

9 February 2016

Mr Nick Wimbush
Advisory Committee Chair
Major Hazards Advisory Committee
C/- Planning Panels Victoria
Level 5, 1 Spring Street
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Email: planning.panels@delwp.vic.gov.au

Dear Mr Wimbush,

RE: Major Hazards Advisory Committee Discussion Paper

Please find below our submission in response to the Discussion Paper published by the Major Hazards Advisory Committee on 21 December 2015.

The Discussion Paper in relation to Major Hazard Facilities ('MHF') expands the terms of reference to include considerations relating to pipelines. We consider that this particular issue requires a comprehensive analysis and consultation with the development industry, Councils and other interested stakeholders in order to ensure that an appropriate resolution is developed. We offer the following analysis to assist the Committee in developing its recommendations.

Given this is an emerging area of planning, we believe further direct discussion with the Advisory Committee is required to canvas the issues raised and the direction of the potential policy.

Our analysis is broken down into the following categories:

- Legislation and Controls;
- Definitions and Referrals;
- Licensees and Decision Making;
- Transparency and Analysis;
- Risk Mitigation and Assessment;
- Utilisation of AS2885;
- Costs and Responsibilities; and
- Strategic Implications.

Legislation and Controls

As established in the Discussion Paper, pipelines are not appropriately addressed under the current Victorian Planning Provisions (VPP), and do not fall within the definition of a MHF. For example, it was recognised in the Lara West PSP planning panel hearing that this is an area which requires further policy development work.¹ To appreciate the implications involved in these matters, it is important to clearly understand the legislative and operational framework that currently exists.

The *Pipelines Act 2005* ('PA') serves the purpose of controlling the construction and operation of onshore pipelines that are used to convey forms of pressurised hydrocarbons; including but not limited to petroleum and other flammable liquids and gasses. The current legislative framework establishes that the State Minister for Industry, Energy and Resources is responsible for declaring pipelines, issuing licenses and dictating the operation of the pipelines. This includes imposing restrictions or requirements on the use of pipelines.

Under the current objectives of the legislation, matters relating to the orderly development of land, which are objectives in the *Planning and Environment Act 1987* ('P&E Act'), are not included within the PA. Section 3(f) of the PA seeks to:

'ensure that pipelines are constructed and operated in a way that minimises adverse environmental impacts and has regard for the need for sustainable development.'

However this element does exhibit the level of rigour or detail shown within Section 4 of the *P&E Act*. Within the P&E, emphasis is placed on the provision of:

'The fair, orderly, economic and sustainable use, and development of land', 'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria', and 'to balance the present and future interests of all Victorians'.

This differentiation in objectives and priorities restricts the matters that can be considered by authorities operating under the provisions of each piece of legislation. We raise this point to emphasise that in the assessment of planning related proposals, the objectives and matters considered to be relevant will differ from those provided under the *PA*, and thereby require considerations to be provided to different matters; in content and scope.

Definitions and Referrals

Pipelines are defined exhaustively within the *PA*, however no such definition is provided under the *P&E Act*. The mismatch and gap presented by other definitions not being listed creates areas of ambiguity. A key example arises when reviewing the referral requirements contained within the Victorian Planning Provisions ('VPP'), more specifically relating to subdivisions under Clause 66.01.

¹ Panel Report, Greater Geelong Planning Scheme Amendment C246, Lara West Precinct Structure Plan 19 July 2013, pages 24 & 25.

Clause 66.01 of the VPPs states that referrals are to be completed by the relevant gas supply authority (a determining authority) in the event land is to be subdivided and is crossed by a gas transmission pipeline or gas transmission easement. A gas supply authority is not defined under the Scheme, the *P&E Act* or the *PA*. Assistance can be drawn from the definitions provided within the *Building Regulations 2006* which define a gas supply authority as follows:

- (a) *in relation to an area served by a reticulated gas supply, a gas company within the meaning of the Gas Safety Act 1997 ; and*
- (b) *in relation to pipelines for the conveyance of hydrocarbons, the Minister responsible for the Pipelines Act 1967;*²

A distinction here is drawn between reticulated services, and those relating to the conveyance of hydrocarbons; being the pipelines relevant for the Committee. On this point we would emphasise that if the definition afforded within the regulations were applied to the planning provisions, applications would be referred to the Minister administering the *PA*; not a licensee which currently occurs.

It should be noted that the Department of State Development, Business and Innovation ('DSDBI') advised that any matters relating to the *P&E Act* should be referred to DSDBI, and not Energy Safe Victoria or any licensees.³ This response clearly illustrates that the Minister and the Department recognise their role within the *P&E*, to provide advice and influence planning decisions, even if it is not defined within the Act that is their role. Clarification is required here as it appears to scope for confusion regarding which entity should be consulted.

Notwithstanding this point, we also recognise that it may appropriate to refer certain small scale proposals requiring connections to gas infrastructure to licensees, to facilitate the implementation of appropriate agreements, and mandate the use of suitably qualified and licensed individuals to establish or service such connections.

Alternatively, DSDBI should retain the referral power, but should consult with the licensee, as relevant, before responding to the referral. This would seem to be the most appropriate approach, and is similar to the overarching role that Public Transport Victoria has as a referral authority, and it consults various entities, such as V-Line or VicTrack, before responding as appropriate.

When considering the wider strategic implications that pipeline infrastructure may have, for example relating to large strategic plans such as Precinct Structure Plans ('PSP') which will direct future residential and commercial development, we strongly submit that the Minister or DSDBI should be the authority providing pipeline advice.

Until changes are made to enunciate when proposals are to be referred to authorities, referral provisions are likely to be inconsistently applied. This leaves the process vulnerable to abuse.

² *Building Regulations (Vic) 2006*, Reg 105.

³ City of Greater Geelong, Agenda, Ordinary Meeting of Council, Tuesday 22 October 2013, Page 30.

Licensees and Decision Making

As the Minister has the authority to approve or revoke licenses relating to pipelines, it is important that any matters relating to the infrastructure itself, be forwarded to the Minister or the relevant body administering its functions at the time; since licensees may change from time to time.

The role of the licensee is to provide information to the DSDBI and Energy Safe Victoria, who will reach a decision about the appropriateness of any particular proposal and advise the respective authority seeking the advice accordingly. In numerous instances it can be found that licensees are seeking to be included within the ambit of planning controls, more commonly as referral authorities, for applications or proposals that may be in close proximity to pipelines. If such requests are entertained and implemented, these authorities would be operating in contradiction to advice provided by the DSDBI, and potentially in contravention to legislative controls as detailed above.

Such an approach would essentially allow a private corporation to exercise a power afforded to a Minister, where the power has not been delegated to the company through the appropriate legislative controls. As a result, the planning system would be exposed to an entity where business interests may take priority and other factors may not receive the appropriate level of consideration.

We raise the above point to illustrate a worst case scenario and are not alleging any malpractice of any current, previous or future licensees; however it is a point which cannot be ignored. To emphasise this further, we would encourage the Committee to consider the manner operation of other existing elements within the VPPs.

For example, the manner in which amenity and related issues are managed and assessed. In Victoria the Environment Protection Authority ('EPA'), is a mandatory referral for proposals located within a buffer area distance contained within Clause 52.10 (Uses with Adverse Amenity Potential). The referral in these instances is sent to the state government authority administering the *Environmental Protection Act 1975*, not a licensee or business operating on the land which may be the source of the amenity issue.

We would submit that any alteration to the planning controls relating to pipelines should exhibit a similar arrangement. It should be noted that no examples of licensees being included as referral authorities within the VPP's can be found.

Transparency and Analysis

Inconsistencies, combined with the confusion surrounding the role of certain authorities, has resulted in authorities across the state potentially being inappropriately influenced by submissions provided by licensees; this is most evident in the panel report for Amendment C246 relating to the Lara West PSP. In this Report the panel relied on information provided by the licensee, whilst recognising that independent expert advice provided to the panel did not agree with the advice of the licensee. No opportunity was provided for cross examination or critique of the evidence provided by the licensee as the entity did not attend the hearing, or make any offer to participate in a forum that could allow for further analysis of their advice to be made.

Cross examination of evidence provided by experts, especially in public forums such as panel hearings, is a fundamental component to the transparent and effective functioning of such bodies. We feel that in the present legislative situation, insufficient controls and mechanisms exist to allow cross examination and analysis of information provided by licensees; we strongly encourage the inclusion of mechanisms which can compel entities providing expert advice to planning authorities to make their information, and their experts available for cross examination and critique.

The accessibility of information pertaining to pipeline infrastructure remains a significant constraint to the industry, as attempts to gather such information are generally unsuccessful. It would be appropriate to provide an avenue through which the development industry more generally can view information which would be relevant to such infrastructure, as is the case for any other form of infrastructure. Take for example 'Dial before You Dig' searches, which also offer no information relating to such infrastructure, besides merely identifying that something exists on the land queried.

Noting that a critical concern raised by the gas servicing authorities is the lack of participation and notification in planning decisions, we would submit that at the same point, the authorities should make information relating to such assets readily available; eliminating the possibility of licensees withholding the information. Whilst the authority may claim that the release of such information may present a security risk, we contend that appropriate and sufficient controls can be established to track and regulate the access to such information.

This information would not only assist in developing more comprehensive due diligence assessments and provide information to prospective landowners, but would also provide opportunities for preliminary Safety Management Study ('SMS') assessments to be completed prior to embarking on significant and costly planning proposal preparations. Industry professionals could also use it to enhance and assist the relevant gas authorities in the preparation of SMS documentation. It could also facilitate a greater understanding in the development industry of the complexities associated with siting sensitive uses in close proximity to such infrastructure.

Risk Mitigation and Assessment

The PA and associated regulations stipulate that licensees are responsible for preparing an SMS in the event a land use change occurs in the vicinity of a pipeline, which would result in a change to the class designation of a pipeline; as required under *Australian Standard AS2885*. This assessment serves the purpose of assessing the risks arising from the presence of pipeline infrastructure to public safety, pipeline integrity, environmental impact and consequences of escaping fluid.

In the preparation of an SMS, our understanding is that the actual assessment is to be completed by the licensee, which is then provided to the ESV to make a determination as to whether the risk is acceptable. However it would appear having reviewed numerous submissions and correspondence from the licensee that the ESV is merely accepting the recommendations provided by the licensee, without consulting with the Minister or the DSDBI.

We have significant concerns in relation to the manner in which such assessments are made, given the fact that the appropriate level of risk of which potential residents are exposed to is determined by a commercial entity, and not a state government authority. We consider that it would be more appropriate for decisions relating to potential life threatening impacts, such as a catastrophic failure in infrastructure is more appropriately determined by the Minister, or the DSDBI, in consultation with the ESV.

Currently, assessments made by the licensee appear to be beyond scrutiny as in previous instances the entity refuses to provide any evidence to substantiate the claims made; even in situations where the evidence has been rebuked by other industry experts who provide evidence on the matter. We believe this matter must be addressed as discussed above; to ensure a transparent process is maintained and well developed and thorough decisions can be achieved.

Having reviewed the manner in which SMS assessments are completed, reliance is placed on a calculation method contained within the standard, to determine what land is considered to be in the vicinity of the pipeline. The calculation is made having regard to a radiation contour that would result in the event of an ignited full bore rupture of the pipeline, which relies on specific information relating to the pipeline, including but not limited to the pressure of the substance, width and size of pipes; this information is not readily accessible which limits the potential for expert reviews to be conducted on such assessments. It must be recognised that the standard serves the purpose of guiding the operations of the pipeline, and not as a mechanism to mandate buffer distances from sensitive uses. Whilst the standard has regard to population densities and sensitive uses which may be impacted as relevant to determining the measurement length area, nowhere is it mentioned that the standard should serve as a basis for determining the appropriate distance of a use from the pipeline.

Rather the standard acts as an instrument to calculate the risk associated with the current operations of the pipeline, taking into account what mitigation measures can be taken to reduce the risk to residents; this includes reducing the pressure of the pipeline, improving the integrity or type of pipeline, relocation or other physical protection measures. The mitigation measures would be implemented by the licensee, subsequent to the SMS assessment.

The standard provides a suite of measures which can be implemented by the licensee to mitigate and control risk of the pipeline. Measures such as pressure reductions can also be requested by the Minister under the provisions of Section 115 of the PA if the Minister considers it appropriate to do so in the interests of safety or the protection of the environment.

We raise these points to reiterate the separation that exists between the functioning of the legislation, the planning schemes, and the Australian standards, and also serve to emphasise the point that the PA legislation and its subsequent regulations and standards serve to direct licensees, not the P&E or planning schemes.

Whilst we recognise that some mechanism should exist to identify the presence of pipelines within the planning scheme, merely accepting the formulation provided within the standard as the basis for establishing buffer areas would be inappropriate; especially if it was used to determine the extent of an overlay.

In implementing an identification mechanism, the potential for operational alterations or infrastructure upgrades needs to be taken into account, thus sufficient flexibility needs to be made within the mechanism for amendments and alterations.

Utilisation of AS2885

In numerous instances both licensees and planning authorities have sought to rely on the directions contained within AS2885.1 ('the Standard') in relation to determining measurement length areas. The Standard contains the requirements for the design and construction of steel pipelines and associated piping and components. The requirement SMS is encompassed within the Standard, which serves the purpose of assessing the risks arising from the presence of pipeline infrastructure to public safety, pipeline integrity, environmental impact and consequences of escaping fluid.

In the event a land use change occurs in the vicinity of a pipeline, a change to the class designation of a pipeline may occur, which would then require a revised SMS to be prepared as required under the Standard. The land use terms considered under the Standard are listed under Section 4.3.4 and are detailed as follows:

Land Use Terms In AS2885

<i>Rural (R1)</i>	<i>Land that is <u>unused, undeveloped</u> or is used for <u>rural activities such as grazing, agriculture and horticulture</u>. Rural applies where the population is distributed in isolated dwellings. Rural includes areas of land with public infrastructure serving the rural use; roads, railways, canals, utility easements.</i>
<i>Rural Residential (R2)</i>	<i>Land that is occupied by <u>single residence blocks typically in the range 1 ha to 5 ha or is defined in a local land planning instrument as rural residential or its equivalent</u>. Land used for other purposes but with similar population density shall be assigned rural residential location class. Rural residential includes areas of land with public infrastructure serving the rural residential use; roads, railways, canals, utility easements. NOTE: In rural residential societal risk (the risk of multiple fatalities associated with a loss of containment) is not a dominant design consideration.</i>
<i>Residential (T1)</i>	<i>Land that is developed for <u>community living</u>. Residential applies where <u>multiple dwellings exist in proximity</u> to each other and dwellings are served by common public utilities. Residential includes areas of land with public infrastructure serving the residential use; roads, railways, recreational areas, camping grounds/caravan parks, suburban parks, small strip shopping centres. Residential land use may include isolated higher density areas provided they are not more than 10% of the land use. Land used for other purposes but with similar population density shall be assigned Residential location class.</i>
<i>High Density (T2)</i>	<i>Land that is developed for <u>high density community use</u>. High Density applies where <u>multi storey development predominates</u> or where large numbers of people congregate in the normal use of the area. High density includes areas of public infrastructure serving the high density use; roads, railways, major sporting and cultural facilities and land use areas of major commercial developments; cities, town centres, shopping malls, hotels and motels.</i>

	<i>NOTE: In residential and high density areas the societal risk associated with loss of containment is a dominant consideration.</i>
<i>In rural and rural residential areas, consideration shall be given to whether a higher location class may be necessary at any location where a large number of people may be present for a limited period. NOTE: Examples include roads subject to heavy traffic congestion and sports fields.</i>	

Extract from Australian Standard AS 2885.1-2012 Section 4.3.4.

It should be noted that the Standard does not contain any methodology for calculating densities, being either population or dwelling density figures, which are attributed to each primary location class (land use classes). The standards also fail to define what is considered to be ‘in proximity’, ‘large numbers of people’ or ‘community living’.

In addition to the above location classes, secondary location classes can also be applied, and act as supplementary consideration with additional requirements becoming relevant. Of particular relevance is the *Sensitive Use* class defined as follows:

Sensitive use (S) The sensitive use location class identifies land where the consequences of a failure may be increased because it is developed for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure. Sensitive uses are defined in some jurisdictions, but include schools, hospitals, aged care facilities and prisons. Sensitive use location class shall be assigned to any portion of pipeline where there is a sensitive development within a measurement length. It shall also include locations of high environmental sensitivity to pipeline failure.

Extract from Australian Standard AS 2885.1-2012 Section 4.3.4.

It should be noted that a ‘sensitive use’ is not defined under the PA, the P&E or the VPP’s. The EPA General Practice Note for Potentially Contaminated Land (June 2005) includes child care centres, dwellings and other residential buildings within the scope of sensitive uses.⁴ The scope of the term could be further expanded to encompass land uses such as emergency services since such services would be critical in the event of a rupture, office buildings and retail centres given the potential to accommodate larger numbers of people, places of worship and cinemas for the same reasons. In its current form, the scope of the definition of sensitive land use is not broad enough to encompass all potential land uses which may be critical in the event of a pipeline failure, or have regard to all persons that may not be able to protect themselves.

Furthermore, the standard fails to take into account the scale of such activities, and provides no methodology for determining whether any particular use may be more ‘sensitive’ than another; with the amount and type of persons attending a site likely to be a relevant factor when considering its risk. To be able to accurately determine under which use a particular site should be classed in; thereby affecting the integrity or application of a SMS assessment. This issue is also seen in the land class zoning definitions.

⁴http://www.dtpli.vic.gov.au/_data/assets/pdf_file/0010/258454/Potentially_Contaminated_Land_General_Practice_Note_June_2005.pdf.

Unlike the Standard, *Plan Melbourne* contains thresholds for each particular dwelling density category:

HOUSING DENSITY: one of several measures that describe how intensively an urban area is developed.

Low Density	<i>Low-density, standard suburban residential areas have traditionally been between <u>8–20 dwellings</u> per net residential hectare in Australian cities.</i>
Medium Density	<i>Medium-density housing is about 21–80 dwellings per net residential hectare, though most commonly is between <u>30–40 dwellings</u> per net residential hectare. Medium-density housing may be detached, semi-attached, attached or multi-unit.</i>
High Density	<i>More than <u>80 dwellings</u> per net residential hectare (such as apartments) is high-density.</i>
<i>Net residential hectare includes lots, local streets and connector streets but excludes encumbered land, arterial roads, railway corridors, government schools and community facilities and public open space.</i>	

(Plan Melbourne, 2014, Page 197)

The intensity of housing in a particular area under the planning controls would be determined having regard to the number of dwellings per net residential hectare, which is defined. As previously mentioned, the Standard fails to detail what the thresholds for dwellings or population numbers, can be attributed to each land use class; which could result in inconsistent applications of land use classes.

The *Rural Residential (R2)* within the Standard details that block sizes would generally range between 1 to 5 hectares in size, which would equate to a density between 1 to 0.2 dwellings per hectare (assuming each lot has 1 dwelling established on it). This density somewhat complies with default density requirements for the Rural Living Zone, which could be considered to be the most appropriate zone for comparison given its naming.

The Rural Living Zone under the VPPs has a default density requirement of 0.5 dwellings per hectare⁵. This density is further reduced in instances where a schedule contains an even greater minimum lot size requirement, which could potentially reduce the density to 0.125 dwellings per hectare.⁶ When considering the minimum lot size requirement for the use of land for a dwelling without a planning permit, the density would result between 0.25 and 1 dwelling per hectare. These density outcomes are proximate to the lot sizes contained within the R2 definition.

However, when considering the more pertinent land class definitions, being T1 and T2 (AS2885) which apply to existing and emerging residential areas, no information is provided in relation to lot size, or an exact figure for ranges in population density.

⁵ Clause 35.03-3 (Subdivision) of the Wyndham Planning Scheme stipulates that the minimum land area of a lot must be 2 hectares if no area is specified under the schedule.

⁶ The schedule to the rural living zone as above, stipulates that 8 hectares is the minimum subdivision area for all other land – density was calculated as 1/8.

It would appear as though T1 could be wholly applied to the entire spectrum of residential zoning controls, ranging from Low Density Residential Zone achieving dwelling densities of 2.5 dwellings per hectares, to Residential Growth Zone densities which could achieve densities in excess of 35 dwellings per hectare⁷. This range in dwelling density would undoubtedly result in significant contrasts in population density, thereby impacting the integrity of the SMS.

The lack of clarity provided in the standard has afforded licensees an opportunity to impose limitations on the level of residential dwelling activity permissible within the measurement length area; thereby negatively impacting the industry's ability to develop sustainable and successful communities in peri-urban contexts. This was most recently observed in the submission made by the APA to the Wollert PSP Panel Hearing in December 2015, in which the authority sought to prohibit any sensitive uses being located within the 700 metres measurement area applicable; eliminating the development potential on numerous hectares of land for the length of the pipeline.⁸ It would appear that this limitation was sought in the interests of negating the need for a revised SMS assessment being undertaken by the licensee, rather than achieving orderly and sustainable planning outcomes.

Importantly it must be noted that the VPP's do not take population density into consideration, rather focus on dwelling density to guide development; whereas the standard appears to rely on it. The standard does not detail how a population density is to be established, or what information may be utilised to guide such a calculation. The standard does state that the:

'consideration of population density includes both residents and others who spend prolonged periods in the vicinity of the pipeline as a result of their employment, recreation or any other reason'.⁹

This relies on numerous assumptions being made, including:

- The number of persons likely to reside within a particular type of dwelling;
- The distance of dwellings from the asset and materials used for development being consistent;
- The number of persons likely to attend a community facility or any other property/site; and
- The length of time persons will spend at any particular site.

In the course of preparing strategic planning documentation, for example in growth or peri-urban areas, Precinct Structure Plan documents will detail the land area to be provided for a particular facility, however these documents do not provide specific information as to the likely capacity of such facilities or sites; raising questions as to how density will be calculated for these centres. This is also relevant when considering the implications a public open space reserve or other land uses may have on 'population density' such as schools or community centres.

⁷ Assuming lot sizes less than 350 square metres are provided, which is permissible under the General Residential Zone 1.

⁸ Whittlesea Planning Scheme Amendment C187, Wollert PSP, Hall & Wilcox Submission to Planning Panels Victoria on behalf of APA Group, 10 December 2015, pages 9 & 10.

⁹ Australian Standard AS2885.1-2012 4.3.1.

These shortfalls of the standard illustrate that it would be inappropriate to utilise such an instrument to guide land use planning, especially given the fact the standard was not developed for this purpose. Currently it would appear that the licensees have the discretion to define buffers based on unclear, and discretionary definitions and thresholds.

Costs and Responsibilities

In preparing development proposals or major large scale amendments to planning schemes, developers and industry professionals alike constantly have to consider the financial implications associated with delivering such projects. Costs associated with mitigation measures associated with pipeline infrastructure in our opinion should not wholly be placed on developers; especially in the event a pressure reduction is not completed.

Currently in peri-urban residential development examples, any mitigation measures introduced (which primarily require residential developments being set back a distance calculated by the licensee) impacts the cost projections of proposals, and in no way impacts the licensee. These buffers effectively render large areas as undevelopable and do not provide a sustainable means of developing land, and estates more generally.

We consider the current arrangement to be ill considered, as other industries across the state are required to attend to the issues presented by new residential developments in previously rural areas. Take for example additional control measures being implemented on landfills, or additional odour or dust control measures being introduced to broiler farms or quarries; these measures are implemented at the licensees or land operators expense, not the developers.

While the nature of the industries undoubtedly differ, there is no reason why licensees of pipelines should be exempted from additional control measures, especially when considering the potential life threatening impact their assets may have on communities. Furthermore, the scope of matters within licensee control are far greater, in comparison to those available to the property industry. Licensees can far more effectively mitigate risk and implement measures to reduce and maintain risks, and introduce these measures in a more cost and time efficient manner, than any buffer can achieve.

Strategic Considerations

We submit that in order to create an efficient and effective means of attending to this issue, workshops should be held with State Government authorities, local government representatives, and industry groups to develop a thorough, and well considered approach. We have consistently sought to be included within any discussions and would welcome any opportunity to take part and assist in the development of strategies to ensure all aspects of the matter are considered.

In addition to the above matters, we submit that it would also be appropriate to introduce new controls to assist pipeline owners and operators, in establishing the appropriate locations for new pipeline infrastructure. Such controls would be appropriate given the implications that will no doubt arise in the event development is to come in close proximity to the pipelines in the future.

The mechanisms could seek to establish the pipelines in areas that would not be suited for residential development, or in proximity to areas which are likely to be retained as buffer areas for other uses; for example adjacent to conservation areas. This would ensure that pipeline development and placement has regard to the potential future development of the land, and environmental constraints which provide opportunities for isolation.

Recommendations

1. That the Advisory Committee recognise that further planning policy development:
 - a. is required to address how major pipelines is managed in the planning system;
 - b. must be undertaken in conjunction with the development industry, relevant Government agencies and pipeline operators; and
 - c. should be conscious of the operation of all relevant planning and non-planning legislation, tools and standards.
2. The Advisory should develop:
 - a. a summary of planning issues associated with major pipelines
 - b. a draft direction for policy development; and
 - c. draft solutions to the issued addressed. Further consultation should occur on the draft proposals before the Advisory Committee finalises its recommendations to the Minister.
3. That the Advisory Committee consider:
 - a. That if a consultation over a planning proposal is contemplated, or a permit referral or notice authority power is being contemplated, any such power should be provided to the Minister for Industry, Energy and Resources.
 - b. That the onus be on the pipeline licensee / operator to maintain an up to date SMS system which:
 - i. Has regard to existing conditions proximate to any major pipelines and in a manner that also considers planning land use and development proposals in the short to medium term;
 - ii. Considers options to manage identified risks such as upgrade of the pipeline to a higher standard, pressure reduction or provision of alternative pipeline infrastructure routes;
 - iii. Is a public document available on an accessible Website.
 - iv. Has content which is reported annually to the Minister.
4. Rather than seeking to impose unreasonable planning constraints on developments proximate to major pipelines, take a proactive approach by guaranteeing that existing and future pipelines are of a suitable standard within their urban to ensure public safety are in place.
5. The Advisory Committee should consider whether a planning practice note, or similar document should be established by the DELWP to comprehensively address relevant issues.

Conclusion

The Property Council of Australia welcomes this opportunity to assist in the evolution of planning controls in Victoria, and is hopeful that the matters raised in this submission will be thoroughly considered in the course of the Advisory Committees preparation of its final report.

Given the numerous issues that pipeline infrastructure raises in not only established areas, but also newly emerging residential estates on the urban periphery of the city, we accept that a resolution may not necessarily be found immediately, and look forward to participating further in any consultation initiatives the Committee recommends; in order to develop a robust and functional solution to this land use planning issue.

We trust that this short summary assists your current process and we look forward to your response. If you would like to discuss this submission further, please contact Daniella Stutt, Senior Policy Advisor on 9664 4229 or dstutt@propertycouncil.com.au

Yours sincerely,



Jennifer Cunich
Victorian Executive Director
Property Council of Australia