



# Ordinary Council Meeting Urgent and Other Business

Tuesday 23 June 2020  
Commencing at 7.00pm

Council Chamber  
Hobsons Bay Civic Centre  
115 Civic Parade, Altona

**HOBSONS  
BAY CITY  
COUNCIL**



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## 12 Urgent and Other Business

### 12.1 Brimbank Planning Scheme - Planning Permit Application P412/2019 - 6/600 Geelong Road, Brooklyn - Use of the Land for a Warehouse (Chemical Storage)

**Directorate:** Sustainable Communities

**Councillor Portfolio:** Planning - Cr Tony Briffa and Cr Michael Grech

**Appendices:** 1 Planning Permit Application P412/2019 - Submission to Brimbank City Council

#### Purpose

To seek Council's agreement to lodge an objection to a planning permit application in Brimbank City Council for a chemical storage warehouse at 6/600 Geelong Road, Brooklyn.

#### Recommendation

That Council advises Brimbank City Council:

1. That it objects to the retrospective planning permit application P412/2019 for the use of the land for a chemical storage warehouse, on the following grounds:
    - the proposal does not meet state planning policy, particularly Clause 13.07 of the Brimbank Planning Scheme as the use is not compatible with adjoining and nearby land uses
    - the proposal does not meet the local planning policy of the Brimbank Planning Scheme, particularly the Industrial Land Use Policy at Clause 21.09 of the Brimbank Planning Scheme, which relates to best practice community safety and environmental standards
    - the proposal does not meet the purpose of Clause 33.01 (Industrial 1 Zone) of the Brimbank Planning Scheme, as the use will affect the safety and amenity of the local community
    - the proposal does not meet the requirements of Clause 65.01 of the Brimbank Planning Scheme, as it fails to provide for the orderly planning of the area
    - the proposal is inconsistent with the Brooklyn Evolution Strategy, as it will be incompatible with the intended transition to uses with reduced amenity impacts
  2. Should Brimbank City Council refuse the retrospective application, that the use must cease operating from the site within a short period of time.
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#### Summary

Council has been notified of a planning permit application lodged with Brimbank City Council under the Brimbank Planning Scheme. The application is a retrospective application for the use of the land for the storage of biocides and automotive products at 6/600 Geelong Road,

Brooklyn. The application was advertised on 11 June 2020, and the advertising period will close on 2 July 2020.

While the site is located in the middle of a large industrial precinct to the north of Geelong Road, to the south of Geelong Road the residential suburb of Brooklyn in Hobsons Bay is located only about 400m away from where the chemicals are being stored. There are a number of concerns about locating this facility so close to residential housing. It is recommended that Council objects to the proposal due to the site's proximity to Brooklyn residents within Hobsons Bay City Council.



**Figure 1. The site subject to retrospective planning permit application P412/2019**

## Background

A town planning permit application was lodged with Brimbank City Council by FBT Transwest to use the land for a chemical storage warehouse. Brimbank City Council subsequently notified Hobsons Bay City Council of the application on 11 June 2020 under Section 52(1)(b) of the *Planning and Environment Act 1987*, seeking comment.

The site is located within an existing industrial area, surrounded by a number of industrial uses, and adjoins the Federation Trail on its south-western border. To the south on the opposite side of Geelong Road is the suburb of Brooklyn, located within the municipality of Hobsons Bay. The warehouse that holds the chemical storage facility is located about 123m from the Federation Trail and about 422m from the closest residential dwelling (measured from the centre of the facility).

The application seeks retrospective approval for the use of the land to store biocides and automotive chemical products in the following dangerous goods classes and maximum quantities:

- dangerous goods class 8 (corrosive substances): 10,000L
- dangerous goods class 9 (miscellaneous dangerous goods and articles): 200,000L
- dangerous goods class C1 (combustible liquid): 200,000L

The site is used for the temporary storage of dangerous goods before further distribution. All material is stored within an existing warehouse building located in the rear north-western corner of the site.

The plans and details submitted with the application are attached in Appendix 1. Under the planning system, it is possible to lodge an application for a planning permit to seek retrospective approval for uses that are already operating.

The land is located within an Industrial 1 Zone and is covered by a Design and Development Overlay (Schedule 11) and a Development Contribution Overlay (Schedule 2). A planning permit is not triggered under the overlays.

A planning permit is required pursuant to Clause 33.01-1 (Industrial 1 Zone) of the Brimbank Planning Scheme for the use of the land, as the type of use does not meet the threshold distance listed within Clause 53.10 (Use with Adverse Amenity Impacts) of the Brimbank Planning Scheme. The planning report submitted with the application identifies that the dangerous goods to be stored on site generally fall under the category of *Chemical, Petroleum and Coal*, which have the following threshold distances applicable:

- biocide production and storage: threshold distance 1,000m
- chemical products other than those listed within this group: threshold distance of 300m

The recent amendment to the Victorian Planning Provisions introduced on 25 May 2020 (VC175) has made changes to the threshold distances identified under clause 53.10. Further clarity about the specific substances proposed to be stored will be required as part of the assessment of the application, to confirm whether any of these changes apply. However, there has been no change to the biocide production threshold distance of 1,000m, and a planning permit is still triggered under the Brimbank Planning Scheme regardless of these recent amendments.

## Discussion

Clause 13.07-1S of the Brimbank Planning Scheme (Land Use Compatibility) includes a strategy to *ensure that use or development of land is compatible with adjoining and nearby land uses*.

Clause 21.09 of the Brimbank Planning Scheme (Industrial Land Use) outlines the vision for Brimbank's industrial areas. It identifies *best-practice community safety and environmental standards should be a feature of future industrial development, to mitigate any off-site environmental impacts and provide appropriate threshold distances from nearby sensitive uses*.

This clause also includes a number of objectives and strategies, including:

- *Strengthen and consolidate Brimbank's role as a location for transport, logistics and distribution, manufacturing, wholesale industries and resource recovery and recycling industries through strategies including: reduce amenity impacts from the Brooklyn Industrial and Commercial Precinct*
- *Provide a buffer between industry and sensitive land uses, by strategies including: the location of new development considers the proximity and interface with existing commercial, residential, open space and other sensitive uses*
- *To ensure industrial activity minimises environmental risks on-site and to nearby sensitive uses by requiring the precautionary principle to be applied when deciding on appropriate mitigation measures to consider future implications to health and/or the environment*

The purpose of the Industrial 1 Zone is to *provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities*. Before deciding on an application, the responsible authority must consider (amongst other things): *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities*.

The above policies identify a need to separate heavy industry away from sensitive uses through appropriate thresholds. Although located within an Industrial 1 Zone, the storage of these types of chemicals at such large quantities at this location is not precautionary and poses an unacceptable risk to the community. While to the west, east, and north of the site there is a large industrial area within Brimbank City Council, to the south in the Hobsons Bay suburb of Brooklyn there is a large residential area located opposite the site on the other side of Geelong Road. With the nearest properties only about 400m away, these residents would be significantly negatively impacted should an unexpected event occur. The proposed use is suited to a more appropriate zone, such as an Industrial 2 Zone or a Special Use Zone, and located further away from sensitive uses.

The Brooklyn Evolution Strategy identifies the historical amenity issues that residents of Brooklyn have experienced due to the proximity and outdated industry practices in the area, particularly relating to dust, odour, and noise. The longer term objective of the strategy is to address amenity issues by facilitating transition of land uses over time to uses with reduced amenity impacts, such as light industry, warehousing and commercial uses.

The proposed use is inconsistent with the strategy as it sustains a risk to the Brooklyn community and will become incompatible with these lighter industries and commercial uses. Sitting within Precinct 1, the Strategy proposes the southern part of this site to form a *well-developed edge addressing Geelong Road, creating a new interface to the precinct based on new offices, clean industry, showrooms and large format retail*. These types of uses will draw people to this area, exposing more individuals to risk.

The application also lacks details on the proposed volume of traffic movements to and from the site. Although the transport of hazardous goods is administered under different legislation, the transport of these goods to and from the site will increase the risk to the community.

## Conclusion

The location of the proposed chemical storage facility within proximity to the Brooklyn residential area will pose an unacceptable risk to these residents. The storage and distribution of these chemicals is more suited to a location much further away from residential or other sensitive uses.

As this planning application is seeking retrospective approval, Council should also seek that the use on the site cease immediately should a determination be made to refuse the application.

## Strategic Alignment

This report specifically addresses the following priorities of the Hobsons Bay 2030 Community Vision:

### Priority 1: Visionary, vibrant, accountable urban planning

This report specifically addresses the following goals and objectives of the Council Plan 2017-21:

**Goal 3: A well designed, maintained and environmentally sustainable place**

- 3.1 Work with all levels of government, key stakeholders and the community to ensure urban development is appropriate and considers neighbourhood character and heritage

**Policy and Previous Council Reports**

No Hobson Bay policy or previous Council documents are applicable.

**Legal/Statutory Obligations/Risk**

Council was notified of the application under Section 52(1)(b) of the *Planning and Environment Act 1987*. Council's position on the application will be forwarded to Brimbank City Council, who will determine the outcome of the planning permit application.

**Financial and Resource Implications**

There are no financial or resource implications to Council as a result of the proposed use of this site.

**Environmental/Social/Economic Impacts**

The community has the opportunity to express its view about the development by virtue of the notification procedure under the *Planning and Environment Act 1987*. Owners and occupants within a 1,000m radius of the site have received notification of the application.

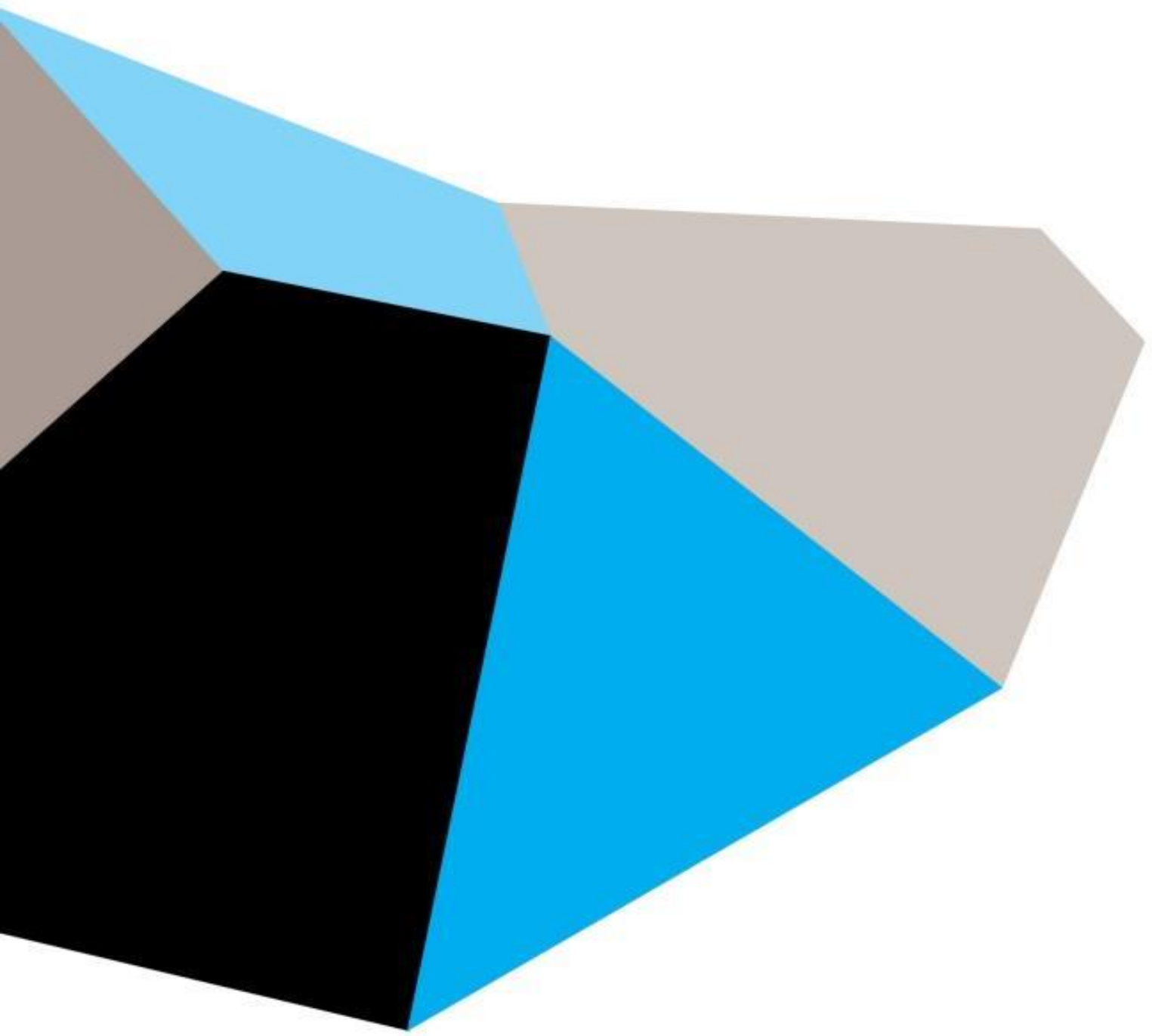
**Consultation and Communication**

The application has been advertised by Brimbank City Council pursuant to Section 52 of the *Planning and Environment Act 1987*. Council's views are being sought under this provision.

**Officer Declaration of Conflict of Interest**

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.



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**HOBSONS BAY CITY COUNCIL**

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115 Civic Parade, Altona

PO Box 21, Altona 3018

Phone (03) 9932 1000

Fax (03) 9932 1039

NRS phone 133 677 and quote 03 9932 1000

Email [customerservice@hobsonsbay.vic.gov.au](mailto:customerservice@hobsonsbay.vic.gov.au)

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