfur content) for all engines.

Frank Garofalow stated that these were draft proposals developed to meet the Government commitment and were subject to change as the proposal was finalised.

Kerin Cox asked Frank Garofalow who would be responsible for ensuring that cruise ships complied with these requirements. Frank Garofalow indicated it would most likely be EPA but this would need to be confirmed.

Frank Garofalow (EPA) also confirmed that if a cruise ship chooses to implement on-board air quality treatment (i.e. air scrubbers etc) such that its emissions are equivalent to it utilising low sulfur fuel, this would also be considered acceptable. Air quality monitoring would need to be undertaken to demonstrate this equivalent measure.

A question of clarification was raised regarding the use of ultra low sulfur fuel for auxiliary engines post 1 October 2015 and 1 July 2016. EPA took this question on notice and has now advised that the proposal for ultra low sulfur fuel ceases on 1 October 2015 when the proposal is for all engines to be required to use low sulfur fuel.

Sarah Deards (EPA) outlined the process for the regulation. The draft regulation is currently in preparation. It would then be sent to the Minister to seek in principle approval to amend the Clean Air Regulation. Some consultation would also be undertaken at this time. The Final Draft Regulation would then be submitted to the Minister for approval. Once approved it would then be tabled to the Upper House of NSW Parliament. Parliament may disallow it if they have concerns.

Action: EPA to confirm how the use of different fuel types would be regulated.

Action: EPA to provide clarification regarding the required use of ultra low sulfur fuel for auxiliary engines post 1 October 2015 and 1 July 2016.

5. Question 2. from Balmain Resident Community (Shore Power)

Whilst we welcome the imminent introduction of ultra-low sulphur fuel, we know it does not sufficiently reduce many of the emissions that cause well known health impacts. For this reason, the community has always called for the adoption of shore power at White Bay. The NSW Parliamentary Inquiry recommended the introduction of shore power when they released their report in February and we know it is best practice in the northern hemisphere where many of the major ports have already introduced it and there is an EU directive requiring that shore power will be mandatory in all ports.

- *Why is there a continued and ongoing reluctance to implement shore power at White Bay, contrary to developments in the northern hemisphere? [Ports]*
- *The minutes of the last meeting state “The EPA continues to encourage the Port Authority of NSW to investigate and determine technical requirements, costs and timeliness associated with installation of shore to ship power”. Given this “investigation” has been going for eighteen months already, when will the Ports act to implement shore power? [Ports]*

PANSW stated that a pre-feasibility study into shore power was undertaken prior to the election. A full cost-benefit analysis is currently being undertaken for all ports in NSW and it is expected that this will be completed within nine months. PANSW is waiting for Ausgrid to confirm whether it has enough capacity within its network and whether this can be connected for use at White Bay. Ausgrid has stated that it requires six months to confirm this.

Kate Horrobin indicated that residents are not happy with the delays. PANSW has stated the same line at every resident meeting to date. The delays are unacceptable. PANSW stated that the main driver of the timing for the study is Ausgrid.

Maree Thomas asked how the costs associated with the health benefits to the community by providing shore power will be considered in the cost-benefit analysis.

Kerin Cox stated that this was yet another study to provide another report and further procrastination for nine months. Why is there such a reluctance to deliver shore power and to invest money into White Bay? Ms Cox quoted that shore power would cost \$4 million per berth and \$0.5 million per ship

Kate Horrobin queried the study being undertaken by DNV. Frank Garofalow stated that recent events have overtaken the DNV report. The DNV report will still be utilized in relation to broader shipping but due to the need to provide a quicker solution at White Bay, the EPA is now liaising directly with the cruise industry and putting all its energy into the preparation of the draft regulation. This is the EPA's priority.

Kate Horrobin indicated that changing the fuel is an important first step but it is not the only solution and that feedback from PANSW has not been positive on any solutions. Alan Rosen stated that the community wants action not just the preparation of studies. Ausgrid should be acting more urgently. He formally asked that the studies be abbreviated, not in quality but in time. PANSW noted they will also require time to digest the information obtained from Ausgrid.

Joe James (PANSW) stated that there were only eight ports in the world that provide shore power for cruise ships. Kate Horrobin indicated that there were many more than eight and that she will provide a list for PANSW. Ms Horrobin also stated that there is an EU directive that shore power is mandatory for all ports in Europe so this seems to be the direction that ports around the world are

heading. Kerin Cox stated that this was one of the recommendations from the Parliamentary Inquiry into the EPA.

Action: Joe James to liaise with Ausgrid and stress the urgency of information requirements to PANSW regarding shore power at White Bay.

Action: Kate Horrobin to provide PANSW with a list of ports that provide shore power for cruise ships.

6. Question 4. from Balmain Resident Community (Overnight Ship Visits)

The unscheduled overnight visit of the Sun Princess on Monday night this week had a significant detrimental impact on the community. Whilst we understand the need to provide care for a sick passenger, no consideration at all was given to the community who had to suffer through yet another night of acrid, toxic, carcinogenic fumes infiltrating their homes and surrounding streets, roaring engines (the Sun Princess is one of the worst noise offenders), and bright lights flooding nearby homes.

- *Why have there been no improvements to the notification process (an email to a handful of people is not adequate) so that many residents were caught unaware, having left their windows open thereby allowing their homes to fill up with toxic fumes which cannot be quickly removed, putting their health at further risk? **[Ports]***
- *Despite having known of the impacts on the local community for two years, Sydney Ports, in their attitude to notifying the local community and their subsequent correspondence with Cr Stamolis, demonstrates that they have no comprehension of the genuine serious health impacts of the ships pollution on local residents. The handling of this one medical emergency had the potential to create other medical emergencies in the local community. Could NSW Health and the EPA arrange to brief Ports on the composition and toxicity of the fumes, current WHO and other research, and the extremely serious nature of some of the health impacts being experienced in Balmain? **[Health, EPA, Ports]***
- *OPT was not in use on either the Monday or the Tuesday. Why was this not used? **[Ports]***
- *Given the extremely close proximity of the White Bay Cruise Terminal to homes and the lack of any action at all on putting protective measures in place – the community calls for a ban on overnight stays. Will you act on this immediately? **[Ports]***

Maree Thomas stated that residents understand that the Sun Princess came to White Bay unscheduled on Monday afternoon due to a medical emergency on board. This caused much unhappiness in the local community. Residents have had to increase medication, move out of homes and incur extra costs to cope from the impacts of cruise ships at White Bay. Residents find it particularly distressing that PANSW did nothing to update the website even though they knew 24 hours prior that this ship was coming. The email provided by PANSW to a select number of residents was considered quite inflammatory stating that the unscheduled visit would be a “minor inconvenience” to residents. No effort was made by PANSW to let the wider community know what was going on. Many residents left for work on Monday morning with windows open in their homes and when they arrived home they could not rid their houses of the stench. This ship could have berthed at OPT but residents understand that it is cheaper to berth at White Bay.

Council had the same question for PANSW – why was the OPT not used on this occasion.

Joe James (PANSW) stated that there are many logistical factors that need to be taken into account and it is very difficult to move a cruise ship on short notice. Mr James acknowledged that they could improve their communication systems and Brendan Elliot apologised for offending people or being insensitive in communications as this was not intended.

Joe James (PANSW) also stated that there is the OPT community as well as the White Bay CPT community. Maree Thomas stated that the environments are very different – with the wind direction at Circular Quay, emissions tend to be dispersed over the harbour rather than over residents which is the case at White Bay. Kate Horrobin indicated that PANSW made a prior commitment to the residents that when OPT is free it will be used instead of White Bay. This does not seem to be happening. Alan Rosen stated that the residents at White Bay are also closer to the terminal than the residents in the city and many residents in the city live in buildings with sealed windows.

Joe James (PANSW) stated that PANSW will ask the community who needs to be contacted when there is a change in ship movements. Kate Horrobin stated that the ship schedule should have been updated. Ms Horrobin also stated that there are four things that need to be changed in all communications provided to residents:

1. References to wind direction at Fort Denison are irrelevant and should not be used to dismiss a complaint made by a resident. Sometimes the flags on the Anzac Bridge are flying in a completely different direction to the flags on the Harbour Bridge.
2. The percentage of overnight stays is irrelevant. There have been 24 overnight stays in 2014 but the ship schedule shows less than this as many were unscheduled.
3. Compliance with air quality should not be used to discredit or dismiss what the community is saying. Air quality criteria are being met but the WHO standards are not.
4. References to “inconvenience” of ship activities severely understates residents’ concerns – they are worried about their health.

Alan Rosen stated that PANSW is often very defensive. Tone is not acceptable. Joe James gave a commitment to change this and there is a need to move forward.

Brad Milner (PANSW) outlined how PANSW has committed to live additional air quality monitoring and to monitor PM_{2.5} and sulfur with the data on its website. Pacific Environment has been commissioned. PANSW is about to send out a letter to residents regarding the site location for monitoring. There is a commitment to monitor for 12 months.

Maree Thomas is concerned that many ships take advantage of the dark to increase emissions. Some are lit up like Christmas trees and are very noisy at night. Energy demands of hoteling ships at night compared to daytime energy demands were discussed.

7. Question 3. from Balmain Resident Community (Noise Mitigation)

At the previous meeting in February, Ports outlined four possible solutions to mitigate noise breaches. They ruled out a noise wall and stated that shore power may not address the noise generated by fans, which left modifications at the source (on board ships) and treating residents’ houses (double glazing and ventilation) as the two “workable options”.

- *At a meeting last year, Ports announced that three Princess line ships (Dawn Princess, Sun Princess and Sea Princess) would have on board modifications to lower fan noise (similar to Pacific Jewel modifications). What progress has been made and when will this be implemented (six months was the original timeframe quoted)? **[Ports]***
- *What other progress has been made on the two “workable options” listed above (bearing in mind that residents don’t believe that treatment to their homes is workable and the Mayor of Leichhardt stated that noise-proofing houses was not possible*

because of the heritage buildings in the area, in her evidence to the Parliamentary Inquiry in October 2014)? [Ports]

- *When are you going to address the proponent's failure to mitigate the continual noise breaches which have been occurring for two years now? [Planning]*

Kerin Cox stated that noise from cruise ships continues incessantly– she described it as a “giant lung machine”. The noise is also making people sick. Ms Cox stated that all ships are operating over their maximum noise limit and that there is no sense of urgency to effect change. It is wrecking residential amenity. Has PANSW spoken to Carnival? The residents feel like there is nothing happening to control noise.

PANSW indicated that a number of ships have changed their variable speed drives. Of the four mitigation options identified at the previous meeting, none has been ruled out although the noise wall is the least desirable. Joe James stated that at-source control and architectural treatments are the most feasible options. In terms of at-source options, PANSW is talking to shipping experts to identify if there are other components on board that could potentially be modified to reduce noise. Any at-source option needs to be carefully considered. Carnival has stated that it cannot just change operations on board without understanding the risk and therefore risk assessments are required.

Joe James (PANSW) stated that the implementation of architectural treatments would be a long and complicated process. Kerin Cox stated that there is resistance from residents regarding architectural treatments. Many homes are heritage conservation protected. The ships need to be fixed not residential homes. Ms Cox also asked what had been done in relation to noise breaches – can penalties be imposed by DPE?

Karen Jones (DPE) stated that DPE is actively talking to PANSW and that it has received a report on the four mitigation options. DPE is not in favour of a noise wall. Solving noise at-source is DPE's preferred option. Ms Jones (DPE) stated that DPE is aware that penalties are available should the Department wish to follow this path. Ms Jones (DPE) stated that the Department's preference is to progress solutions rather than just issue penalty notices.

8. Outstanding Questions and Other Matters

- *We have 7 overnight stays in 5 weeks and the impact on the community is overwhelming. The SilverSea on 29th January is just one example of our worst nightmare – a very hot day followed by a cooling southerly in the evening. Of course we had to lock up our hot houses rather than let them cool down because of the stench from the ship. Overnight stays must cease immediately. There is a precedent of a ship in January being moved to Athol Buoy overnight. What steps will you take to cease overnight stays immediately?*
- *You have 5 ships booked in simultaneously in Sydney Harbour on 25 November 2015. Why have you done this when it shows a clear disregard for the health of the community?*
- *To accommodate those 5 ships, you are using berths at Neutral Bay, Point Piper and Athol Buoy. Why can't you use those berths instead of White Bay at the present time when there are always less than 5 ships in? Why has the community not been considered in deciding not to make the other berths available, particularly when we have made this request repeatedly?*
- *On 3 January 2015 you scheduled to move L'Austral from WBCT (where it arrived at 10:30) to Athol Buoy at 18:30, presumably to accommodate the Europa at WBCT which*

was then scheduled to stay until 5 January at 18:00. This shows that you can relocate an overnight ship to a buoy when you choose, so why not all overnight ships?

- *What steps are you taking to alert cruise companies of the possibility of early changes to berthing requirements at the WBCT, so as to avoid further delays to implementing solutions down the track?*

Kate Horrobin indicated that there were a number of outstanding questions that have yet to be answered by PANSW. PANSW stated that it will provide a response to each.

Kate Horrobin asked what PANSW was doing to warn cruise ships about potential changes. Ms Horrobin and Ms Thomas are concerned that because cruise ships are booked so far in advance if the regulation comes in, Carnival could potentially sue because when it booked there were different standards in place. Joe James confirmed that bookings were not guaranteed until six months out and that the Harbour Master has the power not to allow cruise ships to come into the harbour.

Alan Rosen asked PANSW whether it was warning ships that they will have to comply with the new requirements. Both PANSW and EPA confirmed that this has been made very clear.

Alan Rosen stated that he is concerned that NSW Health is withdrawing its representation from its role in the meeting (Ministry of Health). Graham Burgess stated that the local director of public health is the most important person in the process and that Wayne Smith was present at the earlier agency meeting but was not able to attend the resident meeting. Mr Rosen stated that he would like the Minister of Health at a statewide level to take this seriously.

Kerin Cox highlighted an enHealth report which outlines the health effects from noise. The reference is Health Effects of Environmental Noise: Context, Rationale, Methods and Some Preliminary Findings (Stephen Conaty South Western Public Health Unit). Paper presented at the Noise & Health Seminar on 21 November 2014. Since the meeting, Kerin has provided a copy of the report and the slideshow from the seminar and a copy of each will be circulated to all participants with the final minutes.

Alan Rosen stated in regard to Leichhardt Municipal Council Environmental forward planning that there was no mention of the emissions from the cruise ship industry in either the draft LEP 2019 or 2025 – considered that this was a big omission of Council. He is interested on seeing what the Council strategy is in relation to White Bay Cruise Passenger Terminal related environmental issues and how it intends to work with other agencies in relation to these.

Action: PANSW to confirm how many ships have changed variable speed drives for fans to reduce noise on-board.

Action: PANSW to respond to all outstanding questions.

Action: Leichhardt Council to provide further information regarding the omission of impacts from the White Bay CPT in its draft documentation.

9. Actions

Responses to actions above are required to be provided well before the next scheduled meeting.

10. Future meetings

Meetings will continue on a bi-monthly basis. A calendar for future meetings for 2015 was distributed to all participants at the meeting.

Graham Burgess stated that the Department of Premier and Cabinet is aware that these meetings are taking place and has indicated that a representative will be sent to all future meetings.

The meeting closed at 12.20 pm.