

White Bay Cruise Terminal Noise Restriction Policy

Title	White Bay Cruise Terminal – Noise Restriction Policy
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Background

Port Authority of NSW has developed a Noise Mitigation Strategy for White Bay Cruise Terminal (WBCT) to provide reasonable and feasible noise mitigation and management measures, to address the requirements of the Project Approval¹. The Noise Mitigation Strategy is designed to address noise at the receiver (homes) as well as noise at the source (cruise vessels) and comprises the following three elements:

- a) Noise Attenuation Program;
- b) Noise Restriction Policy; and
- c) Noise Monitoring.

Policy

This Noise Restriction Policy aims to ensure that restrictions to on-board announcements and music are strictly observed and that noise from cruise ships utilising WBCT does not trigger the need for further noise mitigation, beyond that currently identified in the Noise Impact Mitigation Strategy Report².

The current Harbour Master's Directions in relation to the use of WBCT expressly prohibits external non-safety announcements³ and/or music on-deck whilst at berth.

This policy works in conjunction with the current Harbour Master's Directions. Port Authority will enforce this policy by imposing consequences on vessels which do not observe the restriction to external non-safety announcements and music (defined in this policy as Excessive Noise).

Port Authority have committed to a program of providing noise attenuation to residences in the vicinity of WBCT (the Noise Attenuation Program), based on an expected maximum ship noise level (including noise from WBCT cruise ship engines, generators and ventilation). Port Authority will provide attenuation to a defined area of residences where noise modelling⁴ indicates that current noise levels reach or exceed

¹ Project Approval MP 10_0069 dated 2 February 2011 (as modified).

² As described in the SLR Consulting Australia Pty Ltd report *White Bay Cruise Terminal, Noise Impact Mitigation Strategy, Cruise Operations*, November 2017.

³ The Harbour Master's Directions (available on the Port Authority website: portauthoritynsw.com.au) state that testing of ships horns / whistles prior to sailing or safety drill alarms or announcements are permitted. All deck announcements and music from open decks is not permitted. Safety drill announcements are permitted to all decks prior to departure. All music and non-safety related announcements must be kept to internal ship areas until well clear of the berth.

⁴ As described in the SLR Consulting Australia Pty Ltd report (November 2017).

55dBA at night ('attenuation eligibility trigger'). Cruise ship noise which causes further residences than those currently identified to exceed the attenuation eligibility trigger will also be considered to be Excessive Noise, and may result in limitations to such a vessel's future use of WBCT.

Excessive Noise as defined in this policy⁵ therefore applies to noise originating from a passenger vessel, as follows:

- a) external non-safety announcements or music played on-deck; and
- b) any noise including but not limited to engine, generator or ventilation noise which causes further residences than those currently identified to exceed the attenuation eligibility trigger.

Port Authority will consider exempting incidents of Excessive Noise that are otherwise unavoidable on a case-by-case basis. This could include instances of equipment malfunction or failure beyond the control of the cruise ship operator.

Consequences for Breaches of Excessive Noise part a): external non-safety announcements or music played on-deck

Under the Port Authority's Schedule of Port Charges, Site Occupancy Charges for WBCT, a "Good Neighbour" Charge would be imposed by Port Authority for the use of WBCT, but would be rebated to the vessel for compliance with the Excessive noise requirement part a) of the Noise Restriction Policy.

- **First Breach: Warning Letter**

If noise reasonably considered by Port Authority to have originated from a passenger vessel constitutes Excessive Noise for the first time, a warning letter is issued to the vessel master and copied to the relevant cruise line/cruise company as a notice of a breach of the noise restrictions set in this policy. The "Good Neighbour" Charge would be rebated in this instance.

- **Subsequent Breaches: Forfeit of "Good Neighbour" Rebate**

If following a first breach, noise reasonably considered by Port Authority to have originated from a passenger vessel constitutes subsequent Excessive Noise (a subsequent breach), a letter will be issued to the vessel master and copied to the relevant cruise line/cruise company, advising of the subsequent breach of the noise restrictions set in this policy. Subsequent occurrences of Excessive Noise by a vessel will have the consequence that the "Good Neighbour" Rebate would be forfeited in full for each subsequent breach.

At any time, Port Authority may request a vessel which has breached the noise restrictions to demonstrate that subsequent occurrences of Excessive Noise will not occur at the WBCT facility. If a vessel does not demonstrate improvements, Port Authority may not permit the vessel to utilise the WBCT facility until such time as improvements can be demonstrated.

⁵ Note that Excessive Noise as defined in this policy does not refer to non-compliance with Noise Criteria as described in the Project Approval MP 10_0069 dated 2 February 2011 (as modified).

Consequences for Breaches of Excessive Noise part b): engine, generator or ventilation noise

- **First Breach: Warning Letter**

If noise reasonably considered by Port Authority to have originated from a passenger vessel constitutes Excessive Noise for the first time, a warning letter is issued to the vessel master and copied to the relevant cruise line/cruise company as a notice of a breach of the noise restrictions set in this policy.

- **Second Breach: Overnight Relocation**

If noise reasonably considered by Port Authority to have originated from a passenger vessel constitutes Excessive Noise for the second time, a second letter will be issued to the vessel master and copied to the relevant cruise line/cruise company, advising of the second breach of the noise restrictions set in this policy. If this second occurrence of Excessive Noise occurs between the hours of 2200 and 0700, it may have the consequence that the vessel will also be notified that future overnight stays will be required to be relocated (at the vessel's cost) to an anchorage between the hours of 2200 and 0700 (subject to availability).

- **Third Breach: White Bay Cruise Terminal Ban**

If noise reasonably considered by Port Authority to have originated from a passenger vessel is Excessive Noise for the third time, a third letter will be issued to the vessel master and copied to the relevant cruise line/cruise company, advising of the third breach of the noise restrictions set in this policy. A third occurrence of Excessive Noise by a vessel will have the consequence that the vessel will no longer be permitted to utilise the WBCT facility.

If a vessel serving a third breach has a pre-existing booking within the cruise season cycle (1 July to 30 June), current at the date of issue of the Third Breach letter the vessel may be permitted to use WBCT for the turnaround process⁶ only within the cruise season cycle, and not stay overnight. However, the vessel may be moved to an anchorage (as available) for the balance of the slot.

Each breach by a vessel is recorded at the time it occurred. The breach tally is cumulative and a vessel remains on record for Excessive Noise for the first, second or third occurrence until such time as the vessel receives approval from Port Authority for review of the breach status.

Application to request review of breach status

A request may be made on behalf of a vessel for Port Authority to review its record of breach(es) by demonstrating implementation of an adequate change, which may be combined with adequate policy or procedural change. The standard required will be change to a level which demonstrates to Port Authority a likelihood of averting future recurrence, and may include the following measures:

- a) A physical change such as completion of engineering works to vessel to reduce engine/generator and/or ventilation noise. This would require documentation to be provided by the cruise ship operator to demonstrate reduced noise level following the works.

⁶ Turnaround means the process of disembarking all the vessel's incoming passengers at the end of their journey and embarking onto the vessel the new outgoing passengers to commence their journey.

- b) Demonstrated changes to ensure music no longer played to open deck areas, and/or announcements are only made in relation to safety to open deck areas.

Only after applying to request review of breach status and demonstrating to Port Authority the changes mentioned in a) and b) above, will Port Authority consider reinstating a vessel's eligibility to berth at WBCT.

Monitoring

In administering this policy, Port Authority will utilise a real time audio recording device to capture noise and a continuous (unattended) monitoring device to measure noise levels⁷.

Operator-attended noise monitoring may be undertaken at a number of locations in response to complaints or as required, to correlate with continuous noise monitoring for previously unmonitored ships.

General

This policy is to be read in conjunction with the Port Authority's Cruise Booking Policy and terms and conditions governing berthing of passenger vessels and Port Authority facilities. To the extent of any inconsistency, these terms will prevail.

⁷ As described in the White Bay Cruise Terminal Operational Noise Management Plan - Cruise Operations (June 2018)