5 February 2016

Mr Nick Wimbush
Chair
Major Hazard Facilities Advisory Committee
DELWP Online Submission

Dear Sir

MAJOR HAZARD FACILITIES ADVISORY COMMITTEE DISCUSSION PAPER

Thank you for providing Wellington Shire Council (‘Council’) with the opportunity to lodge a submission to the Major Hazard Facilities Advisory Committee Discussion Paper, 21 December 2015 (‘Discussion Paper’).

Council welcomes the establishment of the Advisory Committee to consider the effectiveness of the land use planning system around Major Hazard Facilities.

As the Advisory Committee will be aware, Council’s particular interest relates to the onshore processing facility in Longford operated by Esso Australia Resources Pty Ltd. The Longford facility is located within a significant Industrial 1 zoned area of land (approximately 760 hectares in total) located approximately 15km south/south east of Sale.

Council supports Esso’s 13 November 2015 letter to the Advisory Committee indicating that there would be benefit in providing clear, consistent and enforceable regulations that define what development is appropriate around Major Hazard Facilities. This is particularly relevant as little policy guidance (or recognition of the Longford facility) is currently available in the Wellington Planning Scheme (WPS). In addition, there are no specific planning controls in place within or surrounding the Longford facility which recognise its role as a Major Hazard Facility.

Fortunately, however, due to the current zoning regime and land ownership patterns within and surrounding the Longford facility, the facility is well separated from sensitive land uses. Despite this, Council still sees benefit in a consistent State wide approach being established to ensure that future land use and development change can be effectively managed in the vicinity of Major Hazard Facilities.

In relation to the specific questions raised by the Advisory Committee, Council does not see a need for a Major Hazard Facility definition to be included in the Victoria Planning Provisions (VPP’s) or for a specific zone to be applied to Major Hazard Facilities, but
would support the notion of risk being identified in a policy and planning control sense (e.g. through potential application of an Overlay) provided Council could effectively rely on technical input and advice from agencies such as Worksafe and the Environment Protection Authority (EPA). Further, under any such approach, Council should maintain discretion to either support or refuse future land use or development.

In terms of the Advisory Committee’s reference to Clause 52.10, Council would support a comprehensive review of this Clause given its ‘ambiguous’ nature, including in relation to tackling ‘reverse amenity’ and the ‘agent of change’ principle. Council would also support greater recognition of the EPA guidelines for Recommended Separation Distances for Industrial Residual Air Emissions as part of any such review.

In relation to the Advisory Committee’s comments about pipeline regulation, Council would require further information about local implications prior to forming a position about whether this is an issue the planning system could better contend with.

Please contact Joshua Clydesdale, Manager Land Use Planning on (03) 5142 3175 should you wish to clarify any of the above issues.

Yours sincerely

[Signature]

DAVID MORCOM
Chief Executive Officer

ECM 2047977