

## ITEM E11

## OPERATION OF THE WHITE BAY CRUISE TERMINAL

<b>Purpose of report:</b>	Respond to points 2 and 3 of Council resolution C545/13 adopted 26 November 2013 which required information about current effectiveness of the monitoring of air pollution, Councils actions and options.
<b>Background:</b>	The White Bay Cruise Terminal was approved by the Minister for Planning in 2011. The facility started operating in April 2013. Council has received numerous submissions regarding the operation of the terminal from residents regarding, noise, odour and air pollution.
<b>Current Status:</b>	Council has forwarded all submissions to the appropriate regulators – the NSW Department of Planning for breaches of conditions and the NSW Environmental Protection Authority regarding odour and air pollution.
<b>Relationship to existing Policy:</b>	Nil – Council is not the regulator of this matter.
<b>Financial Implications:</b>	Staff time in addition to contractor costs if engaged
<b>RECOMMENDATION:</b>	<ol style="list-style-type: none"> <li>1. Note that the NSW Department of Planning assessed and determined the impacts of the development under application number MP10_0069 dated January 2011 as subsequently modified.</li> <li>2. Note that Council has no regulatory function in relation Operations of the White Bay Cruise Terminals or ships when in port</li> <li>3. Note that the White Bay Cruise Terminal is a state run facility and when the ships are in port they are situated outside the boundaries of the Leichhardt Council Local Government Area</li> <li>4. Note that the NSW Department of Planning is responsible for the investigation and enforcement of conditions on approval MP10_0069 which the NSW Department of Planning has issued.</li> <li>5. Note that the NSW Environmental Protection Authority (EPA) is the Appropriate Regulatory Authority for investigation and enforcement of pollution and odour matters under the Protection of the Environment Operation Act 1997</li> <li>6. Note that Council has already forwarded the community submissions listed in this report both the NSW Department of Planning and the NSW Environmental Protection Authority as the appropriate regulators</li> <li>7. Note the Resolution of the Community Meeting, held on 26 November 2013 at Clontarf Cottage</li> <li>8. Resolve that Council's only function regarding complaints about the White Bay Cruise terminal is records keeping and to forward the information to the relevant regulatory authority for appropriate action</li> <li>9. Resolve that Council will not engage any consultant to undertake air quality or odour monitoring</li> <li>10. Resolve that if an adequate response is not provided to Council by the regulators by 31 January 2013 the matter be referred to the NSW Ombudsman for review</li> </ol>

**LEICHHARDT MUNICIPAL COUNCIL****REPORT**

**DIVISION:** ENVIRONMENTAL AND COMMUNITY MANAGEMENT

**SUBJECT:** ITEM E11 - OPERATION OF THE WHITE BAY CRUISE TERMINAL

**AUTHOR:** RYAN COLE – MANAGER COMPLIANCE

**DATE:** 6 DECEMBER 2013

**WORD PROCESSING REF:** F:\COMP\COUNCIL REPORTS - LEGAL\Draft White Bay Cruise Terminal CouncilReport.doc

**DIRECTOR'S SUMMARY - ORGANISATIONAL IMPLICATIONS**

**Financial Implications:** Staff time in addition to contractor costs if engaged

**Policy Implications:** Nil

**Strategic Plan Objective:** Nil

**Staffing Implications:** Operational resources re-directed from regular Council functions

**Notifications:** Nil

**Other Implications:** Nil

## 1. Purpose of Report

To respond to points 2 and 3 of Council resolution C545/13 adopted 26 November 2013 which required:

2. *That a report be brought back to the December Ordinary meeting regarding the current effectiveness of the monitoring of the air pollution near the White Bay Cruise Terminal in capturing air pollution events and the costs and viability of council undertaking its own monitoring of the air pollution being generated by the cruise ships in White Bay.*
3. *That the report include details on actions Council has taken on this issue so far and recommendations of possible actions Council may be able to take to alleviate this issue.*

## 2. Recommendations

That Council:

1. Note that the NSW Department of Planning assessed and determined the impacts of the development under application number MP10\_0069 dated January 2011 as subsequently modified.
2. Note that Council has no regulatory function in relation Operations of the White Bay Cruise Terminals or ships when in port
3. Note that the White Bay Cruise Terminal is a state run facility and when the ships are in port they are situated outside the boundaries of the Leichhardt Council Local Government Area
4. Note that the NSW Department of Planning is responsible for the investigation and enforcement of conditions on approval MP10\_0069 which the NSW Department of Planning has issued.
5. Note that the NSW Environmental Protection Authority (EPA) is the Appropriate Regulatory Authority for investigation and enforcement of pollution and odour matters under the Protection of the Environment Operation Act 1997
6. Note that Council has already forwarded the community submissions listed in this report both the NSW Department of Planning and the NSW Environmental Protection Authority as the appropriate regulators
7. Note the Resolution of the Community Meeting, held on 26 November 2013 at Clontarf Cottage
8. Resolve that Council's only function regarding complaints about the White Bay Cruise terminal is records keeping and to forward the information to the relevant regulatory authority for appropriate action
9. Resolve that Council will not engage any consultant to undertake air quality or odour monitoring
10. Resolve that if an adequate response is not provided to Council by the regulators by 31 January 2013 the matter be referred to the NSW Ombudsman for review

## 3. Background

- On 2 February 2011 the Minister for Planning granted an Approval under the former Part 3A of the Environmental Planning and Assessment Act 1979. The approval was for the construction and operation of a Cruise Passenger Terminal at White Bay

- In April 2013 the Cruise Passenger Terminal was completed and started operating
- Since the commencement of the Cruise Passenger Terminal, Council has received a number of submissions regarding the facilities operation and associated noise, odour and potential health impacts when ships are in port
- Council has forwarded copies of all submissions to the NSW Department of Planning and the NSW Environmental Protection Authority as the appropriate regulatory authorities
- On 26 November 2013 Council resolved to require this report to be prepared
- On 28 November 2013 Council was provided with minutes of a residents meeting held on 26 November 2013 at Clontarf Cottage – details below
- On 3 December 2013 Council received information from Sydney Ports regarding the air quality monitoring that has been undertaken

#### 4. **Report**

##### ***Assessment***

On 2 February 2011, the former NSW Minister for Planning Anthony Kelly granted a Part 3A Approval for Construction and operation of a Cruise Passenger Terminal in White Bay (ref. MP10\_0069 dated January 2011).

The Environmental Assessment of the proposal included a detailed assessment of Noise / Vibration and Air Quality.

The approval stipulated a number of conditions associated with Noise / Vibration and Air Quality for the development. These conditions included requirements to:

- Comply with stipulated air quality impact assessment criteria
- Implementation of a Operational Air Quality Management Plan
- Prevent offensive odour, as defined by the *Protection of the Environment Operations Act 1997*
- Implementation of a Operational Odour Management Plan
- Comply with stipulated noise level criteria
- Implementation of a Noise Monitoring Plan

A copy of the relevant conditions and associated levels are provided in Attachment A to this report.

##### ***Community Submissions***

Following the opening of the Cruise Terminal Council in April 2013, Council has received / been copied in on 41 submissions from 19 households regarding its operations.

Information was received from:

<b>Submitter:</b>	<b>Date</b>	<b>Abbreviated Issue</b>
1	7/10/2013	Odour associated with diesel fumes and sewerage
2	10/10/2013	Odour associated with diesel fumes
3	29/10/2013	Odour from diesel fumes - health concerns
2	29/10/2013	Odour from diesel fumes - health concerns
2	4/11/2013	Odour from diesel fumes
3	4/11/2013	Odour form diesel fumes - health concerns
2	11/11/2013	Odour from diesel fumes - health concerns

3	11/11/2013	Odour from diesel fumes - health concerns
4	11/11/2013	Concerns re: location of air monitoring station
5	12/11/2013	Noise from ship's generators, odour from diesel fumes
3	15/11/2013	Odour from diesel fumes
6	15/11/2013	Noise from ship's generators, odour from diesel fumes - health concerns
2	23/11/2013	Odour from diesel fumes - health concerns
2	24/11/2013	Odour from diesel fumes
5	25/11/2013	Odour from diesel fumes - health concerns
7	25/11/2013	Odour from diesel fumes
8	25/11/2013	Odour from diesel fumes
4	25/11/2013	Noise from music and announcements on the ship, odour from diesel fumes - health concerns
9	25/11/2013	Odour from diesel fumes - health concerns
10	25/11/2013	Noise from music and announcements on the ship, odour from diesel fumes - health concerns
3	25/11/2013	Noise from music and announcements on the ship, odour from diesel fumes - health concerns
11	25/11/2013	Odour from diesel fumes
12	25/11/2013	Odour from diesel fumes - health concerns
2	25/11/2013 (AM)	Odour from diesel fumes - health concerns
2	25/11/2013 (PM)	Odour from diesel fumes - health concerns
12	25/11/2013	Odour from diesel fumes - health concerns
13	1/12/2013	Noise from music and fireworks (private function)
14	5/12/2013	Odour from diesel fumes - health concerns
15	5/12/2013	Odour from diesel fumes - health concerns, noise
16	5/12/2013	Odour from diesel fumes - health concerns
5	5/12/2013	health concerns
2	5/12/2013	Odour from diesel fumes - health concerns
17	5/12/2013	Odour from diesel fumes - health concerns
7	5/12/2013	Odour from diesel fumes - health concerns
4	5/12/2013	Odour from diesel fumes - health concerns
18	5/12/2013	Odour from diesel fumes - health concerns, noise
19	5/12/2013	Noise and vibration
2	6/12/2013	Odour from diesel fumes - health concerns, noise
10	6/12/2013	Odour from diesel fumes - health concerns, noise
12	6/12/2013	Odour from diesel fumes - health concerns, noise
15	6/12/2013	Odour from diesel fumes - health concerns, noise

Note: A Copy of all submissions have been forwarded to both the NSW Department of Planning and the NSW Environmental Protection Authority.

**Representation to Council from a Community Meeting on 26 November 2013 at Clontarf Cottage**

Following the Council meeting of 23 November 2013, Council received an additional submission.

Details were provided of a Community Meeting held on 26 November 2013 at Clontarf Cottage. It was requested that the resolution from the community meeting and a selection of comments from residents (highlighting impacts) included in Councils' report.

The representations to Council raised issues as follows:

**RESOLUTION: COMMUNITY MEETING, 26 NOVEMBER 2013 Clontarf Cottage - CRUISE SHIP AIRPOLLUTION AND NOISE IMPACTS**

*The community wishes to bring to the immediate and urgent attention of our local State Member of Parliament, Mr Jamie Parker MP (Balmain), for his referral to State Parliament, relevant government agencies and authorities, and to Leichhardt Council; a range of adverse and ongoing impacts from the operation of the Cruise Ship Terminal, which is located adjacent to the high density residential population at Balmain.*

*Concerned residents require immediate action from government and relevant agencies to resolve the significant health, pollution and noise impacts which severely affect the surrounding community.*

*The critical issues are:*

- *the very significant impact of ships fumes, noise and vibrations which affect the health and amenity of the surrounding community, including families with children*
- *the unfair and onerous measures that residents must now take to avoid ships fumes and noise such as: closing doors and windows (reducing ventilation), reduced use of outside living spaces and other amenity*
- *the high level of exposure to ships fumes, and the health risks and effects of this exposure over time*
- *the lack of information on the composition of the fumes*
- *how pollution 'sits' in the local area during certain weather conditions, especially hot and humid.*
- *the irregular hours of operation which exacerbates noise and other disturbance to local residents.*
- *the inability of the Sydney Ports Corporation to manage and control the impacts of the cruise ship terminal as well as their lack of responsiveness to the serious impacts faced by residents.*

**ATTENDANCE: 57 residents      CARRIED: UNANIMOUS**

**SELECTED COMMENTS FROM RESIDENTS**

*[Note: content unchanged - format edited for reporting purposes]*

<b>Resident 1</b>	<i>I have to close up the house from the fumes. I will not be able to open my window for ventilation on a hot summers evening.</i>
<b>Resident 2</b>	<i>Being an old house the fumes still get in. I then have to leave .</i>

<b>Resident 3</b>	<i>I feel sick as soon as the ships are berthed . Headache, blocked ears , swollen throat, heavy chest . I lose all my energy and often feel nauseated .</i>
<b>Resident 4</b>	<i>I cannot invite anyone to my home, if I know a ship will be in, as it is impossible to be here if the wind is blowing from the south.</i>
<b>Resident 5</b>	<i>In the heat of summer the pollution will' sit heavy 'over the surrounding area.</i>
<b>Resident 6</b>	<i>What was the government thinking when they allowed a residential area to be exposed to a huge fuel stack just metres away.</i>
<b>Resident 7</b>	<i>Today the noise was distressing after all weekend with two huge ships; Oosterdam: two smokestacks filled with funnels &amp; Volendam, filling our environment with smelly polluted air. We had loud announcements extravaganza with alarms, bells, chimes by Volendam, most of Saturday. The Oosterdam provided a similar long fan-fare on departure on Sunday. Residents had no choice but to do their best in talking over the disturbance.</i>
<b>Resident 8</b>	<i>The Pacific Jewel is shocking for loud music &amp; loudspeaker announcements. I have just sent an email to Ports complaining of the noise from the loudspeakers. Why can't they just use the ships internal speakers instead of using the external speakers as well. The diesel fumes have been bad this afternoon and from around 2pm onwards they became worse.</i>
<b>Resident 9</b>	<i>The southerly has hit and fumes from the cruise ship currently docked at White Bay is overpowering our neighbourhood. It is so strong, it's made it part way up Darling Street toward East Balmain.</i>
<b>Resident 10</b>	<i>I complained to Sydney Ports who had no explanation as to why the ship would suddenly be making so much noise. I have now (at 11:10am) just listened to the ship's loud speaker</i>
<b>Resident 11</b>	<i>John, if you are in Balmain this morning, drop by Grafton street and witness the racket the ship Volendam has just started making. It was quiet before 10:45am so no idea why it suddenly became so noisy!</i>
<b>Resident 12</b>	<i>We are concerned with the impact of toxic diesel fumes entering our homes virtually every time a ship comes in, which are having a severe impact on us. As stated by the WHO just recently, these fumes are now regarded as carcinogenic.</i>
<b>Resident 13</b>	<i>The cruise ship noise (announcements/partying) could be heard clearly about half a kilometre away.</i>
<b>Resident 14</b>	<i>My eyes have wept on both days. Today from 1pm with the addition of sneezing. Today we have two stacks pumping out diesel.</i>
<b>Resident 15</b>	<i>It was not only the fumes the music &amp; loud speaker announcements were extremely loud &amp; intrusive. I had to leave the house.</i>

***Effectiveness of the monitoring of the air pollution near the White Bay Cruise Terminal in capturing air pollution events***

As previously stated, the terminal commenced operations in April 2013.

The Operational Environment Management Plan for the White Bay Cruise Terminal, requires that Sydney Ports perform Air Quality Monitoring for a period of two weeks on four occasions during the first year of operation.

On 3 December 2013 Sydney Ports provided the following information regarding the location and air quality testing being undertaken. This information is provided (in general terms) below:

- The White Bay Cruise Terminal Operational Environmental Management Plan (OEMP) was approved for implementation by the Department of Planning and has been prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004), and sound engineering and environmental practice. A copy of the OEMP is available on Sydney Ports' website at:  
[http://www.sydneyports.com.au/\\_\\_data/assets/pdf\\_file/0006/28752/WBCT\\_OEMP\\_Cruise\\_Operations\\_.pdf](http://www.sydneyports.com.au/__data/assets/pdf_file/0006/28752/WBCT_OEMP_Cruise_Operations_.pdf)
- An Operational Air Quality Management Plan (AQMP), as a sub plan of the OEMP, has been implemented to manage air quality at White Bay when a cruise ship is berthed at WB5 and/or WB4. The AQMP includes identification of air pollution sources, management and mitigation measures and a monitoring program.
- The location of the air monitoring equipment has been determined by an independent external advisor to Sydney Ports in accordance with Australian Standard **AS 2922-1987** Ambient air - Guide for the siting of sampling units.
- The location of the equipment is generally consistent with that detailed in the *White Bay Passenger Terminal Air Quality Assessment*, dated 30 July 2010, prepared by Sinclair Knight Mertz, assessed and determined by the NSW Department of Planning as part of the original assessment
- The Air Quality Management Plan (required by the original conditions of consent) sets parameters including that monitoring will be done for a minimum of two weeks, four times per year. This testing will occur in the first instance when the worst case scenario of 2 ships berthed simultaneously at White Bay 4 and 5 occurs. Based on these requirements, Sydney Ports then identifies a suitable 2+ week period for each monitoring campaign. The first round of air quality monitoring occurred from 21 September to 7 October (capturing 3 ship visits).
- The purposes of air quality monitoring in the vicinity of White Bay 5 and White Bay 4 will have a number of objectives. The key objectives will be to:
  - Provide a method to assess compliance against air quality criteria;
  - Measure any change in background air quality due to WB5 and WB4 activities.

#### ***Council's Role and Action taken***

Council has no regulatory function in relation to investigating breaches of consent conditions or pollution matters (noise, air quality or odour) associated with the facility.



Breaches of Conditions

Order 18 under Part 6, s124 of the Environmental Planning and Assessment Act 1979 ('EPA Act 1979') is the relevant provision to enable an Authorised Officer to require compliance with a Part 3A approval. In this regard, additional preconditions are placed on the use of this power. Specifically, s124(3) of the EPA Act 1979 stipulates that "An order under item 18 of the Table to subsection (1) may only be given by the Minister or the Director-General."

Accordingly, as this facility was approved by the Minister for Planning under the former Part 3A of the EPA Act 1979, the NSW Department of Planning is responsible for the investigation and enforcement of conditions of that consent.

Air Pollution / Noise / Odour

Section 6 of the Protection of the Environment Operations Act 1997 (POEO) stipulates who the Appropriate Regulatory Authority (ARA) is for dealing with Air Pollution, Noise or Odour issues.

The provisions provide that the Environmental Protection Authority (EPA) is the ARA as:

- The facility is a scheduled activity (defined under Schedule 1 of POEO)
- Facility is owned and operated by Sydney Ports – a State public authority,
- When the ships are berthed at the Wharf, they are situated outside Leichhardt Municipal Council area boundaries

Action taken

As Council has no ability to undertake a regulatory function, Council has been in contact with Sydney Port, the NSW Department of Planning and the NSW Environmental Protection Authority.

Information on action taken by Sydney Ports has been provided (detailed elsewhere within this report) and all submissions received have been forwarded to the appropriate regulators for review, investigation and action as appropriate.

**Effectiveness of current monitoring**

As detailed above, the Part 3A Approval provided detailed requirements to monitor air quality, odour and noise.

The original assessment was provided by experts in their respective fields and subsequent assessed and determined as appropriate by the NSW Department of Planning.

The monitoring program has set requirements for compliance and equipment is to be installed in accordance with Australian Standards. In addition, the program is being undertaken by independent consultants.

***The costs and viability of council undertaking its own monitoring of the air pollution being generated by the cruise ships in White Bay***

Council currently does not have the skill set or the resources to undertake air monitoring of this facility.

Preliminary contact with appropriately qualified consultants and taking into account staff time to liaise and review documentation indicates that it would cost a minimum \$25,000 per month.

***Possible actions Council may be able to take to alleviate this issue.***

Councils options can include:

- Continue liaising with the relevant regulators, following up on progress of investigation and any action taken
- Forwarding any new submissions to the relevant regulators for investigation and action
- Provide advice to residents of who to contact at the relevant authority
- Provide a political response to the relevant Ministers
- Provide advice to residents that they may wish to apply for information to Sydney Ports, NSW Department of Planning or the NSW Environmental Protection Authority under the provisions of the Government Information (Public Access) Act 2009
- Though a costly exercise, Council could engage a contractor to undertake air / odour monitoring and forward results to the appropriate regulators for review
- Provide advice to residents that they may wish to seek their own legal advice as to legal action they may wish to take
- As Council is collecting complaints and forms the opinion that action has not been adequate by the regulators, the matter can be referred to the NSW Ombudsman

**5. Summary/Conclusions**

The terminal was approved by the NSW Department of Planning subject to numerous conditions.

Council has no regulatory powers to undertake investigations or enforcement action regarding this matter. It is a state run facility and was approved by the state. It is the NSW Department of Planning who is responsible for the investigation and enforcement of conditions on approval they have issued. Whilst the NSW Environmental Protection Authority (EPA) is the Appropriate Regulatory Authority for investigation and enforcement of pollution and odour matters under the Protection of the Environment Operation Act 1997.

Undertaking additional monitoring is time consuming and costly. It will double up on the air monitoring already being conducted by independent consultants. Furthermore it is not Council's role to be satisfied with the outcomes of the testing or compliance with the conditions of approval. If the regulators feel there are inconsistencies with the monitoring program, they are empowered to obtain their own monitoring system to confirm or detect breaches.

Attachment A

**AIR QUALITY IMPACTS:**

B28. The Proponent shall operate the project with the objective that emissions from cruise ships operating at White Bay Terminal 4 and 5 do not result in an exceedance of the ambient air quality impact assessment criteria specified in Table 3.1 of the report titled *White Bay Passenger Terminal Air Quality Assessment*, dated 30 July 2010, prepared by Sinclair Knight Mertz.

**Note:** Table 3-1: Air Quality Impact Assessment Criteria of the *White Bay Passenger Terminal Air Quality Assessment*, dated 30 July 2010, prepared by Sinclair Knight Mertz provides the following:

<b>Pollutant</b>	<b>Averaging Period</b>	<b>Concentration (<math>\mu\text{g}/\text{m}^3</math>)</b>
Nitrogen dioxide (NO <sub>2</sub> )	1 hour	246
	Annual	62
Fine particulates (PM <sub>10</sub> )	24 hours	50
	Annual	30
Sulphur dioxide (SO <sub>2</sub> )	10 minutes	712
	1 hour	570
	24 hours	228
	Annual	60

**Odour**

B29. The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted from the site which impacts on any sensitive receptors. Burning of any garbage, vegetation or other combustible material is not permitted.

**NOISE & VIBRATION IMPACTS****Operation Noise Limits – Cruise Ship Days****D1. (As Modified on 14/9/11)**

The Proponent shall design, construct, operate and maintain the project using all reasonable and feasible precautions and measures to achieve the objective that noise contributions from activities on Cruise Ship Days associated with the project do not contribute to an exceedance of the noise criteria specified in Table 1, at those locations and during those periods indicated.

The criteria apply under:

- a. wind speeds up to  $3\text{ms}^{-1}$  (measured at 10 metres above ground level); or
- b. temperature inversion conditions up to  $3^{\circ}\text{C}$  per 100 metres and wind speeds up to  $2\text{ms}^{-1}$  (measured at 10 metres above ground level).

Table 1 Noise Criteria (dBA)

Location	Day 7.00am to 6.00pm on any day		Evening 6.00pm to 10.00pm on any day		Night 10.00pm to 7.00am on any day		
	L <sub>Aeq</sub> 15 minutes	L <sub>Aeq</sub> Period	L <sub>Aeq</sub> 15 minutes	L <sub>Aeq</sub> Period	L <sub>Aeq</sub> 15 minutes	L <sub>Aeq</sub> Period	L <sub>A1</sub> 1 minute
Grafton Street, Balmain	56	N/A	54	N/A	49	N/A	55
Donnelly Street, Balmain	54	N/A	52	N/A	49	N/A	59
Dockside Apartments	60	N/A	57	55	53	46	63
Refinery Drive, Pyrmont	55	N/A	53	N47	51	42	61
Oxley Street, Glebe	58	N/A	47	N/A	47	43	57
Cameron's Cove Balmain	50	N/A	48	N/A	45	42	55

Where these criteria cannot be met, the Proponent shall take appropriate measures to limit any impacts and shall submit a report to the Director General upon the implementation of those measures. These measures may include operational changes, further on-site mitigation to infrastructure or off-site mitigation measures.

The Proponent shall notify Leichhardt Council and properties at which the noise criteria was exceeded as to the circumstances that led to the exceedance and measures to be implemented to address potential future exceedances.

- D2. For the purpose of assessment of noise contributions specified under condition D1 of this approval, noise from the project shall be:
- a. measured at the most affected point on or within the site boundary at the most sensitive locations to determine compliance with L<sub>Aeq</sub>15 minute and L<sub>Aeq</sub> Period noise limits;
  - b. measured in the free field at least 3.5 metres from any vertical reflecting surface in line with the worst-affected dwelling façade to determine compliance with L<sub>A1</sub> 1 minute noise limits; and
  - c. subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the project be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by DECCW (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000). Details of such an alternative noise assessment method accepted by DECCW shall be submitted to the Director-General prior to the implementation of the assessment method.

**D3. (As Modified on 14/9/11)**

Notwithstanding conditions D1 and D2, the terminal buildings are to be designed and constructed to incorporate the noise mitigation measures committed to in the documents listed in condition A1 and noise emissions from mechanical plant associated with the terminal buildings shall be limited to a maximum sound power level of 92dBA.

**Operation Noise Limits – Functions****D4. (As Modified on 14/9/11)**

The Proponent shall design, construct, operate and maintain the project to ensure that the LA10 noise emitted from Functions does not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz- 5kHz inclusive) by more than 5dB between 7.00 am and 12.00 midnight at the boundary of any affected sensitive receiver.

The Proponent shall ensure that the LA10 noise emitted from Functions shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz- 5kHz inclusive) between 12.00 midnight and 7.00 am at the boundary of any affected sensitive receiver. For the purpose of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the site

**NOISE MONITORING AND REPORTING****Noise Monitoring – Cruise Ship Days**

D11. The Proponent shall within 12 months of operation undertake monitoring of noise levels from a representative sample of cruise ships, as defined in the Operation Noise Management Plan. The monitoring shall confirm that the project is meeting the noise criteria listed in Condition D1. If the noise monitoring indicates an exceedance of the noise levels identified in Condition D1, the Proponent shall implement further reasonable and feasible measures (where required) in accordance with the procedures outlined in the Operational Noise Management Plan.

The Proponent shall submit a copy of the outcome of the monitoring results to the Director-General within one month of monitoring being undertaken.

**Noise Monitoring – Functions**

D12. Noise monitoring shall be carried out for functions incorporating outside activities, from 6.00pm and up to 12.30am. The results of the monitoring shall be forwarded to the Department on a quarterly basis (with the report required by Condition D13) and made available to the Police and Council upon request. Noise monitoring is to be undertaken in accordance with AS1055 for outdoor sound level measurements, or a commensurate method identified in the Operational Noise Management Plan.

D13. At the end of each quarter the Proponent shall prepare a Compliance Summary Report. The report shall provide a summary of:

- a. each function held and the number of patrons permitted in each hall;
- b. any event compliance issues for that quarter, particularly in relation to:
  - i. noise impacts and monitoring results, including complaints received; and
  - ii. traffic impacts.

The report shall be integrated into the **Compliance Tracking Program** required under Condition B38 and made available to the Director-General on request.

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- D.15 The Proponent shall prepare and implement an Operational Environmental Management Plan that details the environmental management framework, practices and procedures to be followed during the operation of project. The Plan shall be consistent with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The Plan shall be prepared in consultation with relevant Government agencies, including but not limited to the RTA, Transport NSW, NSW Maritime, DECCW, Emergency Services and Council, and shall include, but not necessarily be limited to:
- a. a description of all relevant activities to be undertaken during the operation of the project, including for cruise ship days and functions;
  - b. statutory and other obligations that the Proponent is required to fulfil during operation, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - c. a description of the roles and responsibilities for all relevant employees involved in the operation of the project; and
  - d. details of how the environmental performance of the project will be managed and monitored, and what actions will be taken to address identified adverse environmental impacts. In particular the following environmental matters shall be addressed in the plan:
    - i. transport and traffic management and site access;
    - ii. noise management;
    - iii. air quality and odour management;
    - iv. stormwater and water quality management;
    - v. landscaping maintenance;
    - vi. hazards and risks and emergency responses;
    - vii. energy and water consumption;
    - viii. waste management; and
    - ix. community consultation, enquiries and complaints system.
- D16. As part of the Operational Environmental Management Plan for the project required under Condition D15 of this approval, the Proponent shall prepare and implement:
- a. an **Operational Transport, Traffic and Access Management Plan**. The plan is to be prepared in consultation with the RTA, Transport NSW, Council and Emergency Services. The plan is to detail measures to manage the operational traffic impacts for the project, and shall have consideration of the *Guide to Traffic and Transport*

*Management for Special Events.* The Plan shall include but not be limited to:

- i. standard operational traffic management measures and procedures used during cruise ship and function operations for a range of expected operational scenarios, including measures to reduce peak AM and PM vehicle movements;
  - ii. special events procedures to manage traffic and car parking impacts during non-standard events (such as arrival of large cruise ships, early arrival or late departure of cruise ships) that are likely to cause extensive queuing and traffic delays;
  - iii. parking arrangements for long term stays;
  - iv. priority infrastructure for taxis and hire cars to enter and exit the site during cruise ship visits;
  - v. predicted traffic volumes, types and routes;
  - vi. a Workplace Travel Plan to promote the use of the shuttle bus service and public transport, walking and cycling by employees;
  - vii. a Transport Access Guide to inform passengers patrons of transport options to the site, including the shuttle bus service;
  - viii. the maintenance of safe pedestrian and cycle access from Robert Street to White Bay Wharf No: 5;
  - ix. the provision of safe public access to the foreshore; and
  - x. a procedure for handling traffic and access complaints that includes recording, investigating, reporting and follow-up action.
- b. an **Operational Noise Management Plan** is to be prepared in consultation with Council. The plan is to detail measures to manage the operational noise impacts for the project, including but not limited to:
- i. identification of noise sources and scenarios associated with the operation of the project, including for cruise ship days and functions;
  - ii. noise mitigation measures to be applied during the use of the project during cruise ship days and functions;
  - iii. selection of quite equipment and plant consistent with the noise limit requirements of this approval;
  - iv. maintenance regimes of all equipment to ensure correct working order;
  - v. a monitoring and recording regime for cruise ship operations and functions; and
  - vi. a procedure for handling noise complaints that includes recording, investigating, reporting and follow-up action.
- c. an **Operational Odour Management Plan** to outline measures to minimise odour impacts associated with the operation of the project. The Plan shall include, but not necessarily be limited to:
- i. identification of all point and diffuse sources of odour associated with the operation;
  - ii. a detailed description of the odour mitigation methods and management practices that will be used to ensure offensive odour impacts do not occur off site;

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- iii. a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all point and diffuse sources of odour; and
  - iv. details of proposed contingency measures should odour impacts occur; and
  - v. a procedure for handling potential odour complaints that includes recording, investigating, reporting and follow-up action.
- d. an **Operational Air Quality Management Plan** to detail measures to manage the air quality impacts of the project and to ensure the operation of the project addresses the air quality criteria identification in Condition B28. The Plan shall include, but not necessarily be limited to:
- i. identification of all sources of sulphur dioxide (SO<sub>2</sub>) and solid particles associated with the operation of the project.
  - ii. identification of potential air quality impacts from the operation of the project;
  - iii. an air quality monitoring programme to confirm the air quality performance of the project during cruise ship days;
  - iv. a description of (SO<sub>2</sub>) and solid particle mitigation measures and management practices that could be implemented should exceedences of the air quality criteria in Condition B28 occur as a result of the project;
  - v. demonstration how the requirements of Condition B30 (Shore to Ship Power) have been considered;
  - vi. an outline of all responsibilities regarding air quality management for all employees, and
  - vii. a periodic review of the air quality management plan, which includes a review of the extent to which the air quality criteria have been met, complaints from external stakeholders, effectiveness of mitigation measures and any other changing circumstances.