APA VTS Australia (Operations) Pty Ltd – Submissions in response to the Major Hazard Facilities Advisory Committee’s discussion paper dated 21 December 2015

1 Introduction

(a) APA VTS Australia (Operations) Pty Ltd (APA) has prepared these submissions in response to the Major Hazard Facilities Advisory Committee’s (Committee) discussion paper dated 21 December 2015 (Discussion Paper).

(b) The Committee’s terms of reference are relevant to APA in two respects:

   (i) APA owns and operates a major hazard facility located at 180 Greens Road Dandenong; and

   (ii) APA owns and operates over 2,000 kilometres of high pressure gas transmission pipelines in Victoria.

(c) APA is concerned to ensure that the presence and potential impacts of major hazard facilities and high pressure gas transmission pipelines is taken into account when planning decisions are made. This will ensure that the safety of people, property and the environment is maintained, while also ensuring the continued operation of critical components of Victoria’s gas supply infrastructure.

(d) In order to achieve this goal, APA considers that the Victorian planning system must be amended to include provisions that recognise the presence of and constraints posed by both types of infrastructure, and which prevent land and development conflicts and inappropriate encroachment.

(e) APA submits that the most practical and efficient way to do this is to include a new overlay in the Victoria Planning Provisions that identifies the existence of major hazard facilities and high pressure gas transmission pipelines, and includes provisions that require a permit to be obtained before developing sensitive uses within the threshold distance of a major hazard facility or measurement length of a pipeline.

(f) The new overlay would require referral to a determining authority with appropriate expertise in assessing the risks associated with the proposed development, for example the Victorian WorkCover Authority (trading as WorkSafe Victoria) (WorkSafe), Energy Safe Victoria or the Minister for Pipelines.

2 APA infrastructure

2.1 APA’s major hazard facility

(a) APA owns and operates a licenced major hazard facility in the form of a Liquefied Natural Gas (LNG) plant (APA MHF) at 180 Greens Road, Dandenong on 64 hectares of land (Dandenong Site). The APA MHF occupies a 6.4 hectare portion of the Dandenong Site.

(b) The following infrastructure is located at the Dandenong Site:

   (i) a 12,000 tonnes capacity LNG tank, which consists of an internal tank with a suspended roof fully enclosed within a steel outer tank;

   (ii) an LNG tanker loading facility, which consists of two loading bays, a local (batch) storage tank with a tanker loading pump, associated aboveground LNG pipework and a remote spill containment pit;

   (iii) the Longford to Dandenong 750mm pipeline (pipeline licence 75);

   (iv) the Morwell to Dandenong 450mm pipeline (pipeline licence 50);

   (v) two Dandenong to West Melbourne 750mm pipelines (pipeline licences 36 and 129); and
(vi) a range of other pipelines, plant and equipment.

(c) The APA MHF provides security of supply services for the Victorian gas transmission system. It does this by injecting gas into the system to meet peak winter demands for gas.

(d) A truck loading station for LNG tankers is also located at the Dandenong Site.

(e) The APA MHF has an Inner Planning Advisory Area of 12.5 hectares, where the individual risk of fatality from potential foreseeable incidents is greater or equal to $1 \times 10^{-7}$ per year (one chance in 10 million years).

(f) The APA MHF has an Outer Planning Advisory area of 20 hectares, where the consequence of a credible incident is not likely to cause fatality but persons present may suffer some adverse effects or have difficulty responding to an emergency that may result in injury or harm.

(g) The threshold distance for the APA MHF is 400 metres, as set out in clause 52.10 of the Victoria Planning Provisions. We note that the threshold distance of the APA MHF is entirely contained on land owned by APA.

(h) As required by WorkSafe, a Safety Case which assesses the risk, likelihood and consequence of an event on safety has been prepared for the APA MHF.

2.2 APA’s transmission pipeline system

(a) APA owns over 2,000 kilometres of high pressure gas transmission pipelines in Victoria. Approximately 300 kilometres of the pipeline system traverses or skirts built up metropolitan areas.

(b) Almost all of the natural gas consumed in Victoria is transported through this transmission pipeline system. The system serves a base of approximately 1.5 million residential customers and approximately 50,000 industrial and commercial users throughout Victoria and is integral to the operation of the gas supply system that services Victoria.

(c) A pipeline’s measurement length is defined in Australian Standard 2885 - Gas and liquid petroleum as the distance from the pipeline at which the radiation intensity from an ignited full-bore rupture is $4.7 \text{kW/m}^2$. An unprotected person exposed to this radiation level for a short time is likely to experience severe burns (and possible fatality). The measurement length will differ from pipeline to pipeline.

3 ‘Agent of change’ principle

(a) APA submits that the ‘agent of change’ principle should be incorporated into the recommendations of the Committee as a guiding principle.

(b) The ‘agent of change’ is the party introducing a use or development into an existing environment which results in a change to the operating conditions.

(c) The principle would place responsibility for ensuring that all risks are mitigated with the ‘agent of change’. This would justifiably place responsibility for ensuring that all risks are mitigated with the party that is seeking to alter the status quo, rather than requiring the existing party to attempt to retrofit an existing facility, which can be difficult, costly and in some cases unfeasible.
4 Statutory protections for pipelines

(a) Under sections 118 and 120 of the *Pipelines Act 2005* (Vic), a person is prohibited from excavating, boring or opening any ground or constructing a building within three metres of a pipeline. This statutory protection area is often enlarged by an easement surrounding the pipeline as a form of private control.

(b) However, the measurement length of pipelines is not protected or controlled by statute.

5 Encroachment by new use

(a) The Victorian planning system provides no guidance as to the appropriate planning approach for dealing with risks associated with major hazard facilities and developments in their vicinity. This means that a court is provided with very little guidance when determining whether a permit allowing the development of a sensitive use within the threshold distance of a major hazard facility should be permitted.

(b) This was apparent in the VCAT decision *Sandbor Properties Pty Ltd v Maribyrnong CC (No 2)*\(^1\) where the Tribunal was required to consider planning approaches adopted in the United Kingdom to determine whether land was suited to medium density development given its close proximity to Mobil’s Yarraville Terminal, a bulk fuel storage and distribution facility.

(c) This uncertainty has led to decision makers determining applications for the development of sensitive uses based on varied and shifting criteria. This was the case in *JB & DP Milgate Property Pty Ltd v Hobsons Bay CC*\(^2\) where a permit was initially granted to develop three double storey dwellings in close proximity to the Altona Refinery. Two applications were made to extend the permit and were granted, however a third application to further extend the permit was refused. This was because Council’s internal policy regarding development near major hazard facilities had changed so that it was reluctant to support residential development in the area.

(d) This lack of guidance has therefore lead to a great deal of uncertainty regarding the instances in which decision makers will permit sensitive uses to be developed within the threshold distance of major hazard facilities.

(e) Planning around high pressure gas transmission pipelines suffers from the same problem.

(f) Although clause 19.03-6 of the State Planning Policy Framework acknowledges the need to recognise “existing transmission-pressure gas pipelines in planning schemes and protect them from further encroachment by residential development or other sensitive land uses”, for the most part, local policies, zoning overlays and provisions within Victorian planning schemes fail to recognise existing high pressure gas pipelines.

(g) The absence of suitable planning controls means that the land use and development conflicts around existing high pressure gas transmission pipelines are often not considered. Neither developers nor pipeline licensees are aware of the risk management issues until late in the planning process, if it all.

(h) This has created a “gap” in planning controls which has and will continue to lead to new development occurring in unacceptably hazardous circumstances. This has the potential to create situations where the risk to people, property and the environment is not within acceptable levels.

(i) In APA’s recent experience, by the time pipeline licensees are advised of proposed developments, the development plans have progressed to such a point that it is difficult to influence strategic planning outcomes in order to limit this risk.

---

\(^1\) [2010] VCAT 678.

\(^2\) [2015] VCAT 1167.
This was the case in relation to the Lara West Precinct Structure Plan which is noted in the Committee's Discussion Paper.

The City of Greater Geelong adopted Amendment C246 to the Greater Geelong Planning Scheme to rezone land located in Lara West to the Urban Growth Zone. This process allowed for the development of the land and applied appropriate zones and overlays to facilitate the land's transition from farming and rural living to urban land.

The high pressure gas pipeline traversing the land subject to the Lara West Precinct Structure Plan emerged late in the Amendment C246 process, and was not considered in the Lara West Precinct Structure Plan report adopted by Council in 2011.

This issue also arose in relation to the Wollert Precinct Structure Plan. The Whittlesea Shire Council adopted Amendment C187 to the Whittlesea Planning Scheme to rezone land located in Wollert to the Urban Growth Zone. As with Lara West, this process allowed for the development of the land and facilitated the land's transition from farming and rural living to urban land.

The pipeline licensee incurred significant expense in seeking to ensure that the presence of the pipeline was recognised and adequately considered. It faced significant opposition from land owners and developers. It is not yet known what recommendations the Panel will make.

For both Lara West and Wollert, the ability of the pipeline licensee to influence the planned locations of sensitive uses within the Precinct Structure Plan area was greatly reduced due to the failure of the planning system to contain policies and controls directed at ensuring compatible and strategic planning outcomes. Further, the failure of the planning system to contain the required policies and controls means that the significance of the relevant pipelines is not recognised by all relevant stake holders until late in the planning process.

The Committee's Discussion Paper flags the potential for the following planning tools to be incorporated into the Victoria Planning Provisions to ensure that the presence and potential impacts of existing major hazard facilities and pipelines is taken into account when planning decisions are made:

(i) including a specific zone to be applied to all major hazard facilities, such as a special use zone or a new zone that would extend off-site from major hazard facilities and include a tailored schedule to allow only certain uses or development to occur, as discussed in Part 12 of these submissions;

(ii) developing a new purpose built overlay to define the boundaries of separation distances for risks around major hazard facilities and to control both use and development of land within the identified separation distance, as discussed in Part 6 of these submissions;

(iii) amending clause 52.10 to protect existing industrial land uses from encroachment by proposed sensitive land uses within the threshold distance of major hazard facilities, as discussed in Part 11 of these submissions;

(iv) amending the EPA Guideline Recommended Separation Distances for Industrial Residual Air Emissions (IRAE Guidelines) to accord greater weight to separation distances for industry or sensitive use expansion;

(v) developing land buffers between major hazard facilities and other industries and sensitive uses to reduce risk or amenity impacts to an acceptable level; and

(vi) developing a practice note to clearly articulate how land use planning around major hazard facilities and industry should occur broadly.
Risk Management Overlay

(a) APA submits that the most practical way of recognising major hazard facilities and high pressure gas pipelines in the Victorian planning system is to implement a planning overlay into the Victoria Planning Provisions that identifies land that could be adversely affected by existing major hazard facilities or high pressure gas pipelines, and applies a set of controls to ensure that any risks associated with this infrastructure are assessed and managed or mitigated.

(b) This overlay would affect areas that could be adversely affected by major hazard facilities and high pressure gas pipelines, for example areas that are within the threshold distance of major hazard facilities or the measurement length of high pressure gas transmission pipelines. This would create an overlay area within which land owners, prospective purchasers, planners and developers are alerted to the potential impacts of a major hazard facility or a pipeline, and includes an obligation on the agent of change to seek a planning permit and assess risks before potential land use and development conflicts occur.

(c) APA submits that this overlay should be referred to as the “Risk Management Overlay” (Overlay) or similar, as opposed to a ‘hazard overlay’. This will ensure that the focus of the Overlay is on risk assessment and avoids causing alarm.

(d) The Overlay, in conjunction with a permit trigger which would apply to land located in the Overlay area, would not prohibit or prevent the development of sensitive uses within the Overlay area; rather it would ensure that planning decision making is based on an adequate risk assessment and design process.

(e) This risk assessment analysis should be undertaken in conjunction with the ‘agent of change’ guiding principle in that the assessment should be undertaken and funded by the permit applicant. An expert body in the industry acting as a determining referral authority could review the application, having regard to the opinion of the pipeline licensee, as well as information provided by the pipeline licensee or major hazard facility operator (as applicable), as discussed further in Part 9 of these submissions.

(f) APA considers that major hazard facilities and high pressure gas pipelines should both be included in the Overlay because the risks posed by major hazard facilities and high pressure gas pipelines are similar, as discussed in Part 10 of these submissions.

Substance of the Overlay

7.1 Purpose of Overlay

(a) The Overlay purposes could include:

(i) to ensure that the use and development of land prioritises the safety of people, property and the environment;

(ii) to identify areas that may be affected by existing major hazard facilities and high pressure gas pipelines and to ensure that this existing infrastructure is considered when developing sensitive uses in these affected areas;

(iii) to ensure that the development of sensitive uses is only permitted in these areas where the risk to people, property and the environment is reduced to an acceptable level; and

(iv) to ensure the continued operation of critical components of Victoria’s gas supply infrastructure.
7.2 Permit requirement

(a) The Overlay would set out that a permit is required for the use and development of a sensitive use within the Overlay area.

(b) The definition of the term ‘sensitive use’ to be included in the Overlay is discussed further in Part 8 of these submissions.

7.3 Referral of applications

(a) The Overlay would also include a referral provision.

(b) This referral provision would state that an application must be referred to the relevant determining referral authority before a proposed sensitive use can be developed within the Overlay area.

7.4 Decision guidelines

(a) The Overlay should include decision guidelines which a determining referral authority or referral authority must have regard to when reviewing an application of a permit applicant to use or develop land for a sensitive use.

(b) These decision guidelines could include that, before deciding on an application, the determining referral authority must consider, as appropriate:

(i) the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and Local planning policies;

(ii) any WorkSafe and Environmental Protection Agency guidelines;

(iii) the effect that the major hazard facility or high pressure gas transmission pipeline could have on the proposed sensitive use or development;

(iv) the effect that the proposed sensitive use could have on nearby and existing industrial uses, including whether the use or development would prejudice the continued operation and expansion of the existing industrial uses;

(v) whether the overall risk posed by the sensitive use is as low as reasonably practicable, (that is, the cost of further risk reduction measures is grossly disproportionate to the benefit gained from the reduced risk that would result);

(vi) whether the proposed sensitive use will cause the likely population density to increase considerably, and whether those people are likely to be able to safely respond to a potential emergency situation; and

(vii) the views of the major hazard facility operator or pipeline licensee (as applicable).

(c) As a pipeline licensee, it is not APA’s role to assess the degree of risk that is acceptable. Rather, this is a strategic planning and community risk issue best left to those specifically tasked to manage community risk.

(d) The purposes and decision guidelines suggested above are intended to broadly reflect the objectives of the Overlay but the detail of the level of risk and the type of use and development that should be allowed warrants further consideration by the Committee.
Definition of ‘sensitive use’

(a) The Committee’s Discussion Paper notes that there are a range of tools and guidelines used in the consideration of ‘sensitive uses’, and sets out various definitions of the term ‘sensitive use’ that are included in the Victorian planning system. For this reason, APA considers that there is a lack of clarity in the term ‘sensitive use’.

(b) The term ‘sensitive use’ is often defined by reference to a list of uses where vulnerable members or large numbers of the community may be located, such as child care centres, education centres, cinema based entertainment facilities, retail premises, hospitals, places of assembly, medium and high density housing and other accommodation.

(c) APA submits that the definition of ‘sensitive use’ to be included in the Overlay would list these uses, as well as provide a more in-depth description of the types of accommodation that would be considered a sensitive use and would therefore require a permit to be developed in the Overlay area.

(d) Instead of having a performance based approach, APA proposes that a descriptive definition of the term ‘sensitive use’ should be introduced to the Victorian Planning Provisions.

(e) APA proposes that the following assessment guidelines be included in the Overlay to determine whether a proposed use in an Overlay area is a ‘sensitive use’:

“A permit is required to develop land affected by the overlay for the following land uses:

i. child care centre;

ii. education centre;

iii. hospital;

iv. aged care accommodation;

v. service station;

vi. cinema based entertainment facility; or

vii. accommodation, other than a single dwelling on a lot; and

where the likely population density will increase considerably as a result of the development, the following land uses:

i. retail premises;

ii. industry;

iii. leisure and recreation;

iv. transport terminal;

v. warehouse;

vi. sale yard;

vii. office; or

viii. places of assembly.”
9 Referral authority

(a) As discussed in Part 6 of these submissions, APA considers that the most practical way to ensure that all major hazard facilities and pipelines are identified for the purpose of ensuring compatible and safe surrounding land use and development is to implement the Overlay which includes a provision to refer an application to an authority with the expertise and power to determine whether a sensitive use should be allowed.

(b) The process requires expert risk assessment and analysis, and a referral authority is best placed to do this.

(c) APA considers that the appropriate referral authority for permit applications relating to major hazard facilities under the proposed Overlay is WorkSafe.

(d) APA considers that either Energy Safe Victoria or the Minister for Pipelines would be an appropriate referral authority for permit applications relating to high pressure gas transmission pipelines.

(e) Alternatively, if a government body declined to act as the referral authority, the pipeline licensee could be an appropriate referral authority for permit applications relating to high pressure gas transmission pipelines. This is because the pipeline licensee would be aware of the risks posed by the pipeline to which the application applies and any design or other measures that the applicant should take to mitigate these risks.

(f) These referral authorities could assess and determine whether a permit to develop a sensitive use in an Overlay area should be granted by reference to the decision guidelines included in the Overlay planning scheme provision.

(g) APA also proposes that the Overlay decision guidelines required the referral authority to seek and have regard to the input of the major hazard facility operator or pipeline licensee when making its assessment.

10 Practice note

(a) APA submits that a practice note should be prepared and applied in conjunction with the Overlay. This practice note could give guidance about what a major hazard facility is and how the planning scheme and Overlay should deal with them.

(b) ‘Major hazard facility’ could be defined in the practice note to include certain high pressure gas pipelines, such as ‘higher risk’ pipelines. These ‘higher risk’ pipelines could pose a significant risk to the safety of people, property and the environment like major hazard facilities. The Overlay should therefore be able to apply to this specific subset of pipelines if Energy Safe Victoria and the pipeline licensee so choose.

(c) Energy Safe Victoria is currently working with relevant pipeline licensees and the pipeline peak industry body to resolve a set of criteria which would allow for a definition of ‘higher risk’ pipelines.

(d) The practice note could provide guidance as to when the Overlay should be applied. In relation to a high pressure gas transmission pipeline, we submit that the practice note should indicate that the Overlay is applied only at the request of the pipeline licensee. This is because not all pipeline represent a hazard so there is no case for blanket application of the Overlay to pipelines.

11 Other proposals

(a) The Committee’s Discussion Paper asks submitters to consider whether clause 52.10 of the Victoria Planning Provisions could be reviewed to improve land use planning for areas surrounding major hazard facilities.
Clause 52.10 of the Victoria Planning Provisions sets out threshold distances that are used to determine whether a proposed industrial use should be permitted.

The clause identifies types of industries which, if not appropriately designed and located, may cause offence and an unacceptable risk to the community. This is done by listing various types of industrial land uses which have adverse amenity potential and identifies a minimum threshold distance from the boundary of the proposed industrial use to the boundary of the existing sensitive use.

These threshold distances act as permit triggers, not minimum buffer distances. This means that, when a permit application for a proposed industrial use is received, a referral authority is required to make an assessment of whether it is appropriate to place the proposed industry within the minimum threshold distance of the sensitive use. This in turn means that development in the areas subject to the threshold distance is not prevented or prohibited. Rather, a risk-based approach is taken to assessing whether the industrial use should be developed within the threshold distance of the sensitive use. This decision-making process is undertaken on a case-by-case basis.

Clause 52.10 does not provide for ‘reverse amenity’ protection of industry in its current form. This is because the clause only seeks to protect existing sensitive uses from encroachment from the development of industries with potential adverse impacts. It does not seek to protect industrial uses from encroachment by proposed sensitive uses within the threshold distance of any of the industrial uses included in the table.

Furthermore, clause 52.10 does not provide guidance to a referral authority or the responsible authority of the tests that should be applied to determine whether a proposed land use conflicts with an existing land use, or how this conflict should be resolved in the event that the relevant threshold distance is to be encroached upon.

Clause 52.10 also does not incorporate the principle of the ‘agent of change’, as described above in Part 3 of these submissions. This principle sets out that the party introducing the change should be responsible for taking design or other measures to ensure that the risk to people, property, and the environment are managed within acceptable levels.

For these reasons, APA considers that clause 52.10 would have to be significantly reworked to ensure that existing industrial uses are protected from encroachment from the development of residential or other sensitive uses within threshold distances. APA proposes that it would be more practical to instead implement the Overlay into the Victoria Planning Provisions to identify the existence of licenced major hazard facilities and high pressure gas transmission pipelines and to ensure that encroachment on this infrastructure by sensitive uses does not occur.

However, if the Committee chooses to recommend that clause 52.10 be reworked to address the encroachment of sensitive uses on industry, APA submits that the clause should be amended in the following ways:

(i) the clause should be expanded so that it provides for ‘reverse amenity’ protection of industry by protecting existing industrial uses from encroachment caused by the development of sensitive uses within the threshold distances of any industrial uses included in the table;

(ii) the table should be amended to include high pressure gas transmission pipelines, which should be treated in the same way as major hazard facilities because they present the same risks to the community;

(iii) the concept of the ‘agent of change’ should be included in the re-worked clause to ensure that the party making the change, for example a developer proposing to build a sensitive use within the threshold distance of a major hazard facility, is primarily responsible for undertaking an assessment of the risks associated with the proposed development;
(iv) the applicant should be required to undertake a risk assessment study that sets out the effect that the proposed use or development will have on existing land uses, and any design or other measures that the applicant has taken to mitigate these risks;

(v) the clause should set out guidelines and that a referral authority must have regard to and the tests that should be applied when determining whether a permit application should be granted for the proposed use; and

(vi) the clause should be amended so that it is consistent with existing EPA buffer guidelines, such as the EPA IRAE Guidelines.

(j) APA also recommends that the provisions requiring a referral authority to determine whether a permit should be granted for a proposed use should stay the same.

12 Application of an existing or new zone

(a) The Committee's Discussion Paper also asks submitters to consider whether a specific zone should be applied to all major hazard facilities to improve land use planning for this infrastructure.

(b) APA submits that the Overlay is a more practical and efficient way to provide for compatible land uses and development in areas affected by the presence of a major hazard facility.

(c) In our submission the key issue to be resolved is how planning schemes deal with the potential offsite impacts of a major hazard facility, rather than how the facility itself is zoned. The zoning appropriate for each major hazard facility may vary and from APA's perspective there is no need or any real value in developing a template major hazard facility zone.

(d) The appropriate tool for identifying the areas around a facility that could be impacted by a major hazard facility is an overlay rather than a zone because an overlay does not alter the underlying zoning identified as appropriate. Rather, it highlights the presence of a particular issue which 'overlays' the strategic and strategic planning of an area.

13 Conclusion

(a) APA submits that it is necessary to amend the Victorian planning system to identify major hazard facilities and high pressure gas transmissions pipelines and protect this infrastructure from encroachment by incompatible land uses and development.

(b) This will ensure the presence and potential impacts of major hazard facilities and pipelines is taken into account when planning decisions are made, and in turn ensure that the safety of people, property, the environment and critical facilities and infrastructure are paramount.

(c) APA considers that the most practical way to do this is through implementation of the Overlay in the Victoria Planning Provisions, which would ensure that the proposed development of sensitive uses within the threshold distance of a major hazard facility or the measurement length of a high pressure gas transmission pipeline is assessed to ensure that it is safe.
## Annexure A: Table of thought starters

<table>
<thead>
<tr>
<th>No.</th>
<th>Thought starter</th>
<th>APA comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Does the planning system effectively address existing or greenfield MHF or other hazardous industry that poses a risk to the safety of surrounding areas?</td>
<td>No.</td>
</tr>
<tr>
<td>2.</td>
<td>How should planning address areas surrounding existing or proposed MHF or other hazardous industry that poses a risk to the safety of surrounding areas?</td>
<td>Through the implementation of an overlay which requires all proposed developments of sensitive uses to be subject to a risk-based assessment and considered by a determining referral authority.</td>
</tr>
<tr>
<td>3.</td>
<td>Should there be a greater consultation where a new MHF is proposed or changes made that would require changes to its safety assessment? Who would be involved in that consultation?</td>
<td>Yes. The major hazard facility operator (or pipeline licensee) and referral authority should be involved in that consultation.</td>
</tr>
<tr>
<td>4.</td>
<td>Should a definition for MHF be included in planning schemes, and if so, what might a definition include?</td>
<td>No, but a practice note could give guidance about what a major hazard facility is and how the planning scheme should deal with them.</td>
</tr>
<tr>
<td>5.</td>
<td>Should MHF emergency plans also be required to consider the effect a major incident would have on property within the land use planning areas and provide this information to the local community?</td>
<td>No. This is already adequately addressed outside the planning system in a satisfactory manner.</td>
</tr>
<tr>
<td>6.</td>
<td>Should the WorkSafe methodology for Inner and Outer Planning and Advisory Areas, be identified in planning schemes?</td>
<td>No.</td>
</tr>
<tr>
<td>7.</td>
<td>Should risk areas around MHF, though Inner and Outer Planning Advisory Areas, be identified in planning schemes?</td>
<td>Yes, in broad terms only.</td>
</tr>
<tr>
<td>8.</td>
<td>Are there other more appropriate mechanisms other than the planning system that could be used to identify risk areas around a MHF that would alert landowners, tenants, permit applicants, facility operators and prospective purchasers and others about a MHF and the risk potential?</td>
<td>No.</td>
</tr>
<tr>
<td>9.</td>
<td>Should modelled risk areas around MHF be translated into planning schemes, and if so, how could this best be achieved?</td>
<td>Yes. Through the development of an overlay.</td>
</tr>
<tr>
<td>11.</td>
<td>Should policy more clearly prioritise the protection of human life in areas around MHF similar to that provided under Bushfire policy?</td>
<td>Yes.</td>
</tr>
<tr>
<td>12.</td>
<td>Could local planning policy play a greater role in managing conflicting land uses and sensitive land uses</td>
<td>No - a state wide approach is preferred.</td>
</tr>
<tr>
<td>No.</td>
<td>Thought starter</td>
<td>APA comment</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>13</td>
<td>Should a specific zone be considered and applied to all MHF such as the SUZ or a new zone?</td>
<td>Not necessary.</td>
</tr>
<tr>
<td>14</td>
<td>Could or should SUZ or other zone boundaries extend off-site from MHF and Schedules that identify and manage sensitive uses?</td>
<td>This is neither necessary nor appropriate.</td>
</tr>
<tr>
<td>15</td>
<td>Could any new or modified zone include purposes, permit requirements, or decision guidelines that identify and manage sensitive uses?</td>
<td>Yes, but an overlay would be the most practical and efficient way to identify and manage sensitive uses.</td>
</tr>
<tr>
<td>16</td>
<td>Should zones prohibit intensification of use or should they maintain a discretionary permit process?</td>
<td>They should maintain a permit process which requires a referral authority to make a decision having regard to decision guidelines that focus on risk assessment and management.</td>
</tr>
<tr>
<td>17</td>
<td>Could or should an existing or new overlay be used to identify risk and manage development of land surrounding a MHF?</td>
<td>Yes - an overlay should be used to identify risk and manage development of land surrounding a MHF (including high pressure gas transmission pipelines).</td>
</tr>
<tr>
<td>18</td>
<td>Should both use and development of land around a MHF be managed in an overlay?</td>
<td>Yes. For pipelines either Energy Safe Victoria or the Minister for Pipelines would be appropriate.</td>
</tr>
<tr>
<td>19</td>
<td>Could an overlay identify inner and outer hazards areas or be applied to identified areas (whether defaulted or modelled)?</td>
<td>The overlay could be applied to the threshold distance of a major hazard facility and the measurement length of a high pressure gas transmission pipeline.</td>
</tr>
<tr>
<td>20</td>
<td>Is notification of the risk status of land in proximity to a MHF important and how might it be achieved?</td>
<td>Yes. This could be achieved through the implementation of an overlay.</td>
</tr>
<tr>
<td>21</td>
<td>Would it be appropriate or beneficial to include key agencies such as the EPA or WorkSafe as referral authorities for permit applications lodged with identified risk areas around MHF?</td>
<td>Yes.</td>
</tr>
<tr>
<td>22</td>
<td>Would the use of a zone or overlay provide the mechanism for engaging the EPA and/or WorkSafe as a referral authority for areas of risk around MHF?</td>
<td>Yes. This could be achieved through the implementation of a provision that requires applications to develop a sensitive use in an overlay area to WorkSafe (if the application relates to a MHF) or the EPA (if the application relates to a high pressure gas transmission pipeline).</td>
</tr>
<tr>
<td>23</td>
<td>Should clause 52.10 be reviewed to provide more than just an advisory role in determining the need for permits for industrial and warehousing uses?</td>
<td>Clause 52.10 could be reworked to provide more than just an advisory role.</td>
</tr>
<tr>
<td>24</td>
<td>If so, what should such a review seek?</td>
<td>A review should seek to protect existing industrial uses from encroachment caused.</td>
</tr>
<tr>
<td>No.</td>
<td>Thought starter</td>
<td>APA comment</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>25.</td>
<td>Should the EPA IRAE Guidelines be better articulated in the VPP to accord greater weight to separation distances for industry or sensitive use expansion?</td>
<td>No. An overlay should be implemented to accord greater weight to separation distance for industry or sensitive use expansion. The overlay could include buffer distances that are consistent with the buffer distances included in the APA IRAE Guidelines.</td>
</tr>
<tr>
<td>26.</td>
<td>Are the separation distances/buffer distances in clause 52.10 and the IRAE clearly justified and appropriate?</td>
<td>They are justifiable but the justification is unclear in the documents.</td>
</tr>
<tr>
<td>27.</td>
<td>Might a clearer articulation in the planning system of principles around the need for buffers be useful?</td>
<td>Yes.</td>
</tr>
<tr>
<td>28.</td>
<td>Does the planning system currently allow and/or facilitate appropriate responses to the provision of buffers whilst ensuring the most efficient land use and land value capture outcomes around MHF and industry?</td>
<td>No.</td>
</tr>
<tr>
<td>29.</td>
<td>Could the ‘agent of change’ principle be introduced to planning schemes to ensure that the onus on ensuring appropriate buffers rests with the encroaching sensitive use?</td>
<td>Yes.</td>
</tr>
<tr>
<td>30.</td>
<td>Should sensitive uses be formally defined in the planning scheme?</td>
<td>Yes.</td>
</tr>
<tr>
<td>31.</td>
<td>Would a Planning Practice Note for interface planning between industry and sensitive uses be useful?</td>
<td>Yes. It could identify when it is appropriate to apply tailored planning controls such as the Overlay.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The practice note could that the Overlay is applied only at the request of the pipeline licensee to ensure that only pipelines that represent a hazard are included in the Overlay.</td>
</tr>
<tr>
<td>32.</td>
<td>Given there is already a legislative framework for pipeline operation, does the planning system need to include additional provisions?</td>
<td>Yes. The framework only applies to the pipeline operator and is silent on planning</td>
</tr>
<tr>
<td>33.</td>
<td>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?</td>
<td>Yes.</td>
</tr>
</tbody>
</table>