9 February 2016

Major Hazard Facilities Advisory Committee
C/- Planning Panels Victoria
Level 5, 1 Spring Street
MELBOURNE VIC 3000

Dear Major Hazard Facilities Advisory Committee

SUBMISSION TO MAJOR HAZARD FACILITIES ADVISORY COMMITTEE’S DISCUSSION PAPER

Moonee Valley City Council is pleased to make this submission to the Ministerial Advisory Committee on the Major Hazard Facilities Discussion Paper.

Council welcomes the Committee’s decision to consider pipelines in its work despite not being specifically included in the Terms of Reference.

Given there are no registered Major Hazard Facilities within Moonee Valley, this submission is restricted to comments on the issue of licensed pipelines. More specifically, Council’s submission responds to questions 32 and 33 of Section 6.5 (Pipelines) of the Discussion Paper.

Moonee Valley Context

The following licensed pipelines are found within Moonee Valley’s municipal boundaries:

- High Pressure Gas Transmission Pipe which runs north to south across the municipality (Licence 203 - DN Keon Park to West Melbourne). This asset is managed by SP AusNet.

- Somerton Jet Fuel Pipe (PL118, PL119) which runs inside the Melbourne Airport rail corridor bordering Moonee Valley and Brimbank City Councils. This asset is managed by Exxonmobil.

Figure 1 indicates the location of these 2 pipes as well as their measurement lengths.
Figure 1 – Licensed pipelines within Moonee Valley
Response to Discussion Paper Questions

32. Given there is already a legislative framework for pipeline protection, does the planning system need to include additional provisions?

Council believes there is a need for the planning system to provide additional guidance in terms of protecting pipelines from development encroachment and managing risks associated with these assets.

The relationship between pipeline risk management and land development is currently established via Clause 19.03-6 (Pipeline Infrastructure) of the State Planning Policy Framework (SPPF) which includes the following strategy:

"Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided."

However, as stated on page 7 of the Committee’s Discussion Paper, this statement "is not supported by any policy guidelines and there is little recognition of the presence of existing pipelines provided under planning schemes."

In the absence of further guidance in the Planning and Environment Act 1987 and Victorian Planning Schemes, the Pipelines Act 2005 and Australian Standard AS2885 form the relevant regulatory framework for the management of land uses in proximity to licensed pipelines.

Under the Pipelines Act 2005 licensed operators are responsible for ensuring their assets are managed in accordance with AS2885. AS2885 mandates that land uses within the measurement length of a pipeline need to be managed to reflect the construction classification of the pipeline. Uses and developments which are not in accordance with the construction class of the pipeline require the preparation and approval of a Safety Management Plan by the asset owner.

Currently there is no appropriate tool in the Victoria Planning Provisions (VPPs) to identify licensed pipelines nor are there any permit triggers or referral requirements for development within the measurement length of a pipeline. As such, safety assessments are not always carried out when they are required, thus potentially increasing the consequence of failure in a pipeline and posing unacceptable levels of risk.
Furthermore, the land use classifications defined in AS2885 (i.e. T1, T2, S etc.) to determine the construction standard of pipelines do not correlate with definitions found in Victorian Planning Schemes. AS2885 also fails to provide a clear definition of the distinction between T1 and T2 class land uses and development. These factors combined make it difficult for Council to ascertain when it is appropriate to refer a planning permit application to the relevant licensed operator.

To overcome these shortcomings, the VPPs should be amended to formalise the requirement to refer an application to the relevant pipeline licensee. This should be coupled with additional clarity in terms of interpretation of AS2885 land use classifications and their correlation to definitions contained in Victorian Planning Schemes, particularly in terms of what is meant by “high density”. Given Moonee Valley is primarily an established residential municipality undergoing intensification, there is a particular need in the local context for additional guidance on the extent of higher density residential development (i.e. dwellings per hectare) that would be permissible in a pipeline’s measurement length.

33. **Could a risk based spatial overlay developed for MHF and industry with a specific schedule for pipelines be a potential tool for use in identifying major pipelines in planning schemes?**

Council agrees with the Panel appointed to hear and consider submissions in respect to Greater Geelong Planning Scheme Amendment C246 which asserted it is appropriate to formally recognise existing licensed pipelines and their measurement lengths in planning schemes through an overlay control.

To this end, Council supports the introduction of a risk based spatial overlay with a specific schedule for pipelines via a VC amendment. This would ensure that the presence of pipelines are given due consideration during the planning permit process as well as during the preparation of planning scheme amendments which would in turn ensure compliance with the requirements of Clause 19.03-6 of the SPPF and AS2885.

Council would appreciate the opportunity to comment on any draft controls before they are finalised by the State Government.

In the interim, Council requests that GeoCoordinates of assets that contain high pressure gas and petroleum pipelines should be provided to all affected municipalities as well as be made publically available to raise awareness of their existence.
If you have any queries regarding this matter please contact Christina Collia directly on 9243 9161 or by e-mail at ccollia@mvcc.vic.gov.au.

Yours sincerely

Bryan Lancaster
Chief Executive Office