

Our Ref: D1018516

9 February 2016

Major Hazard Facilities Advisory Committee
Via Online submission

Dear Sir / Madam

SOUTH GIPPSLAND SHIRE COUNCIL SUBMISSION
MAJOR HAZARD FACILITIES DISCUSSION PAPER - DECEMBER 2015

Thank you for the opportunity to comment on the Major Hazard Facilities Advisory Committee Discussion Paper.

This Council has limited experience with Major Hazard Facilities of the type considered in the Discussion Paper, however we do have experience with amenity conflict issues related to industrial and public utility uses that we consider relevant to some of the questions posed in the Discussion Paper. The following response is limited to only those areas of this Council's experience regarding these matters.

In relation to Question 1 '*Does the planning system effectively address existing or greenfield MHF or other hazardous industry that pose a risk to the safety of surrounding areas?*' the answer is no. It has been a deficiency in the planning system for many years that the system (through Clause 52.10) seeks to control the establishment of new uses with adverse amenity potential, yet provides no meaningful way to manage the encroachment or intensification of sensitive uses in the areas affected by adverse amenity causing uses.

The absence of effective encroachment control has resulted in planners trying to use the threshold distances specified in Clause 52.10 to argue the 'reverse buffer' principle to try to manage encroachment. Using 52.10 in this way is weak, especially where the existing zoning pattern in the area surrounding the adverse amenity use promotes sensitive uses.

This Council has sought to address the deficiency by application of ESO controls around our waste water treatment plants and more recently, a dairy factory in Korumburra. In relation to this Council's experience, the application of an overlay like an ESO is considered the most appropriate tool as its provisions can be customised to manage the amenity issues most relevant to the receiving land and its outer boundaries can be determined by site specific modelling and is not locked to the cadaster as would be the case if a zone were used to manage the same issue.

The ESO affecting the curtilage of the dairy factory in Korumburra is consistent with the 'agent of change' principle which is now established in the planning system in relation to live entertainment venues. This is likely to become an increasingly

important principle in coming years because the community has increasing expectations of the level of amenity and safety they expect to enjoy in residential areas. Overlays are the most effective way to manage these issues and also highlight for potential land buyers what the issues are likely to be and how they are to be managed in receiving areas – similar to the Airport Environs Overlay.

Many councils have introduced amenity / hazard buffer controls into their planning schemes and there is much inconsistency in the nature of the controls. A new overlay specific to managing this issue has merit. The overlay might also allow for consideration of 'use' issues to allow more sophisticated management of encroachment. If the current system is to remain, then an important (minimum) change would be the introduction of a Practice Note specific to amenity and hazard management. As noted in the Discussion Paper, the use of buffer overlays is only briefly mentioned in 'Using Victoria's Planning System' – more guidance is required on where and how (threshold of entry) buffer overlays might be applied.

This Council welcomes the Advisory Committee's detailed consideration of the issues set out in the Discussion Paper. While our response is brief, we trust it will be of assistance to you in your further consideration of these important matters.

Should you have any queries please contact Ken Griffiths Strategic Planning Coordinator on 5662 9236 or email ken.griffiths@southgippsland.vic.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'P. Stampton', with a stylized flourish at the end.

Paul Stampton
Manager Planning