



11 December 2019

Attention: Fleur Elijah
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Ask for: Craig Birch
Phone: 9932 1392
Our Ref:

Dear Fleur

Planning for amenity, health and safety buffers

This submission is made on behalf of Hobsons Bay City Council in relation to the DELWP project 'Planning for amenity, health and safety buffers – consultation on draft updates to the Planning Policy Framework and Clause 53.10'.

Land use planning around Major Hazard Facilities (MHFs), industry and pipelines is an important issue for Council with increasing pressure to redevelop redundant industrial land for sensitive uses. This submission highlights that:

- In principle support is provided for broadening of the policy to include health and safety risks, however further evidence is needed to support proposed buffer distances along with tools to support implementation of the policy.
- Further consideration is needed for inclusion of commercial uses in the policy where this would have implications for activity centre planning and potentially conflict with other objectives including the 20-minute neighbourhood concept.

Council appreciates the opportunity to comment on the proposed changes to the PPF and the amenity and buffer provisions. If you wish to discuss the submission please contact Craig Birch, Principal Planner on 9932 1392 or cbirch@hobsonsbay.vic.gov.au.

Yours sincerely

Penelope Winslade
Director Sustainable Communities

Hobsons Bay City Council Submission: Planning for amenity, health and safety buffers – consultation on draft updates to the Planning Policy Framework and Clause 53.10'

PPF and Clause 53.10

- There is an apparent disconnect between the threshold distances in Clause 53.10 which relate to air emissions, and the policy objective to consider human safety more generally.
- Council would support the inclusion of 'risk' threshold distances in Clause 53.10, provided that these were clearly distinguished from air emissions threshold distances, and were supported by reliable research and evidence.
- Council would then seek further tools and guidance to enable assessment of risks to human safety and greater work to determine and articulate exactly what the level of risk is around industrial areas.
- The inclusion of buffers to commercial uses with adverse amenity also needs further consideration as it has the potential to limit development opportunities and delivery of the 20-minute Neighbourhood concept.
- The terms used in Clause 53.10 under 'Type of Production, Use or Storage' should be translated, or categorised to align with land use terms in the Victoria Planning Provisions (VPPs). These descriptions should be included in the Land Use Terms definitions in the planning provisions.

Industrial 1 Zone

- Council notes proposed Clause 33.01 includes various fire and safety regulations, e.g. Dangerous Goods (Storage and Handling) Regulations 2012. Council requests training and support be provided to municipal authorities to apply these regulations when assessing planning permits.
- The first sentence under 'Condition' for the Industry use, i.e. *Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified* is difficult to interpret and should be re-worded.

Clause 13.07-1S update

- The following table provides a summary of comments in response to proposed updates to Clause 13.07-1S

Proposed objective	Comments
To protect community amenity, human health and safety while facilitating appropriate commercial, industrial or other uses with potential adverse off-site impacts.	<p>Council notes that the proposed objective has been broadened to refer to 'human health and safety', with the implication that the policy now acknowledges the need to protect the community from the risk of disaster events.</p> <p>Council supports this principle, however there needs to be corresponding tools and guidance in the planning system to determine, assess and plan for safety risks associated with Major Hazard Facilities (MHFs). Further comments on this issue are provided below.</p>
Proposed strategies	Comments
Ensure that use and development of land is compatible with adjoining and nearby land uses.	Support.
Avoid locating sensitive uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.	<p>Council interprets this strategy as applying the 'reverse buffer' concept.</p> <p>Council requests further consideration of the inclusion of 'commercial' uses in this strategy. This has implications for activity centre planning and potentially conflicts with other objectives in the PPF and Plan Melbourne including the 20-minute neighbourhood concept.</p> <p>Council has recently adopted its Activity Centres Strategy and Housing Strategy with the aim of focusing commercial and residential uses within activity centres at Spotswood, Newport and Williamstown.</p>
Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through siting, building design and operational measures.	Support.
Protect existing commercial,	Council restates its comments in relation to the inclusion of existing 'commercial' uses. Council requests further

industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.	clarification on the reasoning why commercial uses are included in the proposed strategy.
Policy documents	Comments
Consider as relevant: Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013) or as amended.	Council notes there is a disconnect between the EPA document which deals with air emissions, and the policy objective which implies a broader consideration of risk and the need to protect human health and safety .

Referrals Clause 66.02

- It is Council's view that WorkSafe and the EPA should be recommending referral authorities for industry or warehouse at Clause 66.02.
- To provide consistency with proposed Clause 13.07-1S '*Avoid locating sensitive uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses*', there should be a referral trigger for sensitive uses which propose to encroach within the threshold distance at Clause 53.10.

This would effectively deliver the 'reverse buffer' concept, and bring agencies such as WorkSafe and the EPA into the process when sensitive uses begin to encroach on existing industrial facilities.