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Submission re Shell SSD-5147 Clyde Refinery and SSD-5148 Gore Bay Terminal.

I am very distressed to see that the response to these SSDs has to be put in by 23/12/13. This is a very short time frame and just before Christmas. There has been very little time for submissions and very little effort to inform the public in Woolwich and other suburbs affected by Shell's operation.

Added to this, Shell states at the opening of its submission that it made the decision in 2011 and would close the refinery by mid 2013. So the change in use has already happened, and it shows a complete contempt for the regulatory process to make an application for a change years after the change has occurred. As further evidence of avoidance of regulation, Shell has not even made an application for the changed use of the pipeline. So while they state that they want a 'modern development consent' to replace existing rights, their actions suggest that they principally rely on existing use rights and do not want their activities examined.

It is annoying that there is 42 pages of SSD5147 and 108 pages of the scoping report of SSD 5148, but the pipeline between these two facilities is merely dismissed as existing use.

I note that under section 13A of the Pipeline Act 1967 as amended, no distinction is made between various petroleum products. However, there is a huge difference between crude oil and gasoline flowing through the pipeline. Crude oil is viscous and poorly flammable. Gasoline is pumped far more rapidly and is highly volatile. If the pipeline were to rupture or be damaged deliberately or accidentally, the resulting gasoline spill would quickly form a highly explosive gas/air mix, which would be likely to explode and destroy a large part of the surrounding area. You may be aware that the military have researched these vapour cloud explosions, also called fuel-air or Thermobaric explosions. The largest vapour cloud explosion in recent times was the Buncefield oil terminal explosion and fire on 11-13 December 2005, where the initial explosion was heard 150 km away. Windows were blown in and the major mitigating facts were that the buildings were much further away than the ones at Gore Hill are and the fact that it was at 6.01am so the office buildings were unoccupied. This was gasoline in a tank, but demonstrates how serious the issue is. Though the Act does not distinguish between different types of petroleum products, the Department that is administering the pipeline must take note of such a crucial difference. Shell seems to think that if the pipeline is licensed it does not need a DA because of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). It might be noted that Clause 20 of this referring to General requirements for exempt development

- (2) (b) must not, if it relates to an existing building:
 - (ii) compromise the fire safety of the building

Clearly putting contents in the pipeline that are immensely more flammable and volatile than what was there before affects the fire safety, so the SSD must be assessed under SEPP Infrastructure 2007.

It might be noted that most the hazardous sites in Sydney Harbour have been closed. The Caltex site at Ballast Point, BP at Balls Head, and Mobil at Pulpit Point have been closed, as has AGL at Wollstonecraft and the Naval bases in Sydney Harbour. Gore Bay is now the last site and requires tanker loaded with gasoline to come up the harbour and under the Sydney Harbour

Bridge. The entire process needs to be looked at from when the tankers enter the Heads of Sydney Harbour, until the fuel goes to the distributors from Clyde. Each aspect needs to be regulated to World's best practice.

Shell seems to want its Clyde Terminal only classified as 'potentially Hazardous and offensive' rather than 'simply hazardous and offensive'¹. This is absurd. It is obviously hazardous, as hazardous means perilous or risky. It may potentially be non-offensive if the risks are adequately managed, but this is a subjective judgment and usually refers to smell. It is unclear what they want to gain from this sophistry, unless they seriously want not to have to comply with SEPP 33 for Hazardous and Offensive Development. If this is the case, it must not be allowed to evade SEPP 33 and there needs to be a very thorough inquiry into their operations and a thorough assessment of their SSD and alternatives that the Dept of Planning could consider to achieve the optimal outcome for NSW.

Shell's statement in section 2.6 that they have consulted widely could not be more false. While it is easy to list groups who are respectable but not actually affected, they have kept information from people at Greenwich who have sought it under GIPA, and most relevantly have made no effort to consult or even to inform residents along the pipeline that the degree of hazard to which they are subjected has increased hugely. The fact that they do not even want this considered shows that they are avoiding any really 'modern development consent' that they claim they want. They want the consent without any reasonable modern process which should be part of current practice in major works in the residential part of a major city. Quite simply the only people informing anyone in Woolwich were some people from Greenwich who asked for help. Apart from a handful of people, many of the residents along the pipeline have no idea that it is there, and fewer still have any idea that the level of hazard from it has changed so radically.

Shell's point in 2.7 that Clyde and Gore Bay are separate operations is false. The idea that what is happening in Clyde does not affect what is happening in Gore Bay, the pipeline and the Harbour in general is wrong. Shell states that they are separate 'with changes in one facility not affecting or impacting the ability to carry out changes at the other facility'². Naturally the changes are carried out separately as they are in different places. But they are part of the same change of process. A different and more dangerous product in increased quantities is being brought up the harbour, unloaded at Gore Bay, pumped through the pipeline through residential areas and being differently processed at Clyde. It is a single operation and should be assessed from its first stage as the ships come through Sydney Heads until it reaches the customers. Naturally as any project progresses, one part is done before another, and these can be staged in project management, but this does not affect the fact that there has been a change in the whole operation and it therefore a good time to look beyond the continuous history of incremental change since 1902 to a modern assessment of what has been instituted. The 'development' is not the removal of tanks and remedying the land so as to fit it for property development; it is the change in the whole nature of the operation. Shell has claimed at its public meetings in Greenwich that the whole operation is safer because there is no crude oil, (which probably gives off more carcinogenic benzene than the heavier refined products), but they have stressed that only this 'new' operation needs to be assessed. It is certainly true that it needs to be assessed as a new operation and as such not just continue 'existing rights'!

¹ Shell states page 10 of SSD 5147 'Sherpa Consulting Pty Ltd has undertaken a Preliminary Hazard Analysis for the Project, and from this investigation it has been determined that the Project should be classified as potentially hazardous and offensive, rather than simply hazardous and offensive per se'.

² page 11 of SSD 5147

The Dept of Planning should also assess other options for supply of fuel to NSW. It is important that world's best practice be mandatory for all stages of the process.

It is a worry that all the worthy assessments exist for the bell frog and fauna, but something as major as a pipeline filled with high pressure and flow of volatile substances through residential areas do not even rate a mention. Please redress this situation.

SSD 5148

As far as the SSD 5148 for Gore Bay is concerned it starts with the dodgy proposition that it is a 'Modification of the Gore Bay Terminal for continued use as a finished fuels Terminal'³. It is modified for continued use, but it is not a 'continued use as a finished fuels terminal' as it was a terminal for crude oil before. As such its function has changed, the cleverly ambiguous use of the words 'continued use' notwithstanding.

It is noted that the scoping report says that 'the final product mix is still to be determined'⁴. Shell has stated at its community meetings that it does not intend to store gasoline, (petrol) or avgas at Greenwich. Yet it also says that if there is a trend to larger ships they will take longer to unload⁵. The 300mm pipeline will be the limiting step in unloading if there is no storage of gasoline and avgas at Greenwich, so there is an incentive for Shell to store these to expedite the ships' departure, when the fuel could continue to be pumped. In the public interest, the Dept of Planning, if it approves this SSD should not allow storage of the volatile compounds of avgas and gasoline at the Greenwich site. It might be noted that the explosion and fire at Buncefield in the UK in 2005 involved these volatile substances and if a fire of this magnitude happened at Greenwich there would be much more loss of life because of the proximity of residential dwelling to the Shell site.

Shell concedes that under the EPA Act Section 107 it could not continue to have existing use rights for the Gore Bay Terminal⁶. If so, the use of the pipeline has also changed and it should also be included in the Dept of Planning's determination, as should the change in the type of shipping.

As in SSD 5147 Shell states in SSD 5 Project Consultation that it has consulted everyone adequately⁷, but it has withheld many documents from Greenwich residents who sought them and it has given no information to people along the pipeline route, despite the hazards associated with the changes to the contents of the pipeline.

As stated above, the whole operation of Shell from the entry of the tankers through the Heads of Sydney Harbour to the sale of products to the distributors at the Clyde Terminal must be assessed by the Department of Planning at this time as Shell has changed the operation significantly and it has never been assessed in a holistic fashion, existing use simply allowing incremental changes to a site and operation which on common sense grounds would never be allowed if it were proposed as a new enterprise.

³ EIS Scoping Report Executive Summary page iii.

⁴ EIS Scoping report page 9

⁵ EIS Scoping Report 3.4.12 Shipping p 12

⁶ EIS Scoping Report 4.3.1 p 14

⁷ EIS Scoping Report 5.0 p 21

As a minimum the pipeline and its function needs to be assessed along with both the Clyde and Gore Bay Terminals.

The writer apologises for the hasty nature of this response and any defects it may have, but protests strongly that the time to respond to Shell's SSDs was far too short and it seems was deliberately introduced at short notice before Christmas.

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