Mr Nick Wimbush  
Advisory Committee Chair  
Major Hazard Facilities Advisory Committee  
Planning Panels Victoria  
MELBOURNE VIC 3000

Dear Mr Wimbush

Re: Advisory Committee Discussion Paper- Major Hazard Facilities

The City of Greater Geelong (the City) welcomes the opportunity to make a submission to the Major Hazard Facilities Advisory Committee.

The City recognises the important role that major hazard facilities (MHF) operators contribute to the local economy and, therefore, appreciate the importance of protecting their interests. Conversely, the City recognises the potential hazardous nature of these uses and associated issues including the encroachment of land uses around MHF. Given this, there is significant scope to improve the management of MHF and other hazardous land uses (pipelines et al) in the planning scheme.

Geelong’s context

The City contains four licensed and registered MHF, as per WorkSafe Victoria’s records. These locations are described below:

- LyondellBassell Aus Pty Ltd., Refinery Road, Corio.
- Viva Energy Refining Pty Ltd., Refinery Road, Corio.
- Viva Energy Refining Pty Ltd., 137-207 McManus Road, Lara.
- Terminals Pty Ltd., 40 Wharf Road, Corio.

The predominant land use zoning for MHF in Geelong is the Industrial 2 Zone. The Port Zone affects the Terminals Pty Ltd. MHF at Wharf Road.

From a Geelong perspective, the key issues relating to MHF include:
- the lack of transparency around the establishment of MHF;
- the lack of consistency in the management of MHF in different locations;
- the lack of information about MHF and other hazardous land uses (pipelines) and the areas around these land uses which may be at risk as a consequence of an incident; and
- the planning scheme doesn’t adequately address reverse amenity impacts where a new use is proposed in proximity to MHF.

These issues are further discussed below.
Response to Discussion Paper - Key Issues

Planning Policy/Framework

- The City strongly encourages the State Government to work collaboratively with key agencies i.e. WorkSafe, MHF operators and local Councils, to ensure that public health and safety are primary considerations when planning for MHF and managing encroaching land uses. Without a collaborative approach taken by key stakeholders, land use planning for MHF will continue to suffer from a lack of clear direction and guidance.
- It is important to note that in addition to MHF located in the City, there are many other hazardous land uses, which require careful consideration of risk and amenity issues. Such examples include high-pressure gas pipelines.
- A full audit of all MHF and available data should be undertaken to inform any future outcome in relation to new policy, determining relevant planning advisory area boundaries and planning controls, where relevant.
- There should be greater emphasis in the SPPF regarding the use of the ‘precautionary principle’ and ‘protection of life’ objectives when planning for MHF.
- The inclusion of policy about MHF in the SPPF is warranted. The draft Planning Policy Framework (PPF) considered this an appropriate inclusion. Revisiting the draft PPF in terms of how it structured the MHF policy into the overall framework and the wording would be a beneficial exercise. The intention being to determine how and where a new policy would fit within the existing SPPF e.g. within the Environmental Risks clause.
- It is considered that a definition of MHF in the planning scheme would be beneficial to inform land use interpretation. Consideration of the WorkSafe’s definition is the most logical approach given their role in the planning system to date.

VPPs

- Overall, the existing suite of zones appear suitable for the purposes of planning for MHF. However, there may be benefit in supporting a more consistent approach across the State in the application of a particular zone, whether it be the Industrial 2 Zone or the Special Use Zone. Guidance on this matter could perhaps be achieved through a planning practice note for MHF.
- There is concern that not all MHF are located in an industrial zone. For example, the Terminals Pty Ltd. MHF at Wharf Road is located in the Port Zone. The Port Zone (Clause 37.09-1) prescribes ‘Industry’ as a Section 1 permit not required land use subject to a number of conditions. The Terminals operation is largely a bulk storage facility, which has capacity to expand its operation in the future on the Port owned land. Consequently, without an appropriate mechanism in the planning scheme to control future land use and development in this case, there is potential for significant issues to be by-passed, including referral to key agencies/authorities.
- Whilst the use of the Environmental Significance Overlay (ESO) in a Geelong context appears to be the most appropriate tool available in the current suite of VPPs, the introduction of a new VPP planning overlay for ‘hazardous facilities’ is warranted.
- A new VPP overlay exclusively for MHF is one approach. However, there is merit in considering a new overlay control that could be used more broadly to apply to other hazardous facilities which in their own right have significant amenity issues. The new overlay could be refined for respective hazardous land uses by scheduling in relevant requirements et al.
- A new overlay control would strengthen the issue of reverse amenity impacts/lack of reverse buffers by introducing the agent of change principal, thereby, ensuring that new
uses proposed around MHF within the land affected by the overlay would be subject to
assessment under the overlay requirements.

- The issue of encroachment of 'sensitive land uses' to MHF is a key concern. However,
the encroachment of 'non-sensitive land uses' can often carry equal weight in the
consideration of permit applications. Such uses include 'people intensive uses' for
example manufacturing which often have a high density of employees. Whilst these
uses are appropriate to an industrial zone, their location proximate to MHF may not be
compatible.

- A new overlay should include:
  - permit requirements for both use and development;
  - application requirements;
  - referral requirements to key agencies such as WorkSafe, who should be a
determining authority'; and
  - decision guidelines.

- A new overlay would set out standard criteria around separation distances, people
density on surrounding sites, requirements for building design to address emissions
and any other relevant issues.

- The use of WorkSafe’s methodology for inner and outer planning advisory areas is the
most logical starting point to inform the application of a new overlay to land around
MHF.

- It is appreciated that individual MHF will have unique inner and outer planning advisory
areas. Until these areas are made available to the public and relevant key stakeholders,
the mapping exercise for applying overlays is challenging. It is also recognised that
MHF have opportunities for expansion in the future subject to the standard assessment
processes. Consequently, a whole of title approach needs to be adopted to ensure that
MHF are not subject to inappropriate encroachment which could unduly limit their
development.

- Recognising the contribution to the economy that MHF make and the location criteria
that they are bound by such as access to port side land or pipelines, the input of
operators will be essential to determine the boundaries for the application of any new
planning controls.

- A new overlay could be applied at a minimum distance around the MHF and could be
varied by a planning scheme amendment where reduced amenity impacts are
adequately defined.

- The City has had recent experience with permit applications for land uses proximate to
MHF. Relevant permit applications include Ref: 964/2015 ‘Spookers’ (35 Lowe Street,
Corio, VIC 3214) and Ref: 267/2015 ‘Rocke Brothers’ (162-200 McManus Road, VIC
3212). Whilst in both instances referral to WorkSafe was undertaken, the lack of
transparency in the planning scheme about inner and outer planning advisory areas for
the MHF leaves a significant gap in available technical guidance. In both instances,
inner and outer planning advisory areas have not been published. Consequently, the
advice provided by WorksSafe was based on their own in-house calculations. By
making an informed decision abo.it proposed land uses proximate to MHF, it is
imperative that Councils are privy to all available data including mapping for inner and
outer planning advisory areas.

**Pipelines**

- Notwithstanding the establishment of an interdepartmental working group, the City
welcomes the Advisory Committee’s consideration of the issues relating to high
pressure gas pipelines. As mentioned previously in this submission, high-pressure gas
pipelines are another form of hazardous land use that has the potential to have
significant risk to public health and safety.
- Given that Clause 19.03-6 of the SPPF specifically requires planning schemes to recognise existing transmission-pressure gas pipelines and protect from further encroachment, the regulatory framework (as it applies to land use planning under the P&E Act) is clearly inadequate.

- The ability to schedule in pipelines into a 'hazardous facilities' overlay is an option, as broadly discussed in the previous sections.

- Identifying the location of high-pressure pipeline infrastructure and associated easements is relatively simple. However, determining the measurement length (i.e. buffer distance from the pipe to the extent of potential risk to life) is complex. The preference is for respective distances to be identified and applied through an overlay. This information should be coordinated with relevant operators of the high-pressure pipelines.

- As with referrals for MHF, the new overlay should trigger referral of applications to the Minister administering the Pipelines Act 2005. Councils do not have the expertise to properly consider this issue. Greater Geelong has had recent experience with planning for new greenfield residential growth areas impacted by high-pressure pipelines. The Greater Geelong Planning Scheme includes provisions at Clauses 37.07 Schedule 6, 43.04 Schedule 29 and 66.04 to address this issue.

**General comments about the 'Background' section**

- This section includes minor errors in the discussion about planning for the Lara West Growth Area. The Lara Structure Plan 2011 does not include any reference to the T92 Iona to Lara pipeline. Amendment C198 implemented the LSP into the Planning Scheme (gazetted 11/8/2011). This was followed by Amendment C246 Lara West PSP. The APA-owned & operated pipeline was identified during the exhibition period and an SMS completed. The pipeline issue was considered at the C246 Panel Hearing and minor revisions to the exhibited PSP layout were undertaken to exclude sensitive uses such as schools from the pipelines' measurement length.

- Further clarification is also provided:
  - The discussion includes reference to the Panel’s term ‘heat flux zone’. Council sought clarification of this term from Energy Safe Victoria and the correct term is ‘pipeline measurement length’ – which is the term used in the Greater Geelong Planning Scheme.
  - The Panel’s recommendation that notice be given about the existence of the pipeline to newcomers buying into the area was not supported by the Minister for Planning. The position of the Minister was consistent with another Panel’s findings in Amendment C285.

The City trusts that the above comments will inform the Advisory Committee about MHF and other hazardous land uses in a Geelong context. Should you wish to discuss any matter further, please contact James Hamilton, Senior Strategic Planner on Tel: 5272 4851 or by Email: jhamilton@geelongcity.vic.gov.au.

Yours sincerely

[Signature]

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