

Living near Major Hazard Facilities

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ABSTRACT

THEME - Risk reduction

NB Planning to avoid loss of life by living too close to MHFs does not really fit in any of the categories so I leave it to the organisers to decide

We all know that living near to major hazard facilities (MHFs), known in the UK as CoMAH sites and in Holland as VROM sites, faces the risk of being enveloped by a major accident. Albeit that this is unlikely (typically 1×10^{-6} or 1×10^{-7} risk of death per person per year) and therefore rare, most countries have legislated to prevent living within prescribed distances from such facilities. In Melbourne, we are advised to heed inner and outer safety area distances from boundaries of hazardous sites by WorkSafe Victoria (WSV). Unlike other countries however, these safety areas are not legislated. If they were, it would logically be in the form of planning-scheme Building Area Overlays (BAOs).

It is my view that the government only advises either because it does not really wish to curtail development as there is a need for more housing in a rapidly growing Melbourne, or because it does not want to define actual safe distances upon which BAOs would have to be based. Doing so may require existing residents of those areas to move out.

This is backfiring considerably in two ways. Existing residents continue to face the risk and each and every proposed development within those WSV safety areas has to be considered on its own merits. This is usually at great expense because councils are reluctant to ignore WorkSafe's advice and applicants are then required to take matters to the Victorian Civil and Administrative Tribunal (VCAT) for a decision.

Another possible reason for reluctance to legislate is the fact that like other countries, Quantified Risk Assessment (QRA) would be required to be performed - an expense which Victoria has only enacted once and that was for a hazardous facility which is long gone. Britain and Holland lead the way. Britain by applying the CoMAH (Control of Major Accident hazards) legislation, conducting QRA and legislating; Holland by applying the Ministry of Housing, Spatial Planning and the Environment (VROM) legislation based on sophisticated QRAs.

The upshot is uncertainty in Melbourne for anyone owning and wishing to develop land near an MHF. Few people are aware of the inner and outer safety areas advised by WorkSafe and only find out once planning permission is refused. If an applicant wishes to proceed they must take the matter to VCAT and engage experts to assist. Even then success is not guaranteed leaving applicants both out-of-pocket and often to refusal.

I will present a number of examples and will also suggest ways of acting which I consider more appropriate.

KEY WORDS

Risk, Sustainability, QRA, Inner & Outer Safety Areas. Planning legislation