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Parliamentary Debate - Residential Encroachment onto Major Hazards Facilities and Fuel Importation

Sunday, 10 November 2013

Legislative Council Debate 30th October 2013

Following Hobsons Bay Council's resolution in February 2013 as

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explained in the Mayor's statement:

"...The Council will also work closely with local MPs to push for the assessments to help with safety and planning around major hazard facilities.

Mayor of Hobsons Bay Councillor Angela Altair said Hobsons Bay was home to eight major hazard facilities and careful planning was needed to ensure the facilities and the community could co-exist safely.

"We will continue to lobby the state government to address planning gaps around development near major hazard facilities, to provide clear direction and ensure consistency and community safety," said Cr Altair..."

Local Member for Williamstown Wade Noonan delivered a petition to Parliament last week signed by local residents asking for a Parliamentary Enquiry:

The Petition of residents of Hobsons Bay in the State Seat of Williamstown Victoria draws to the attention of the House that within this electorate there are eight major hazard facilities. The petitioners therefore request that the Legislative Assembly of Victoria initiate a Parliamentary Enquiry into the appropriateness of allowing new residential developments within close proximity to these major hazard facilities and further request that a State Emergency Evacuation Plan is prepared for Point Gellibrand.

On 30th October the upper house of State Parliament the Legislative Assembly debated the matter:

Motion:

That this house —

(1) notes —

- (a) the increased inner urban housing development in Melbourne close to major hazard facilities (MHF) including hundreds of new dwellings in the inner western region of Melbourne within 300 metres of a MHF;*
- (b) that since the 2005 explosion at a MHF in Buncefield, UK, where more than 40 people were injured, some seriously, thousands of people were evacuated, and property damage was recorded several kilometres from the scene, there has been increased recognition of the need for buffers for residential and other developments;*
- (c) that there is only limited guidance from WorkSafe Victoria to help planning authorities assess the risks of new residential developments close to MHFs and that this material does not consider the risks associated with shipping, including the discharge and loading of vessels at MHFs, such as Point Gellibrand in Williamstown;*
- (d) that the Hobsons Bay City Council, covering at least eight MHFs, has stated, 'There is no clear state government planning policy around MHF in Victoria', and has asked for an urgent risk assessment;*



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(e) that at least one MHF operator has raised concerns regarding the issues of people safety in relation to hundreds of new dwellings planned within

300 metres of Mobil's Point Gellibrand MHF; and

(f) the local community, local councils, MHF operators and others are concerned about the adequacy of existing regulation concerning the risks imposed by housing developments close to major hazard facilities; and

(2) requires the Economy and Infrastructure References Committee to inquire into, consider and report by

11 March 2014 on the adequacy of existing planning and other regulations in Victoria to safeguard and protect residents living near major hazard facilities, including recommending any changes and improvements to buffers and other legislative and regulatory changes.

Moved Brian Tee ALP, supported by Colleen Hartlands Greens

This matter should for moral reasons NEVER be split on party lines but it was. The debate was lost as local member for Western Metro Region Andrew Elsbury slammed the initiative and essentially reneged on previous commitments. The community finds this strange when the council decision in February had been triggered by a letter from Andrew Elsbury after the Save Williamstown Rally at the Mechanics Institute in December 2012 when we raised the issues of the Quantarisk Report 1992 which included a QRA of Pt Gellibrand and concluded that the dangers from Ship Explosions was about 1.4km and the danger from Tank Explosions was about 450m. Sanelly the report suggested a reduction in existing population densities and the PPWM land was only suitable for car parking and open space. Since that time the ships are managed under Flag States such as Marshall Is, Liberia, Cayman Is and are now 3 times as large as the ships owned by Mobil in 1992.

ANDREW ELSBURY MLC
MEMBER FOR WESTERN METROPOLITAN REGION

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Chris Eddy
Acting CEO
Hobsons Bay City Council
PO Box 21
Altona VIC 3018

COPY

11 December 2012

Dear Mr Eddy *Chris,*

Point Gellibrand Disaster Plan

For some months now I have been making enquiries into how a disaster plan could be developed for the Point Gellibrand, especially in consideration of the hazardous material facility owned by Mobil for the pumping of oil and other fuels between the Altona refinery and dock facilities at Point Gellibrand.

After consultation I have received an indication from the Williamstown Police that such a disaster plan is the responsibility of the local government.

I would like to recommend that a disaster plan be developed in the event of a catastrophic event on the Point Gellibrand peninsula.

However despite the concerns expressed less than a year ago - it seems Mr Elsbury may have been talking with colleagues and decided to support the party line. It was noted our other Western Metro Region MLC Mr Bernie Finn was not present and sought a pair.

The disappointing result of such a reasonable request can be seen in the Hansard Proof of 30th October sitting.

Hansard Council 30 Oct 2013 MHF debate.pdf

SAVE WILLIAMSTOWN COMMENT:

The Politicians will rue the day that they made SAFETY a party political divide. As Mobil stated - they have raised the issue of PEOPLE SAFETY in a sensible manner and the panel and others should clearly understand. No matter what this developer may try to argue, the Mobil fuel importation is an integrated facility of BOTH the Mobil Tank Farm for which they are responsible and Port of Melbourne responsibility for overseas ships berthing at Pt Gellibrand. The ships carry 120,000 Tonnes of Crude Oil or Petrol or other hydrocarbons from next year which makes them equivalent to a very large MHF in their own right. They will take 10 days to discharge fuel through the Tank Farm system.

Does this State Government really want to jeopardise the supply of fuel to the Victorian Economy by supporting one developer's high rise apartment plans.

Attachment 06

FROM MOBIL'S SUBMISSION TO THE ADVISORY COMMITTEE 24th Feb 2011

93. Mobil takes the management of risks associated with its operations very seriously and it is incumbent on Mobil as a responsible member of the community and an MHF facility to bring these risks to the attention of the Panel. It will be documented for future reference that Mobil have raised the issues of people safety, environmental issues, and reverse buffer requirements in a sensible manner so it can be clearly understood by the panel and others.

- Mobil's operations are vital to whole of Victorian community and economy
- Need to protect viability of refinery (in its extended sense) – existing and future
- Must have flexibility to adapt, ie re-configure and re-develop existing sites

Interface – Port Environs Overlay

- Challenge is for planning authorities to balance pressures
- Recognise urban renewal
- Constrain the new development, not the existing development
- Overlay should provide forum for fine-tuning, not for free-for-all negotiation

3 storey apartment in the line of an explosion - Texas 2013
Blast Zone Damage to 2000 ft (609 metres)



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VCAT decision on Archaeology overturned by Council Officers using Secondary Consent

Tuesday, 12 November 2013

VCAT Matter P785/2012 re: Demolition of the Former Port Phillip Woollen Mill Buildings Lots 1 to 9 excluding Lot 2 - January 2013 decision on austlii website

Conditions were appealed to demolish outer walls & replace with 3m wooden fence - ref no P385/2013 - determined by VCAT Member Baird 20th June 2013

PPWM Building Walls can be demolished and replaced by acoustic 3m fence

Demolition and walls allowed to floor level, and Archaeological Survey condition is the same as in P785/2012 and states

*“Before works are carried out that would **significantly disturb the man-made or natural surface or subsoil of the land**, an archaeological survey and photographic record of significant relics and structures must be prepared by a suitably qualified archaeologist and submitted to the Responsible Authority. The archaeological survey and photographic record must be carried out in accordance with the requirements of Heritage Victoria and Aboriginal Affairs Victoria.”*

The conditions remained the same until the developer's planning consultant wrote to Council in August 2013 and asked for the Man-Made Surface to be removed from the Archaeologist condition. 8 days later without even letting the original objectors at VCAT know the conditions were changed and the developer started excavating.

See: https://greenlight.e-vis.com.au/hbcc/public/main.aspx?frm=uc_applicationDisplay_Open.ascx&appTypeId=1&mId=103&AppId=65225 30/08/2013 Amended Permit > Approve Amended Permit > Complete : Letter Sent to applicant

Also Council has failed to ensure Aboriginal Affairs Victoria requirements were followed ...

“The archaeological survey and photographic record must be carried out in accordance with the requirements of Heritage Victoria and Aboriginal Affairs Victoria”

The Developer had their expert witness in Stage 1A prepare an assessment of where heritage artifacts may be discovered without consultation with anyone else. That report was sent to HV to see if it met HV requirements and they stated it did but for AAV there was NO RESPONSE. The digging just started without the condition being met.

So the community works hard to protect the Williamstown Heritage and gets a good decision by Member Code, upheld by Member Baird and our own Hobsons Bay Council officers change the decision with no third party consultation under what is known as SECONDARY CONSENT - where is the democracy in that.

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