

Explosives and Fireworks Storage Facility

Mitchellstown

Background

On 20 August 2019, a permit was issued with endorsed plans for a two-zone storage facility for fireworks in Delaney Rd, Mitchellstown.

The permit holder requested, and was issued, an amended endorsed plan on 19 December 2019, which did not change the amount of goods being stored or the location of the storage areas.

At this time changes were to the layout of the magazines within the zones. This was done under secondary consent, as it was considered a minor change.

An application to amend what the permit allowed was lodged in January 2020.

The amendment did not change the location of the magazines or the amounts to be stored. It included ammunition and explosives instead of exclusively being for fireworks.

How were the community informed?

The requirements for informing the community and neighbouring property owners are set out in Section 52 of the *Planning and Environment Act 1987*. This includes:

- Displaying a sign on the site for 14 days
- Advertising in a locally circulating newspaper, and
- Sending letters to nearby affected property owners.

When the original application was made a notice was placed in the Nagambie Voice and nearby and adjoining landowners were notified – this means full details on the were made available to the public.

At this time council officers thought adjoining and nearby landowners would benefit from more details and the notice to neighbours stated the good to be stored were fireworks.

When an application to amend what the permit was lodged in January 2020, nearby and adjoining landowners were again notified.

At this time Council officers ensured the notice was entitled “Amendment to proposal to include “Explosives and Ammunition” in the warehouse”, so the changes were really clear to neighbours.

How can we do better?

From the feedback we have received, we acknowledge that we could have been clearer in advertising to the broader community, however this would not have impacted the decision to grant a permit as the applicant met all criteria required.

As a process improvement we will now ensure we work with applicants to include more information in the description of a permit application, such as the nature of the good to be stored in any warehouse, and include this in all future notices for planning permit applications.

Will are also investigating more communications tools (e.g: SMS) to alert people to planning permit applications in their areas.

Why was the permit advertised as a warehouse?

Under Victorian Planning Legislation the definition for this facility is a warehouse. It is defined as ‘land used to store goods’.

In this instance, the goods originally proposed were fireworks, with the permit later amended to include ammunition and explosives. The planning definition for the development continues to be a warehouse.

Will residents be informed each time the company transports dangerous goods in the Shire and what safety measures will be in place for the regular transport of dangerous goods?

The products stored at the facility are regulated under the *Dangerous Goods Act 1985*, with WorkSafe as the regulating authority.

This means the property owner not only needs a planning permit, they must be licenced to handle, transport, and store the goods on this site.

There are significant requirements that must be met, in accordance with the relevant Australian Standards (AS2187.1), to allow this type of storage to be undertaken.

The owner of the property must follow all of the following regulations on top of the planning requirements. These are:

- *Dangerous Goods (Explosives) Regulations 2011*
- *Dangerous Goods (Storage and Handling) Regulations 2012*
- *Dangerous Goods (Transport by Road or Rail) Regulations 2018*.

The transport of goods to and from the site will be managed in accordance with the requirements of the Dangerous Goods (Transport by Road or Rail) Regulations 2018, and the permit holder must be appropriately licenced to do so.

This is managed by WorkSafe Victoria and ensures that high safety standards are applied to any dangerous goods being moved throughout the state.

What is the risk assessment for a bushfire going through the site?

We do understand acknowledge concerns about safety. We know this is heightened by the recent tragedy in Lebanon.

The owner of this property must comply with Australian Standards that detail how the magazines must be constructed.

For example, the magazines on site are constructed out of concrete walls with no windows, tamper proof steel doors and security systems in place.

There are no combustible materials near the magazines, and the magazines have been built to withstand more than five hours of direct flame contact.

Even with direct flame contact, the materials inside would not catch on fire as the fire itself cannot get into the building, either from direct flame or embers from a more distant fire.

The same level of construction and security goes for potential tampering with the facility itself.

Which authorities were consulted about this application?

The original application and the amended application were referred to the Country Fire Authority, Goulburn Murray Water, WorkSafe and the Environment Protection Authority.

In both instances all authorities were provided with a full copy of the application documentation and were aware that the proposal included fireworks initially, and ammunition and explosives as part of the amendment.

They all provided conditional consent to the permit.

Why wasn't the Goulburn-Broken Catchment Management Authority consulted?

The zones in the facility are both located more than 600 metres away from Sandy Creek. A referral to the Goulburn Broken Catchment Management Authority is generally only undertaken when a proposal is in land subject to flooding or less than 100 metres from a waterway.

As neither of these triggers applied, the application was not sent to the Goulburn-Broken Catchment Management Authority.

Will Council adjust land values and drop rates?

Land values are set annually by the Victorian Valuer-General. This is a process outside of Council's control and managed by the Victorian Government.

It is also well-established planning law that effect on property values is not something that can be considered when making a decision on a planning permit application.

How much product is allowed to be stored at the site?

The amount of product that will be allowed to be stored on site is subject to the licencing requirements of WorkSafe. Council do not determine how much can be stored on site. This assessment is undertaken by WorkSafe in accordance with the relevant legislation.

How is Council improving its communication and engagement with the community?

The communication and advertising associated with planning decisions are prescribed under Section 52 of the *Planning and Environment Act 1987*.

However, as a Council we're committed to doing better. This will mean investigating the communications tools (SMS) we use to alert people to planning permit applications in their areas.

More broadly, you may have read in our latest My Strathbogie Bulletin that we have developed a set of minimal requirements and objectives that our community engagement must adhere too.

These are our engagement principles.

One of these principles is Genuine and transparent. It's about being open and honest in our engagement approach.

Another principle is Listen and learn. This is so we can continually improve.

For more information

We encourage you to phone us on 1800 065 993 or email info@strathbogie.vic.gov.au at any time.