

Submission to the Major Hazards Facilities Advisory Committee on the Discussion Paper

Michelle Grainger, Manager Planning

Moyne Shire Council.

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1. Council is pleased to have the opportunity to make this submission.
2. Moyne Shire is a predominantly rural Shire surrounding Warrnambool and stretching from Peterborough in the east to Yambuk in the west, extending inland to Macarthur and Caramut. It is a Shire dominated by a strong agricultural sector with tourism along the coast, and alternative energy developments, windfarms and gas fired power stations becoming a strong inland land use along the Geelong to Portland major power line.
3. Moyne over the last 15 years has seen its growth in alternative energy projects being home to 4 operational windfarms including AGL's Macarthur wind farm of 140 towers. In addition, west of Mortlake Origin Energy have developed and operate a gas fire power station. There is approval of a further gas fired power station at Tarrone.
4. Moyne Shire shares a boundary with Corangamite Shire where there are 3 onshore gas processing plants. High pressure pipelines traverse Moyne Shire including the pipeline transmitting gas from Port Campbell to the Mortlake Gas Fired Power Station.
5. The existing discussion paper is very metropolitan centric and as such has not raised issues of major hazard facilities located in farming areas and the challenges faced in such environments.
6. Whilst risk may be lower the planning framework has often applied to the development site a Special Use Zone and consideration of buffer zones has not resulted in the application of any overlays.
7. Land in the Farming zone in Moyne generally has a 40 hectare minimum lot size for subdivision and below which there is a trigger for a planning permit for a dwelling. If a lot is greater than 40 hectares there is no need to obtain a planning permit. Such situation could result in a dwelling being constructed within a critical buffer zone.
8. It is considered that in Moyne's case with respect to power plants that the infrastructure is of state significance and the risks associated with eroding the buffers for safety and compliance of a major hazard facility should be reviewed.

9. Buffers – the issue and discussion around the role of buffer distances in this Discussion Paper is similar to that in the Animal Industries Advisory Committee Discussion Paper. It is Councils' view that there needs to be a consistent approach taken to the application of buffer distances in the planning framework and that the use of the Environment Significance Overlay is not the most appropriate tool, nor is Clause 52.10 as this is based only on air emissions and only in relation to setbacks from land in residential zones.

Relevant similar land use considerations exist for establishment of quarries, where they are encouraged to own its buffer. The Mineral Resources Sustainable Development Act sets up a two stage approval process which at an early stage gets expert input from a range of government agencies and has an 'in principle approval' by an expert agency.

10. Council would like to draw to the Advisory Committee attention the current review of Animal Industries where there is a similar discussion occurring in relation to protection of buffer distances. Any recommendation from this report should jointly consider the issues raised through the Animal Industries Advisory Committee as the aims are similar.
11. Council's experience is that the development of major energy projects usually proceeds through an EES process rather than a standard planning permit process. This then generates significant expert advice. The burden on the local community involved in these processes is considerable as is the role of Council. Outcomes have been site specific and have resulted in either permits administered by the Minister for Planning or the Council or a Special Use zone. The outcomes apply only to the development site and have not applied controls beyond the boundaries of the site. It may be that there is merit in extending the role of EES to consider what additional protection mechanisms are required on surrounding land to create a buffer.

This would create an additional burden for surrounding landowners but may provide a better long term planning outcome.

In Council's recent experience with the Dundonnell Wind Farm the proponent actively engaged with participating landholders and participating neighbour's to strike agreements with regard to individual property impacts. A transmission line corridor could take a similar approach.

12. The role of land use planning should be limited for major hazard facilities with the licensing and approval under the Environment Protection Authority, Department of Economic Development Jobs Resources and Transport taking the lead role. Local Government does not have the appropriate technical skill base for consideration of the full range of risks associated with such facilities.

13. With regard to high pressure pipelines Council is of the view that there needs to be an appropriate tracking system to ensure the location of such infrastructure is clear. Whether or not there is the need for a permit trigger for works in proximity to the pipeline should be considered having regard to how the easements are applied.
14. There is currently an exemption from the need for planning permits for the installation of pipelines. If the easement only covers the works area and does not incorporate any buffer then there remains a potential risk of sensitive uses sited within the buffer.
15. The use of a tool similar to a Section 173 Agreement or a restriction on title in addition to an easement for setbacks of accommodation and other sensitive uses may be a way to resolve this issue rather than create another permit trigger in the planning system.

Conclusion

Council generally supports the submission submitted by the MAV to this enquiry.

Thank you for the opportunity to make this submission.