

5.12 LAND USE SAFETY STUDY - REVIEW OF PLANNING CONTROLS IN THE AREA SURROUNDING DENISON STREET HILLSDALE

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Attachments:	Attachment 1 - Final Review of Planning Controls dated 16 August 2016
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EXECUTIVE SUMMARY

Council engaged the services of Arriscar Pty Ltd to conduct a review of the current risk-related planning controls relevant to the area around Denison Street Hillsdale. This came out of a recommendation from the Dangerous Goods Transport Quantitative Risk Assessment (QRA) conducted in 2015 for the Bunnings Development.

The *Denison Street Land Use Safety Study Review of Planning Controls (Attachment 1)* is the result of this review, and identifies risk-related planning measures to inform land use safety decisions for existing and future developments. Some of the measures may involve restrictions on the use of the land, for the continued safety of residents and workers in the area.

This report presents the findings of the Study. Council officer's will now review the possible restrictions and will work closely with the Department of Planning & Environment (DP&E) to prepares measures, which may include amendments to the Botany Bay LEP 2013 (BBLEP 2013), and the Botany Bay DCP 2013 (BBDGP 2013) to address the issues identified in the report.

BACKGROUND

A QRA of dangerous goods movements along Denison Street, Hillsdale was undertaken by Council in partnership with the DP&E. A risk consultant ScottLister undertook the study.

The QRA was required as part of the assessment of the development application for Bunnings at 140-148 Denison Road, Hillsdale (DA No. 11/224) that was determined by the Joint Regional Planning Panel (JRPP) on 1 April 2015.

The purpose of the study was to understand the level of risk associated with dangerous goods (DG) transport on Denison Street to inform the determination on the proposed Bunnings development as well as other potential future developments around the Botany Industrial Park (BIP). The findings of the Dangerous Goods Transport QRA were noted by Council on 4 March 2015.

Following the finalisation of the QRA, the DP&E requested a sensitivity analysis to be undertaken to estimate the contribution of increased DG Class 2.1 movements to the overall risk. The results of this analysis were published in an Addendum Report to the QRA, which was noted by Council on 1 July 2015. Any further reference to the *Transport QRA* henceforth includes the initial report and the addendum.

The QRA recommended that Council review the planning and development controls in the area affected by the study to ensure new development does not result in significant exposure to risks from dangerous goods transport incidents. Accordingly, Council engaged a risk consultant, Arriscar Pty Ltd, to review the planning controls in context of the results of the *Transport QRA*, as well as the societal risk from the BIP.

There are no established quantitative risk criteria in NSW for land use safety planning relating to the transport of DGs. As such the report is based on the interim risk criteria currently adopted in NSW, which are consistent with criteria that have been adopted in previous QRAs.

DISCUSSION

Council is now in receipt of the *Denison Street Land Use Safety Study Review of Planning Controls* final report.

The Study Area (**Figure 1**) surrounds Denison Street Hillsdale, and includes land covered by the BBLEP 2013 as well as the *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP).

The report comprehensively reviews the current controls relating to the study area from the LEP, Three Ports SEPP, BBDCP 2013, as well as consideration of:

- Current and predicted future development in the Study Area;
- Current and predicted changes to transport of DGs along Denison Street;
- Available risk assessments for the Study Area, including:
 - *Transport QRA* (12 February 2015, 19 May 2015);
 - *Quantitative Risk Assessment, Summary Report, Botany Industrial Park*.

The implications of future redevelopment in the Study Area and changes to DG heavy vehicle movements along Denison Street were considered in the development of the proposed risk-based planning measures. For example, there could be increased demand for higher density residential development to the east of Rhodes Street, or there may be an increase in DG traffic along Denison Street. The NSW Ports 20 year master plan was used to determine a reasonable and conservative assumption on which to base the risk-based planning measures for the Study Area over the next 10 years.

The Study Area was divided into 20 sections based upon the land use zone and major risk contributors. A guide for land use safety planning has been provided for each of the 20 specific areas, and this includes recommendations for restrictions on some categories of future development.

How any risk-based planning measures are to be implemented is yet to be determined by Council in consultation with the DP&E. This will be a complex task as specific controls

relating to certain sites but not others may be required, and these are not currently accommodated in the LEP Standard Instrument in which the BBLEP is based.

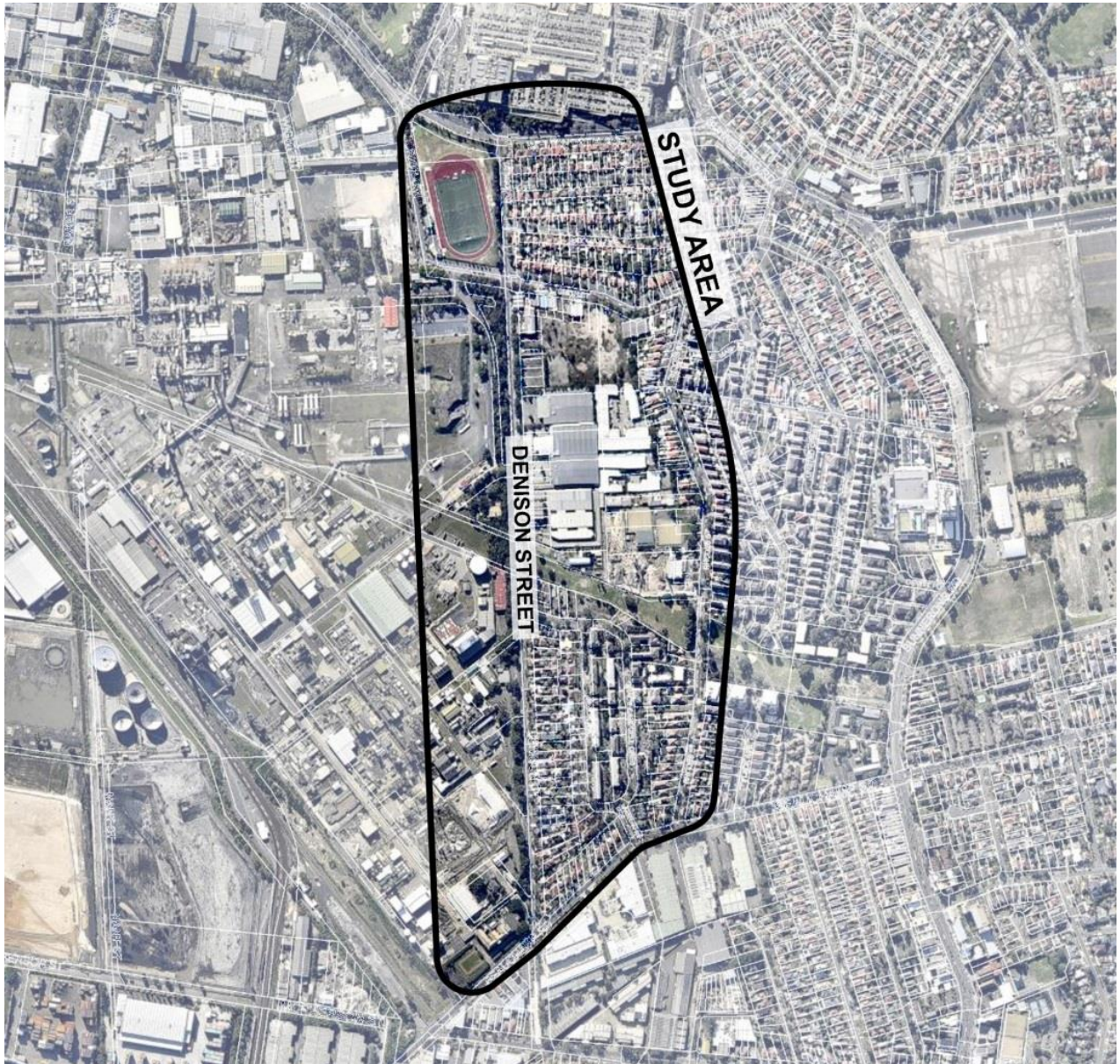


Figure 1 – Study Area surrounding Denison Street Hillsdale.

However these controls take shape, the report recommends that Council review the planning controls provisions periodically as new QRA's become available or if the NSW government establishes quantitative risk criteria for the transport of DGs. It will continue to be important to ensure that all underlying assumptions and data sources (e.g. truck accident frequency, vehicle movements) are thoroughly scrutinised in any future QRAs and it may be appropriate to undertake a sensitivity analysis to test the impact of the data and assumptions.

The scope of works for the review did not include a detailed verification of the currently available *Transport QRA*. The proposed risk-based planning measures are based on the risk results presented in the *Transport QRA*.

FINDINGS

The following is an extract from the Study which summarises the possible proposed risk related planning controls should:

- *Identify specific areas within the Study Area where new development, or a modification to an existing development (Including intensification of population), should be prohibited or may potentially be permitted with consent.*
- *Require a risk assessment to be submitted with a development application for any use that may potentially be permitted with consent.*
- *Not supersede any other development approval requirements (e.g. under the EP&A Act, SEPP No. 33, existing conditions of development consent, etc.) that may apply for development of a new potentially hazardous industry, or modification to an existing potentially hazardous industry, in the Study Area.*
- *Replace all of the risk-related planning controls in Part 6 ('Employment Zones') and Part 8 ('Character Zones') of the BBDCP2013 and do not need to include a summary of the previous LUSs and QRAs*
- *Include a revised definition for 'intensification of population', which is applicable for all types of development (i.e. not only residential and sensitive uses).*
- *Require a Transport Risk Assessment report to be submitted for all future development applications with the potential to affect DG traffic along Denison Street. For example, this could include developments outside the Study Area that might significantly increase non-DG traffic along Denison Street, and therefore have the potential to affect the predicted accident rate for DG traffic.*

FINANCIAL IMPLICATIONS

Eventually the preparation of a planning proposal and changes to existing DCP controls will be required. This work has not been budgeted for in the current financial year.

CONCLUSION

The *Denison Street Land Use Safety Study Review of Planning Controls* provides Council with a review of the existing risk-related controls in the Study Area surrounding Denison Street Hillsdale. The report recommends changes to the DCP to provide a more succinct and direct Part pertaining to risk-related controls, as well as providing a number of other steps for Council to take in order to make informed land use safety decisions for existing and future developments in the area.

The report outlines in depth the proposed controls for 20 precincts contained within the Study Area. Some of these controls will involve restrictions on the use of the land, for the continued safety of residents and workers in the area.

Council will need to review the recommendations of the Report and work closely with the DP&E to prepare possible amendments to planning instruments.

RECOMMENDATION**THAT:**

1. The contents of this report are noted.
2. Council make the report *Denison Street Land Use Safety Study Review of Planning Controls* public on its website.
3. A further report on the possible changes required to the current planning controls be presented at a future Development Committee Meeting.