

# Greenwich Community Association General Meeting

Held at Greenwich Memorial Community Hall, Greenwich Road  
10 December 2014

## Minutes of Meeting

**The meeting opened at 7:35pm**

**Present:** As per the attendance book

### 1) Welcome

President Tom Gervay welcomed guest speakers Megan Lockery, Principal Greenwich Public School and Greg Purcell Senior Anaesthetist from RNSH and all others attending.

### 2) Apologies

Apologies were received from Pam Palmer and Merri Southwood.

### 3) Confirmation of Minutes of previous meeting

The minutes of the previous GCA Annual General Meeting held 22 October 2014 were tabled.

**Motion:** The minutes are accepted.

Moved by John Southwood, seconded by Patricia Quealey and passed.

### 4) Matters arising from the Minutes

Any matters arising from the minutes were discussed during the meeting.

### 5) Presentations

#### a) Megan Lockery

Megan Lockery, Principal Greenwich Public School gave a presentation on the school covering managing the two campuses, current enrollments, the catchment area, the flow of students to other schools, the school's role as a feeder for Hunters Hill High School, the recent construction of the Heritage Walk at the school and the school's values and how they are applied and reinforced. Renovation of the heritage Greenwich Road Infant Site campus commenced in April immediately following an adverse inspection report. The renovations are expected to take at least 12 months and include replacement or repair of sandstone features using original Gosford Quarry sandstone ,

repair of brickwork, replacement of electrical wiring in the roof structure, replacement of roof batons, installation of roof insulation and replacement of original slate tiles.

This was followed by a number of questions and answers.

The President thanked Megan for giving up her time to brief the meeting so thoroughly on the school, which is such an integral part of the Greenwich community.

#### **b) Greg Purcell**

Greg Purcell Senior Anaesthetist from the RNSH Staff Association addressed the meeting on the issues surrounding the proposed sale of a portion of the RNSH site by the Department of Health. The Staff Association opposes the sale on the basis that it will limit future options for the delivery of health services on the site. The staff is limited in their ability to protest about the sale and is seeking support from the community in their campaign. There is a petition which accessible through the [save.rnsh.org](http://save.rnsh.org) website and they are asking that the community sign the petition. The petition has already attracted significant community support.

**Motion:** That the GCA draft a letter of support for the Save RNSH campaign addressed to the Minister for Health, Liz Gill to draft.

Proposed Liz Gill, seconded Patricia Quealey and passed.

The Save RNSH campaign is requesting that the community show its support by attending the planned protest to be held when the Minister opens the new Clinical Services Building at 1:30pm on Friday 12 December 2014. The Clinical Services Building is on Westbourne Avenue about 100 metres up from Herbert Street.

The President thanked Greg for his presentation and wished him success with the campaign.

#### **6) President's Report**

The correspondence in the following report indicates much of the activity of the Association since the last General Meeting.

The Viva Energy Gore Bay Terminal and the issues around it have been prominent in the work of the Executive Committee. Anthony Roberts MP requested a meeting with representatives of the GCA to discuss Gore Bay and out of that came three letters on the key issues that he has undertaken to follow up.

Tom Gervay has met with Craig Wrightson, GM LCC to discuss the Planning Assessment Commission's imminent determination of the Viva Energy Clyde Terminal SSD and its impact on Gore Bay.

#### **7) Secretary's Report**

Rob Hunter, Secretary reported that since the GCA General Meeting of 10 October 2014:

Correspondence Received:

<i>Date</i>	<i>From</i>	<i>Subject</i>
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<i>Date</i>	<i>From</i>	<i>Subject</i>
12/11/14	The Hon Niall Blair MLC	Response to GCA Letter to the Minister for Police and Emergency Services on the 10/50 Vegetation Clearing Entitlement
Spring 2014	Lane Cove Bushland Newsletter	The Golden Whistler

Correspondence Sent:

<i>Date</i>	<i>To</i>	<i>Subject</i>
27/10/14	The Hon Anthony Roberts MP, Member for Lane Cove	Shell (Viva Energy) Gore Bay Terminal, Greenwich Road, Greenwich
27/10/14	Councillor David Brooks Horn, Mayor of Lane Cove	Gore Bay Terminal Integrated Emergency Management Plan
30/10/14	General Manager, Lane Cove Council	Draft St Leonards Public Domain Master Plan
31/10/14	The Hon Prue Goward MP, Minister for Planning	Shell (now Viva Energy) Gore Bay Fuel Terminal State Significant Development Application SSD 5148
3/11/14	The Hon Mike Baird MP, Premier	Shell Gore Bay Terminal – Emergency Management Plans
13/11/14	The Hon Rob Stokes MP, Minister for the Environment	Review of EPA Licence No 661 and Operations at Gore Bay Terminal
2/12/14	The Hon Anthony Roberts MP, Member for Lane Cove	Viva Energy (formerly Shell) Gore Bay Terminal Petrol Storage
2/12/14	The Hon Anthony Roberts MP, Member for Lane Cove	Viva Energy (formerly Shell) Gore Bay Terminal Human Health Risk Assessment Report from NSW Health
2/12/14	The Hon Anthony Roberts MP, Member for Lane Cove	Viva Energy (formerly Shell) Gore Bay Terminal EPA Licence Review

**8) Treasurer's Report**

The Treasurer, Patricia Quealey presented the report:

**Subscriptions**

No EFT subscriptions were received in November or December. The last two for year were received by post in November. In 2014 subscriptions were received from 272 households an increase of 60 on previous year. The 272 households represent approximately 330 people. This represents an increase of over 100 households since 2012. Total subscription income for the YTD \$2920.00.

**Operating Funds**

Cash in bank	\$4030.00
1 cheque not cleared (BPN)	(\$500.00)

Invoice due - Last Newsletter	(\$450.00)
Funds at end of year approximately	\$3080.00
Funds at start of year	\$5343.00

So this year expenditure was approximately \$2300.00 more than income.

Usual expenses were Newsletter, donations. Extra expenses were Hub Survey, Public Liability Insurance and buying extra bags for bag share.

The term deposit of \$11,963.00 has been rolled over for 3 months (received after maturity date). This financial year interest \$120.00+\$94.00 = \$214.00.

We need to keep interest earned below \$416.00 to avoid having to lodge a tax return.

**Motion:** The report is accepted.

Moved by Liz Walton, seconded by Tom Gervay and passed.

## 9) Report of Subcommittees

### a) Gore Bay Terminal Subcommittee – Merri Southwood, Convener

The Convener's report was presented by Garry Draffin in Merri's absence and is attached at the end of these minutes.

The correspondence drafted by the Subcommittee is covered in the Secretary's Report. No correspondence in reply has been received.

The response to the Petition on the Emergency Plan has yet to be formally received but the Minister for Emergency Services has written to the Clerk of the House and a copy of the letter has been sighted. The formal response is expected to be along the same lines and as such is expected to be unsatisfactory and not provide the transparency that the Sub committee was seeking. Among other things the Minister has referred to a number of existing plans and these will be activated in response to the particular emergency. He is satisfied that the Viva Energy Emergency Plan should remain confidential. The formal response to the Petition is expected soon.

**Motion:** Resolution sought as follows:

- A letter be sent to the Minister from the GCA outlining community concerns once a formal response to the petition is received .The sub- committee will draft and submit to the executive for approval.
- A letter to be sent to the Lane Cove Council regarding the new local emergency planning framework and requesting GCA representation on the committee to review our emergency plan.
- That the community be informed of the outcome of the petition through the next newsletter and noticeboards.

Proposed Garry Draffin, seconded John Southwood and passed.

The Planning Assessment Commission for the Clyde Terminal SSD held a meeting to hear public views on the Department of Planning's Assessment Report and

recommendations on 20 November 2014. Merri Southwood representing the Greenwich Community Association addressed the meeting and made a submission. Several other Greenwich residents also addressed the meeting as individuals. The general theme of the presentations was that the Clyde and Gore Bay Terminals are part of an integrated operation. If Clyde is decided in isolation then the risk is that it will be a fait accompli for Gore Bay. Storage is an issue and the risk is that Gore Bay will store petrol if there are problems with storage at Clyde or with the operation of the pipeline. Legal opinions were presented to the effect that the PAC is obliged to look at Clyde and Gore Bay together. There is the option of a legal challenge to the determination of the PAC but this has serious cost implications if the case is lost.

National fuel security is an issue with the reduction of storage at Clyde and Anthony Roberts has indicated that this is a matter about which he is concerned and is actively discussing with the Federal Government.

**b) Environmental Sustainability Subcommittee – Helen Smith, Convener**

No further report.

**c) Newsletter Publication and Delivery – Convener, Liz Walton**

Snap is currently printing the newsletter at \$450 per edition. This compares with the previous printers Dobsons whose recent pricing was at \$600 per edition. Dobsons had previously given a discounted rate of \$200 per edition but this was discontinued when the business was sold to new owners.

**d) Bicycle Subcommittee – Convener, Dion Weston**

John Southwood presented the report on behalf of the Convener. The full report is included in the attachments to these minutes.

The Subcommittee is meeting tonight and has been active on a number of fronts.

The Subcommittee wishes to make a submission through the GCA to Lane Cove Council on the approach to Section 94 Contributions that it feels should be updated given that it has remained the same for the last 20 years. This could release more funding for active transport initiatives. A draft letter is included in the report.

Representatives of the Subcommittee attended a meeting of the Lane Cove Bicycle Advisory Committee and received a fairly negative response.

The Sub committee will submit proposals to the Council on the current development proposals that will add 3000 residents to St Leonards.

Also the Subcommittee will focus on the bike path on Greenwich Road from River Road to the Pacific Highway and the maintenance of the existing bike paths around St Giles Avenue and the Scout Hall.

**e) Greenwich HUB Steering Committee – John May, Convener**

The Steering Committee has completed its job and now the Establishment Committee has taken over and is working on the constitution, computer system, logo etc. Helen Jones heads the committee with Pam Palmer, Erica Harber and Bev Rodriquez.

The constitution is drafted based on the Waverton Hub; the domain name is established, the website is being worked on, the logo being designed and a bank account has been opened. A meeting has been held with Lane Cove Council who has

offered the Guide Hut for use by the Hub and will put in new carpet and air conditioning.

The Hub budget is being prepared and a launch is targeted for early next year.

A number of people at the meeting indicated that as responders to the survey they had not received the email from the Hub inviting them to join the Establishment Committee etc. John May undertook that a follow up e-mail is sent to all that responded with their e-mail address to the HUB Survey.

## **10) Special Resolutions**

In accordance with the notice given at earlier General Meetings a special resolution was put to the meeting to change the rules of the Greenwich Community Association to increase the current Annual Subscription Membership Fees, specifically section 8(2). This is to address the increases in running costs particularly the production costs of the newsletter and noting that the fees have remained at the same level since the nineties.

### **FEES AND SUBSCRIPTIONS: CLAUSE 8**

GCA Constitution Clause 8 states: ....annual membership shall be ...

- a. Individual member \$10 per member
- b. Family member \$10 per family
- c. Pensioner member \$5 per member

or such higher amounts as may be approved at any General Meeting of the Association.

**Motion:** Part 1 - That clause 8 be amended to the effect that annual membership be increased to:

- a. Individual member \$20 per member
- b. Family member \$20 per family
- c. Pensioner member \$10 per member

### **VOTING: CLAUSE 31**

GCA Constitution Clause 31 (1) states ...'a member including each family member has one vote only.'

**Motion:** Part 2 - That clause 31 be amended to read: 'each family membership shall have one vote only, and where a family wishes to have additional votes, then members of that family shall take out additional individual memberships.'

Proposed by Rob Hunter, seconded by John Southwood and passed.

## **11) General Business**

### **a) Gore Bay Survey**

The last General Meeting passed a motion that a one-page survey of residents in the vicinity of the Gore Bay Terminal is carried out. The survey was drafted by Patricia Quealey and Helen Smith and tabled and discussed at the last Executive Committee meeting. That meeting decided not to proceed with the survey at present but to relook at it in the New Year.

**b) Vote of Thanks**

The meeting recorded a vote of thanks to the President, Vice Presidents, Secretary and the Newsletter Editor for their work during the year.

**c) Shade Structures at Greenwich Shops**

Council has advised that they will be a light colour to minimize heat absorption.

**12)Next Meeting**

The next General Meeting will be the Annual General Meeting and will be held on Wednesday 18 February 2014 at 7:30pm at Greenwich Memorial Community Hall, Greenwich Road.

**13)Close**

The meeting closed at 9:50pm.

## **Attachments**

**Gore Bay Subcommittee Report**

**Bicycle Subcommittee Report**



## Gore Bay Subcommittee Report

### **GREENWICH COMMUNITY ASSOCIATION REPORT TO GENERAL MEETING 10 December 2014 GREENWICH COMMUNITY ASSOCIATION GORE BAY TERMINAL SUB- COMMITTEE**

#### **Sub-Committee Membership**

The sub-committee membership is as follows:-

- Jenny Bowen
- Karen Coleman
- Garry Draffin (Joint Deputy Chairperson)
- Tom Lawson
- Penny Mabbutt (Joint Minute Secretary)
- John May (Joint Deputy Chairperson)
- Ian Meller
- Stuart Warden (Joint Minute Secretary)
- Han Xiao
- Merri Southwood (Chairperson)

#### **Meetings of the Sub-committee**

The sub-committee has met twice since the last GCA general meeting:-

- 3 November 2014 (draft attached)
- 2 December 2014 (no minutes available)

#### **Action arising from last meeting**

To be discussed below.

##### **1. Emergency Management Petition**

As reported at the last meeting the Emergency Management Petition was tabled in the Legislative Assembly in November 2014.

To date there has been no formal response from the relevant Minister to the head petitioner.

A response from the Minister to the Clerk of the Legislative Assembly received by the Clerk on 26 November 2014 is attached.

It is assumed that the response to the head petitioner will be in similar terms.

The letter to the Clerk is unsatisfactory and deficient in a number of areas. In particular the key issues in the petition were transparency and integration of emergency plans. The Minister seems either content that the Viva Energy facility plan remains confidential or he fails to address this aspect of emergency management notwithstanding that any incident on the terminal site is likely to impact residents whose properties directly abut the site. He further indicates that the Sydney Harbour Marine Emergency Sub Plan is the “go to” plan for on water disasters. This plan is elusive and certainly not accessible easily to the public.

The Minister has ignored the lack of any sort of plan for North Sydney/Waverton /Wollstonecraft residents. He has indicated that a new local emergency management framework will be introduced in January 2015 that will guide the review and implementation of local emergency plans. The new framework will allow Lane Council to work with its relevant Local Emergency Management Committee to update local plans. He also indicates that residents were assured of effective emergency management plans by way of community meetings involving Viva Energy [then Shell] and emergency services. This assumption is certainly debatable and hardly supported by the immediate and overwhelming community response to the petition. The Minister states that any necessary integration between the plans that do exist will be arranged as required in response to the type of disaster that occurs.

It is this potential confusion, delay and inefficiency that an integrated plan would have addressed.

***Resolution sought as follows:***

***1. A letter be sent to the Minister from the GCA outlining community concerns once a formal response to the petition is received. The sub-committee will draft and submit to the executive for approval.***

***2. A letter be sent to the Lane Cove Council regarding the new local emergency planning framework and requesting GCA representation on the committee to review our emergency plan.***

***3. That the community be informed of the outcome of the petition through the next newsletter and noticeboards.***

## **2. Correspondence with Anthony Roberts**

As resolved at the last general meeting a letter was sent to Anthony Roberts 27/10/2014 – refer attached letter.

On 28/11/2014 Tom Gervay, Rob Hunter and Merri Southwood met with Anthony Roberts – refer meeting notes.

Anthony Roberts asked the GCA to provide him with three short letters relating to lack of review of the EPA licence since October 2012, concerns re petrol storage at Gore Bay and withholding of health data prepared for the Gore Bay EIS.

These letters have been submitted to Anthony Roberts and we await his response – see 3 letters attached.

## **3. Correspondence with Mayor of Lane Cove**

As authorised at the previous general meeting, the GCA wrote to the Mayor of Lane Cove on 27/10/2014 seeking engagement with the Premier in respect of a coordinated emergency management plan in advance of release of EIS for Gore Bay Terminal.

To date no response has been received.

## **4. Correspondence with Premier**

As authorised at the previous general meeting, the GCA wrote to the Premier 14/11/2014 noting that his previous response had failed to address the issues raised by the GCA 3/7/2014 and seeking a response and meeting – see attached.

To date no response has been received.

#### **5. Review of EPA Licence**

As authorised at the previous general meeting the sub-committee reviewed the letter from the Minister 30/9/2014.

A letter was sent to the Minister by GCA on 13/11/2014 outlining concerns about his previous response, particularly in relation to lack of review post significant operational changes, withholding of information under GIPA (FOI) applications and use of deodorisers to mask odour and emission - attached.

No response has been received to date.

#### **6. Planning Assessment Commission Hearing for Clyde SSD**

At the previous general meeting the Gore Bay Sub-committee was authorised to review the DP&E Assessment Report for the Clyde SSD (including recommendations) then decide whether to make a submission or alternatively send an observer to the Planning Assessment Commission Hearing.

After consideration of the detail of the Assessment Report and the draft conditions of consent and input from Karen Coleman in respect of legal precedent around the need for an assessing authority to take into account impacts of works proposed under a DA, the GCA Executive authorised Merri Southwood to address the hearing on 20/11/2014 in respect of two concerns:-

1. the lack of assessment of the reduction of petroleum product storage capacity at Clyde and the consequent possibility of storage of petrol at Gore Bay Terminal
2. the impact of reduced storage capacity at Clyde on long term fuel security.

Merri Southwood made submissions in terms of the above – attached – and Karen Coleman made a private submission as outlined above. There were a total of 14 presentations made by individuals and community groups from the Lane Cove and Parramatta LGAs.

It is not known if the PAC will accede to the request by Karen Coleman that the determination be delayed pending assessment of the broader impacts of the Clyde SSD.

#### **7. Request for longer period of exhibition of Gore Bay EIS if exhibition occurs over Christmas vacation period**

As authorised at the previous general meeting the GCA wrote to the Minister for Planning on 13/11/2014 seeking a longer exhibition period if the EIS for Gore Bay was exhibited over the Christmas period – see attached.

**Viva Energy advised at the community liaison meeting on 19/11/2014 that it is not known when the EIS for Gore Bay Terminal will be placed on exhibition.**

#### **8. Exhibition of Gore Bay EIS**

Refer 7 above.

#### **9. Viva Energy Community Liaison Meeting**

A community liaison meeting was held on 19/11/2014. Minutes prepared by Viva Energy can be found on <http://www.vivaenergy.com.au/operations/gore-bay/community> but it is noted that the minutes for the last meeting have not yet been uploaded.

#### **10. Review of Current Objectives of Sub-committee**

The immediate objectives of the sub-committee as outlined to the general meeting of the GCA on 18/6/2014 were:-

Emergency Management Team: (EMT) to engage LCC and other relevant authorities associated with safety and risk matters pertaining to the hazards associated with the petrochemical operation for the development of a single Gore Bay Emergency Management Plan.

Gore Bay SSD Team: (SSD) to identify and mobilise resources with the necessary capability and contacts to examine and draft a response to the imminent SSD 5148.

Vitol Engagement Team (VET) to represent the GCA and establish a connection and communication channel with the new management of Vitol in partnership with LCC.

It is noted that little progress has been made in respect of the SSD for Gore Bay Terminal as the EIS has not yet been placed on exhibition.

It was agreed that a major objective this year has been and will continue to be until exhibition of the EIS

Health and Safety of the Community and Environment pending exhibition of Gore Bay Terminal SSD.

GCA Gore Bay Terminal Sub-Committee  
Draft Minutes 3<sup>rd</sup> November 2014

Attendees: G Draffin; T Lawson; J Bowen; J May; I Meller; M Southward; P Mabbutt; K Coleman

1. Apologies: Han Xiao; Stuart Waldron
2. Minutes – none from previous meeting relating to petition.

Business Arising - Third letter sent to Anthony Roberts; Dept of Planning requesting 60 Dyas exhibition; Letter to Mayor of LC re Emergency Mgt Plan & Letter to Premier.

3. Engagement with White Bay residents regarding sulfur content in bunker fuel. MS sent an email to Jamie Parker MP (Greens) asking him to nominate a community member we can contact.

TL has completed some reading relating to the standards of sulfur content of ships and various standards that apply. The following questions need to be answered in preparation for the next Viva Liaison Meeting on 19<sup>th</sup> November and meeting with White Bay residents:

- (i) Viva in bringing cargo will have specifications on sulfur content. In the harbor they burn light marine diesel – what is tested, who tests. Who tests the specs of what the ships use for themselves.
  - (ii) What is the time frame for the legislation for Syd standards – what are they – IMO.
  - (iii) What is the allowable sulphur content of fuel burned by ships at various stages of the passage into Gore Bay.
4. Letter to go to Minister Stokes to advise that the EPA response is deficient, we are unsatisfied and therefore urgently seek a response to our letter and also seek a meeting with them. **Action:** KC to draft a 1 page letter for GCA approval – to comprise 5- 6 points. **ALL** to send relevant points to Karen asap.
  5. PAC –There was discussion regarding the relevance of the Clyde PAC hearing at 4pm on 20<sup>th</sup> November 2014. **Action:** a review of relevant case law and the suspected reduced storage capacity at Clyde and resulting adverse impact on the GBT will be considered to determine whether there is sufficient ground for GCA to present to the PAC on the basis that the Clyde SSD and GBT are an

integrated operation. **KC** to form a view and consider the comment in Schedule D of the Clyde SSD stating that the DA would trigger a review of the entire operation and the Shell response to the SSD public submissions (p38) where they make it clear that GBT serves as a storage site for petroleum products. (Discussion that petrol is a product of Crude). **PM** to provide detail where Shell have publicly stated it would not store petrol at GBT.



## The Hon Stuart Ayres MP

Minister for Police and Emergency Services  
Minister for Sport and Recreation  
Minister Assisting the Premier on Western Sydney

DOC015731-04

Ms Ronda Miller  
Clerk of the Legislative Assembly  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000



Dear Ms ~~Miller~~ *Ronda,*

I refer to a petition lodged by the Member for Lane Cove, the Hon Anthony Roberts MP, regarding an integrated emergency response plan for the Gore Bay Terminal.

I have been advised risk based integrated emergency management arrangements are already in place to address the petroleum import and storage facility at Gore Bay.

There are a number of emergency response plans which address the issues raised in the petition. These include:

- The *NSW State Waters Oil and Chemical Spill Contingency Plan* which is a Sub-Plan of the State Emergency Management Plan. This is administered by Transport for NSW. This Plan details arrangements for maritime agencies to respond to incidents in State Waters, which includes Sydney Harbour and captures Gore Bay.
- The Sydney Harbour Marine Emergency Sub Plan. I am advised the Operators of Gore Bay Terminal were involved in consultations detailing arrangements in this plan. This process allowed for consistency in the arrangements and understanding of interdependent roles and responsibilities and most importantly clarification of control and coordination frameworks.
- The Willoughby Lane Cover Local Disaster Plan. The State Emergency Management Committee issued a new Local Emergency Management Planning Framework which guides the Local Emergency Management Committee through the process of reviewing and implementing their local emergency plans. This will be introduced in January 2015 and will allow Council to work with the LEMC to update the local plans including updating the Consequence Management Guides for hazards or significant risks.

All these plans are available online or can be made available by contacting the Local Emergency Management Officer at Council.



I am advised the Gore Bay Terminal is equipped to provide immediate first response to incidents. The Port Authority of NSW also has a rapid response regime and equipment to facilitate a first response. Should an actual or imminent emergency occur, it would be dealt with under several integrated plans dependent on scale and extent.

Fire and Rescue NSW attended community consultation meetings with Gore Bay residents about their concerns, along with other emergency service agencies and Shell Australia in August 2014 at the Greenwich Senior Citizens Centre.

I am advised four public community liaison meetings occur each year, organised by Shell Australia. Local emergency services agencies including Fire & Rescue, NSW Police Force and NSW State Emergency Services are invited to attend one of these meetings each year.

Residents were assured that emergency management plans in place effectively co-ordinate response to emergency incidents in the Gore Bay area. However, different potential incidents require different responses by different agencies.

The emergency management framework in the Gore Bay Terminal is regularly reviewed against risk profiles to manage a co-ordinated response.

Residents may be assured all emergency management plans contain strategies concerning public warning and public information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stuart Ayres', with a long horizontal flourish extending to the right.

Stuart Ayres MP

**Minister for Police and Emergency Services**

**Minister for Sport and Recreation**

**Minister Assisting the Premier on Western Sydney**





## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

27 October 2014

The Hon. Anthony Roberts, MP  
Member for Lane Cove  
Minister for Resources and Energy, Special Minister of State  
Level 37, Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

### **Shell (Viva Energy) Gore Bay Terminal, Greenwich Road, Greenwich**

Dear Minister,

We refer to our letter of 25 August 2014 and earlier correspondence about the Gore Bay Terminal dated 28 August 2012 and 3 July 2014 to which we have received no reply.

We know that you are familiar with the operations at this Terminal in your electorate following a recent site visit. Since our last letter, the relevance of ensuring safe and secure operations at Gore Bay Terminal has heightened, given its Level 1 Security rating and the classification of land adjacent to the terminal as a high bush fire risk.

We are not aware of a detailed review by the EPA or any other State Government Authority of the risks associated with the operational changes made at the terminal in October 2012. At the time, the EPA indicated that it would conduct a full-scale review of the appropriateness of Shell's (now Viva Energy's) licence once Shell had lodged a State Significant Development application in relation to its operation. We understand that a draft EIS required as part of the development application process was submitted to the Department of Planning and Infrastructure on March 17, 2014. However it is now over two years since the operation changed at Gore Bay and no development application or EIS for the terminal has been exhibited. Furthermore, control of the business conducted at the terminal has been transferred to another entity with off shore ownership.

In addition to this lack of information from relevant authorities, we are very concerned that there is no coordinated emergency management plan to address the operation of a hazardous facility like this in close proximity to residential areas and the waters of

Sydney Harbour. Such a coordinated plan is in place for the comparable petroleum storage site in Sydney located at Botany Bay Precinct (where residences are further away). We are unable to make comment as to whether the Port Botany plan complies with world's best practice but, as a readily accessible and published document, it demonstrates that there is a plan in place for Port Botany that coordinates the responses of two LGAs and other key authorities.

As the Gore Bay operation potentially impacts the Lane Cove, North Sydney and Leichhardt local government areas and Sydney Harbour, we envisage that an emergency management plan for Gore Bay Terminal would incorporate as a minimum the following aspects of the operation:

1. The transit of petroleum product tankers from North Head into Gore Bay
2. The mooring of tankers at the Gore Bay Terminal Wharf and attachment of the loading arms
3. The pumping of petroleum product into tanks at Gore Bay Terminal (for later pumping to the Clyde Distribution facility) or directly to the Clyde Distribution facility
4. The pumping of petroleum product into the bunkering vessel (currently the 'Destine') for refuelling of cruise ships and
5. The storage of product at the Gore Bay Terminal facility.

You will have, by now, received a petition in respect of emergency management at the Gore Bay Terminal. This demonstrates the growing concern of community members to ensure that those who may be impacted by operations at the terminal are protected by an accessible current and coordinated plan.

We again request your engagement with the Premier to represent our concerns and to secure the development of a coordinated emergency management plan for the terminal.

We hope to meet with you urgently to discuss the contents of this letter and look forward to your response.

Yours sincerely  
GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President

## **Notes of Meeting**

**Held at the Electorate Office of Anthony Roberts MP  
230 Victoria Road Gladesville to discuss the  
Viva Energy Gore Bay Terminal  
28 November 2014**

**The meeting opened at 10:30am**

**Present:**

Anthony Roberts MP, Tom Gervay, Merri Southwood, Rob Hunter

### **The Issues**

The GCA representatives outlined the issues and the recent history of the Shell/Viva Energy Gore Bay Terminal and its change in operation in October 2012 including the correspondence with various ministers and Government agencies.

The issues included:

- Safety
- Health/amenity
- Petrol storage at Gore Bay
- Lack of transparency/clarity
- Lack of political buy-in
- Change of ownership
- The EIS/DA
- Emergency Management
- Air sampling
- Noise complaints
- The lack of compliance to world's best practice
- Lack of mandatory requirement to only use low sulphur fuel in while in port.

### **National Fuel Security**

In addition Anthony Roberts expressed his concerns about national fuel security and the lack of storage within the country leading to a relatively small buffer against a major disruption in overseas supply. He acknowledged that the companies supplying fuel in Australia were moving to a 'just in time' approach. The Viva Energy proposal to reduce the amount of storage at Clyde reflects this.

### **Anthony Roberts Actions**

He offered to follow up on the following:

- The storage of petrol at Gore Bay
- The release of details on emissions at Gore Bay
- The progress of the EIS/DA with the Minister for Planning and Viva Energy
- To facilitate a meeting of the representatives of the GCA and Viva Energy

#### **GCA Actions**

Anthony Roberts requested that the GCA send short direct (one page) letters to him summarising concerns on the following:

- The lack of an EPA review since the change of operation (and removing the linking of this review to the release of the DA)
- The release of the DOH report on emissions
- No petrol storage at Gore Bay

The meeting closed at 11:25am



## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

2 December 2014

The Hon. Anthony Roberts, MP  
Member for Lane Cove  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

### **Viva Energy (formerly Shell) Gore Bay Terminal EPA Licence Review**

The operation of the Gore Bay Terminal was changed from a crude oil import facility to a petrol import facility in October 2012. We have now entered the third year since this changed operational mode and the EPA has not reviewed or amended the licence that regulates Gore Bay activities to ensure that licence conditions adequately address the terminal's new operating mode.

Following representations by the Greenwich Community Association in August 2012, the EPA acknowledged community concern around the health impacts of the new operation. However, it has neither reviewed the licence conditions nor engaged with the community to demonstrate that the current licence conditions are adequate for the new operation. In a letter dated 26/9/2012 the Chair of the EPA, Mr Barry Buffier, said that the EPA could not comment on health impacts of the new operation until the EIS foreshadowed by Viva Energy was lodged. Again, Mr Buffier advised to this effect in his letter of 30/9/2014.

As recently as 19/11/2014, representatives of Viva Energy confirmed that there is still no date known for release of the promised EIS as the community enters a third year of petrol importation at Gore Bay.

The Gore Bay Terminal operates under EPA Licence 661 that was issued 21/9/2000 and the EPA has confirmed on a number of occasions that this permits the importation and storage of petrol. The licence was last reviewed on 29/11/2010 (well before the change in operation) and there is no scheduled review date until 29/11/2015, the beginning of the fourth year of changed operation.

The licence may be varied at any time by the EPA but, with one exception, the only variations documented since October 2012 relate to correction of administrative

oversights, changes due to legislative amendments or requests by Viva to facilitate works on site.

The GCA requests your support to encourage the EPA to immediately take steps to review the licence conditions in the light of the current operations as a necessary interim step to the review that will coincide with the release of Viva Energy's EIS. We would be happy to provide any further details you may need.

Yours sincerely

GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President



## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

2 December 2014

The Hon. Anthony Roberts, MP  
Member for Lane Cove  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

### **Viva Energy (formerly Shell) Gore Bay Terminal Human Health Risk Assessment Report from NSW Health**

The Scoping Report for the State Significant Development Application for Gore Bay Terminal was lodged with the Department of Planning on 25/1/2012.

NSW Health advised the Director General of Planning that it required a comprehensive health risk assessment of the proposal (Human Health Risk Assessment report) that would identify all potential offsite impacts on human health. The proponent (now Viva Energy) was to prepare this report and model and assess the health impacts on sensitive receptors of any odours or air pollutants emitted from the site including toxic emissions and of any construction or operational noise from the site. The Human Health Risk Assessment report required an assessment of 156 compounds associated with the terminal operation in the Human Health Risk Assessment report

In October 2012 the Viva Energy Clyde refinery was decommissioned and the Gore Bay Terminal was changed from a crude oil import facility to a petrol import facility. No planning approval or EPA licence change was required for this change.

On 20/11/2013 Viva Energy advised that the Human Health Risk Assessment report had been completed in October 2013 and that almost all compounds were found to be below detectable levels and posed no harm to human health. However Viva Energy refused to provide copies of the report to the community.

In the light of this, a community group, Friends of Gore Bay Inc on 28/6/2013 sought to obtain the Human Health Risk Assessment report from NSW Health under GIPA. Some information on the methodology was provided but access to the report itself was refused both after the initial request and upon internal appeal.

The Information and Privacy Commissioner subsequently made a finding that the report should be released in the public interest. On 21/11/2014 NSW Health advised that it had decided to release the report. However Viva Energy was given 40 working days (ie to 16/1/2015) to appeal the decision to NCAT.

It is now over a year since Viva Energy submitted the Human Health Risk Assessment report to NSW Health and still the community may have to wait until 16/1/2015 to gain access to a report that assesses impacts to which the community has been exposed since October 2012. If Viva Energy elects to appeal to NCAT, the community may be denied access to the report for significantly longer as there is no firm date for exhibition of the EIS for Gore Bay and it has been the subject of many delays to date.

The GCA requests your support to obtain the release of the Human Health Risk Assessment report to the community by NSW Health and/or Viva Energy as soon as possible. We would be happy to provide any further details you may need.

Yours sincerely  
GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President





## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

2 December 2014

The Hon. Anthony Roberts, MP  
Member for Lane Cove  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

### **Viva Energy (formerly Shell) Gore Bay Terminal Petrol Storage**

In October 2012 the Viva Energy Clyde refinery was decommissioned and the Gore Bay Terminal was changed from a crude oil import facility to a petrol import facility. No planning approval or EPA licence change was required.

Viva Energy foreshadowed the change on 27/7/2011 and from that time the community articulated very strongly its concern that petrol should not be stored at Gore Bay. These concerns derive from the close proximity of tanks to residential and recreational areas in Greenwich and the adjoining areas of Wollstonecraft and Waverton. The impact of the Buncefield incident at Hemel Hempstead in the UK in 2005 and the emergency response required following the petrol spill at Caltex, Port Botany in 2013 highlight the risk posed by the Gore Bay terminal to residences which are significantly closer than those at Hemel Hempstead or Port Botany.

In public meetings, Viva Energy representatives have been consistent in their public statements that petrol will not be stored or it is not their intention to store petrol at Gore Bay. However EPA Licence 661 that regulates activities at Gore Bay permits both the import and storage of petrol. Over the two plus years since permanent petrol importation began at Gore Bay, Viva Energy has not sought a variation of its licence to remove its right to store petrol nor has the EPA implemented such a licence variation. Viva Energy has refused to provide even a written undertaking by the company to this effect. Thus the community has no regulatory protection against the possibility of future petrol storage.

Viva Energy has stated that they anticipate that a condition of consent for the proposed DA for Gore Bay will be the prohibition of petrol storage but no EIS or DA has yet been lodged, let alone assessed. There is no firm date for exhibition of the EIS for Gore Bay and it has been the subject of many delays to date.

Our concerns have been exacerbated by Viva Energy's plans (as shown in their current DA) to reduce the total storage capacity at Clyde for all petroleum products by reducing the total number of tanks on that site from 113 to 16. With such a significant reduction in petrol inventory capacity at Clyde and in the event that there are operational problems at Clyde or in the pipeline from Gore Bay, there will be strong pressure to store petrol at Gore Bay.

We seek your support for urgent action to ensure that conditions are put in place to prohibit storage of petrol at Gore Bay under any circumstances. This will presumably require immediate variation of the EPA Licence 661. We would be happy to provide any further details you may need.

Yours sincerely  
GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President



## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

27 October 2014

Councillor David Brooks-Horn  
Mayor  
Lane Cove Council  
PO Box 20  
LANE COVE NSW 1595

Dear Councillor Brooks-Horn

### **Gore Bay Terminal Integrated Emergency Management Plan**

Thank you for your response of 15 August 2014 to our request for your support for an integrated emergency management plan for Gore Bay Terminal.

We note your comment that “the DISPLAN addresses the major facilities in the locality including Shell Australia’s Gore Bay Terminal”. Disappointingly, the recent public release of the 2012 DISPLAN makes very scant reference to the Gore Bay Terminal.

You have stated that it would be premature to ask the NSW government to take control of the emergency management process at Gore Bay until determination of the SSD for the terminal. We suggest that an assessment of the emergency management plans for the facility should not be contingent upon approval /assessment of the SSD proposal because:

1. The concerns raised in our correspondence relate to operational changes that took place in October 2012, not to capital works which are the subject of the SSD
2. The timing of the SSD exhibition and determination are unknown, so the community has no time frame for revision of the DISPLAN or the development of a plan along the lines requested in our correspondence
3. Gore Bay has a Level 1 security classification and the recent announcements by the Federal Government regarding heightened security levels may have possible implications for the Gore Bay Terminal and the community
4. The Gore Bay terminal is located in close proximity to residential and harbourside recreational areas.

The DISPLAN (2007 or 2012) relates to management of emergencies in Lane Cove/ Willoughby alone. Gore Bay Terminal is probably unlike any similar hazardous facility in NSW in that it abuts three LGAs (Lane Cove, North Sydney and Leichhardt) and Sydney

Harbour. It is also worth noting that the Lane Cove Council bush hazard plan states that the terminal borders on bush rated highest for bush fire danger. For all these reasons, Gore Bay Terminal warrants a specific integrated emergency management plan for incidents that impact beyond the terminal boundary that includes all three LGAs and authorities responsible for Sydney Harbour.

In the light of the above we urgently request you to seek the involvement of the Premier in the development of a coordinated emergency management plan for the terminal that integrates emergency management in the Lane Cove, North Sydney and Leichhardt local government areas and Sydney Harbour. We envisage that such a plan would incorporate as a minimum the following aspects of the operation at Gore Bay:

6. The transit of petroleum product tankers from North Head into Gore Bay
7. The mooring of tankers at the Gore Bay Terminal Wharf and attachment of the loading arms
8. The pumping of petroleum product into tanks at Gore Bay Terminal (for later pumping to the Clyde Distribution facility) or directly to the Clyde Distribution facility
9. The pumping of petroleum product into the bunkering vessel (currently the 'Destine') for refuelling of cruise ships and
10. The storage of product at the Gore Bay Terminal facility.

We would like to meet with you urgently to discuss this matter of growing concern to the community.

Yours sincerely,  
GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President



## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

14 November 2014

The Hon. Mike Baird, MP  
Premier, Minister for Infrastructure and Minister for Western Sydney  
GPO Box 5341  
SYDNEY NSW 2001

Dear Premier

### **Shell Gore Bay Terminal – Emergency Management Plans**

I refer to the response of Mr David Elliot MP dated 19 September 2014 to my letter of 3 July 2014 (copy attached).

Unfortunately Mr Elliot's response does not appear to address the concerns expressed in my previous letter.

The "full-scale conversion" of the Gore Bay Terminal took place in October 2012. The State Significant Development application referred to in Mr Elliot's letter relates to works at the terminal, not to approval for the conversion that has already taken place. It is in respect of this 2012 conversion that the community is concerned as to the lack of an emergency management plan that integrates the responses of all relevant local government areas and authorities.

A general meeting of the Greenwich Community Association held on 22 October 2014 has authorised me to write to you again in respect of the matters raised in my earlier letter.

We hope to meet with you or delegates nominated by you in relation to this urgent need for an emergency management plan for the Gore Bay Terminal precinct. In the meantime we rely on the NSW Government's commitment to 'whole of Government' approach to the governance of this last hazardous operation coexisting with residential and recreational infrastructure on the shores of Sydney Harbour.

Yours sincerely,  
GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President



## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
www.greenwich.org.au

13 November 2014

The Hon Rob Stokes MP  
Minister for the Environment  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

### **Review of EPA Licence No 661 and Operations at Gore Bay Terminal**

As you will be aware, we wrote to you about our concerns about the Gore Bay Terminal in Greenwich on 28 August 2014. We understand that you referred our letter to the EPA from whom we received a reply dated 30 September 2014. Copies of both letters are attached for your information.

The response of the EPA is so unsatisfactory that we feel compelled to write to you again. Our primary concerns are summarised as follows:

#### **Significant Operational Changes**

- In October 2012 Shell (now Viva Energy) implemented significant operational changes at the Gore Bay Terminal.
- Shortly before this changeover, on 28 August 2012, we wrote to the then Minister asking for urgent assessment of the risks associated with the new operation.
- On 26 September, 2012 the Chairman and the CEO of the EPA responded advising that the EPA was proposing to conduct a review of Licence 661 following submission by Shell/Viva of an EIS associated with a pending SSD application for capital works at the Terminal.
- Now, more than 2 years later, the Department of Planning has not exhibited an SSD and EIS for capital works at the Terminal and the EPA have not conducted a review. This was the main thrust of our letter to you on 28 August 2014.
- The EPA's response is that they propose still to await exhibition of a development application by Shell/Viva, the timing of which is unknown.
- For reference, we quote from the recent EPA letter:

*The EPA understands the community's concerns about possible health effects from activities at the Gore Bay Terminal. Any potential health impacts associated with Shell's proposed operational changes will be considered in the environmental assessment that will accompany its development application.*

In other words, as the third year of the change of operation commences, the EPA proposes to continue to take no action in respect of a full review of licence conditions despite its acknowledgement of community's concern about health effects of the operation.

- This approach by the EPA to wait for a development application before it takes action is extremely concerning. This inaction is even more concerning given that effective shareholder control of Shell/Viva Energy changed in mid 2014.
- The EPA has statutory responsibilities and there is a general expectation that the EPA would be diligent in the discharge of its supervisory and regulatory obligations. This would particularly apply in this case given that the terminal has a MARSEC Level 1 security rating, is located in a densely residential area and is right beside an extreme fire hazard bushland. The opposite appears to be occurring. The EPA appears to have taken no action to review the new operation in detail nor has it provided information to reassure the community that it is monitoring the current operation to ensure that it poses no danger to public health and safety.

Obviously, if anything did go wrong at the Terminal, there would be a public outcry about this lack of action by the EPA for more than two years since the change of operations.

- We are writing to you again to bring this to your attention and to ask you to spur the EPA into action. We ask that you direct the EPA that it is no longer appropriate for it to continue to await a development application that has no firm delivery date.

#### **Non-disclosure of Information**

- The response by the EPA notes that requests for information relevant to the Gore Bay operation have been made by community groups under GIPA and advises as to the review mechanisms available in respect of these requests.
- It is disappointing to note that one (and the most significant) request has proceeded to a finding by the Information and Privacy Commissioner that the EPA had wrongly applied the public interest test against disclosure of information but the EPA has refused to review its decision on the grounds of the commercial interest of Shell/Viva. The EPA has advised that a further review is unlikely to result in a change of mind and that the only avenue remaining is an appeal to NCAT.
- Not only is the EPA failing to conduct any overview of the new operations at Gore Bay, but also it is actively involved in withholding documents from the community that would enable us to more fully inform ourselves about the situation there.

#### **Use of Deodorisers**

- In spite of earlier Shell/Viva advice to the EPA to the contrary, the use of deodorisers continues at the Terminal. Shell/Viva confirmed at a community meeting on 27 August 2014 that deodorisers are being used for tank cleaning purposes. This masking of odours by deodorisers inhibits the ability of the community to detect exposure to emissions.



For all the reasons outlined in both this and our previous letter, we think this is an urgent matter. We have been seeking action by the EPA for a very long time.

We again ask for action by you as Minister and will provide you with more details and documentation if required.

We remain ready, willing and able to attend any meeting with you and await your urgent response.

Yours sincerely,  
GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President



## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

31 October 2014

The Hon. Pru Goward, MP  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001

### **Shell (now Viva Energy) Gore Bay Fuel Terminal State Significant Development Application SSD 5148**

Dear Minister

I refer to the letter dated 1 October 2014 from Mr Chris Wilson, Executive Director, Infrastructure and Industry Assessments in the response to our letter to you of 7 July 2014.

It is noted in the penultimate paragraph of Mr Wilson's letter that the DA and EIS for Gore Bay Terminal will be placed on exhibition for at least 45 days.

The Director General's requirements for the Gore Bay project were issued over two and a half years ago, on 16 March 2012. It is assumed that the data to be provided in support of the application must be complex, given the time frames involved. Community members will need to seek professional advice in respect of the detail of the EIS, when it is released, in order to be in a position to make considered and informed submissions in respect of the DA.

Whilst it is acknowledged that a 45 day exhibition period may be in excess of that allowed in respect of some applications, the Greenwich Community Association is concerned that this time frame will be inadequate if exhibition takes place over the Christmas/ January school holiday period. It may be difficult to access expert opinion during the holiday period and to ensure that the community is given full opportunity to receive advice about, interpret and respond to the information contained in the EIS. This concern was discussed at a recent public meeting of the Association held on 22 October 2014 and the following motion was passed:

*Motion: The GCA write to the Minister for Planning and Environment requesting that the public exhibition period for the Gore Bay EIS and DA be at least 45 days clear of any impacts of the Christmas/New Year holiday period. If the Christmas/New Year holiday period is included then a 60-day exhibition period will be requested.*

In the light of this motion, the Association seeks your assurance that, in the event that the DA and EIS for Gore Bay Terminal is placed on exhibition at any time between 1 November 2014 and 31 December 2014, the exhibition period for the DA and EIS shall be 60 days.

We look forward to your early response.

Yours sincerely

GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President



## **Greenwich Community Association Inc**

PO Box 5057, Greenwich, NSW 2065  
[www.greenwich.org.au](http://www.greenwich.org.au)

27 October 2014

The Hon. Anthony Roberts, MP  
Member for Lane Cove  
Minister for Resources and Energy, Special Minister of State  
Level 37, Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

### **Shell (Viva Energy) Gore Bay Terminal, Greenwich Road, Greenwich**

Dear Minister,

We refer to our letter of 25 August 2014 and earlier correspondence about the Gore Bay Terminal dated 28 August 2012 and 3 July 2014 to which we have received no reply.

We know that you are familiar with the operations at this Terminal in your electorate following a recent site visit. Since our last letter, the relevance of ensuring safe and secure operations at Gore Bay Terminal has heightened, given its Level 1 Security rating and the classification of land adjacent to the terminal as a high bush fire risk.

We are not aware of a detailed review by the EPA or any other State Government Authority of the risks associated with the operational changes made at the terminal in October 2012. At the time, the EPA indicated that it would conduct a full-scale review of the appropriateness of Shell's (now Viva Energy's) licence once Shell had lodged a State Significant Development application in relation to its operation. We understand that a draft EIS required as part of the development application process was submitted to the Department of Planning and Infrastructure on March 17, 2014. However it is now over two years since the operation changed at Gore Bay and no development application or EIS for the terminal has been exhibited. Furthermore, control of the business conducted at the terminal has been transferred to another entity with off shore ownership.

In addition to this lack of information from relevant authorities, we are very concerned that there is no coordinated emergency management plan to address the operation of a hazardous facility like this in close proximity to residential areas and the waters of Sydney Harbour. Such a coordinated plan is in place for the comparable petroleum

storage site in Sydney located at Botany Bay Precinct (where residences are further away). We are unable to make comment as to whether the Port Botany plan complies with world's best practice but, as a readily accessible and published document, it demonstrates that there is a plan in place for Port Botany that coordinates the responses of two LGAs and other key authorities.

As the Gore Bay operation potentially impacts the Lane Cove, North Sydney and Leichhardt local government areas and Sydney Harbour, we envisage that an emergency management plan for Gore Bay Terminal would incorporate as a minimum the following aspects of the operation:

11. The transit of petroleum product tankers from North Head into Gore Bay
12. The mooring of tankers at the Gore Bay Terminal Wharf and attachment of the loading arms
13. The pumping of petroleum product into tanks at Gore Bay Terminal (for later pumping to the Clyde Distribution facility) or directly to the Clyde Distribution facility
14. The pumping of petroleum product into the bunkering vessel (currently the 'Destine') for refuelling of cruise ships and
15. The storage of product at the Gore Bay Terminal facility.

You will have, by now, received a petition in respect of emergency management at the Gore Bay Terminal. This demonstrates the growing concern of community members to ensure that those who may be impacted by operations at the terminal are protected by an accessible current and coordinated plan.

We again request your engagement with the Premier to represent our concerns and to secure the development of a coordinated emergency management plan for the terminal.

We hope to meet with you urgently to discuss the contents of this letter and look forward to your response.

Yours sincerely  
GREENWICH COMMUNITY ASSOCIATION

Tom Gervay  
President

## Bicycle Subcommittee Report

Since the last GCA meeting, the Bike Committee has done some further work on the Council's section 94 developer contributions plan. This is an important source of income for the community in realising proper community value out of the substantial development occurring within Lane Cove.

The Bike Committee's research indicates that the plan is seriously out-of-date. It has not been substantively changed for over 20 years and is based on assumptions about residential growth, traffic, retail patterns etc that no longer apply. As a result in the Bike committee's view it is likely that insufficient funds are being raised from developments and appropriately deployed towards the community infrastructure objectives of section 94 funding.

The Committee thinks that the first step should be a review by Council of its section 94 developer contributions plan with full consultation with the community. It has prepared a letter to go from the GCA to the Council asking it to consider this matter at its next meeting with a view to the review being carried out in the first calendar quarter of 2015.

The draft letter appears below. I move that the GCA Executive be authorised to settle the letter and send it to Council.

A couple of other quick points:

The GCA Bike Sub-Committee attended a meeting of the Lane Cove Council's Bike Advisory Committee last month. This was primarily for us to hear what is on the Council's agenda in this area. It was useful in creating further lines of communication. Council Karpin attended along with Wayne Rylands and Tim Sullivan from the Council management team.

It is evident that the St Leonards development and the 3000 extra residents will substantially affect traffic, transport routes and community facilities in the Greenwich/St Leonards area. This needs to be high on the GCA agenda. The Bike Sub-Committee will be looking further at this next year from an "active transport" perspective; ie not just bikes, but pedestrians, mobility scooters, prams, etc.

The Bike Sub-Committee is also currently following up on the implementation of outstanding items in the Council's current bike plan such as the Greenwich Road bike paths (eg in the stretch between River Road and Pacific Highway) and the maintenance of the existing paths around the Scout Hall from St Giles Avenue to Eastview Street.

**[ON GCA LETTERHEAD]**

The General Manager  
Lane Cove Council  
PO Box 20  
LANE COVE NSW 1595

Dear Sir

**Section 94 Contributions Plan**

We are writing to ask the Council to review and update its Section 94 Contributions Plan to account for changes in the Lane Cove community and its objectives since the plan became operational in 1996.

**Review Due**

We are concerned that the outdated nature of the Contributions Plan, as the basis for obtaining Section 94 contributions, is resulting in the community of Lane Cove, specifically Greenwich, being under funded and the funds raised not being optimally deployed.

As this is an important source of income for the community in realising proper value out of the substantial development occurring within this local government area and, we ask that the Council give this matter high priority and consult thoroughly with the community on how to best update the Section 94 Contributions Plan.

We will assist the Council by initiating discussion in Greenwich on this issue and will be writing separately to the Council with ideas from this community on what should be raised and how it should be spent.

**Outdated Plan**

Arising from the work of one of the Greenwich Community Association's Sub-Committees, it has come to light that the approach of the Council towards obtaining developer contributions, under Section 94 of the Environmental Planning and Assessment Act (Section 94), appears to be out of date.

Section 94 contributions are a significant source of income for the Council when new development is placing pressure upon community facilities such as the local road network, water, drainage and other infrastructure. We understand that the Council can only seek Section 94 contributions based upon a Contributions Plan (which provides justification for seeking developer contributions).

Our research indicates that the Council developed a Section 94 Contributions Plan in 1995, which became operative in August 1996. Rates of contribution were adjusted in 1999, with a CPI adjustment of those rates in 2004. Apart from an adjustment to the Schedule of Works (attached to the Contributions Plan) in September 2013, the Contributions Plan remains substantively unaltered since 1996.

### **Major overhaul needed**

The Council's Contributions Plan is based on analysis which is now over 20 years old. Critical assumptions in the original analysis appear to be well out of date; for example, low residential growth predictions and traffic analysis based on the assumption that Lane Cove would not be a significant retail precinct.

The Council's Section 94 Contributions Plan has not been substantively updated to respond to the very significant changes in community demands, contemporary trends and altered circumstances in the Lane Cove community over the last 20 years. Rates of contribution have not changed since 2004.

It is evident that a major overhaul of the Plan is needed. Twenty years ago Lane Cove did not have the new Woolworths complex in the Plaza. It did not have the higher density residential apartments along Burns Bay Road or Mowbray Road. There were fewer primary school children at the local schools. It did not have Waterbrook or the growing demands for seniors living. Most significantly, 20 years ago Lane Cove did not have the prospect of 3000 extra residents in St Leonards South with its attendant traffic implications.

This major overhaul should address both the level of contributions that should be sought and how the funds should be deployed. The level of development that has occurred and is in the pipeline will require substantial investment in all forms of community infrastructure, particularly public spaces and amenity and traffic management (including pedestrian, bicycle and mobility infrastructure).

### **Relationship with VPAs**

We recognise that Section 94 Contributions are not the only tool available to the Council to secure funding for community infrastructure, and that the Council is properly negotiating voluntary planning agreements for some of the major developments in St Leonards South. In this regard the updated Section 94 Contributions Plan should be designed to complement the objectives and criteria used by the Council when negotiating VPA contributions. We ask Council to include in its community consultations on the Section 94 Contributions Plan an explanation of its investment logic and policies when it trades off dwelling density against existing rate payer amenity.



While recognising the value of VPAs, Section 94 contributions remain a primary tool in relation to the many smaller developments across Lane Cove, which are steadily increasing pressure on local infrastructure. Properly deployed these contributions are particularly well suited as a source of funding for the lower profile, day-to-day community infrastructure – like small parks for children, bushwalk routes, shared user paths and appropriate and convenient access connections between residential and commercial areas – that make the difference between a healthily functioning community and just another suburb.

### **Review and consultation**

We consider the Council's Section 94 Contributions Plan should be subject to an urgent review, accounting for contemporary circumstances and priorities as detailed in this letter.

Should this review and update not be undertaken urgently then local facilities and community infrastructure will not be able to keep pace with the current development boom, to the detriment of the community.

We urge the Council to consult thoroughly and expeditiously with the community in its review of the Section 94 Contributions Plan, both to raise awareness within the community of this source of funding, and to enable the Council to frame its priorities for the appropriate planning and deployment of funding on the basis of community feedback.

### **Timing**

We ask that this matter be considered by the Council at its next meeting with a view to the review being carried out in the first calendar quarter of 2015.

Yours sincerely

Tom Gervay  
President  
Greenwich Community Association