

19 April 2022

Department of Environment, Land, Water & Planning (**DELWP**)  
Development Approvals and Design  
Attention: [REDACTED]

Dear [REDACTED]

**APPLICATION: PLANNING APPLICATION PA2201534**  
**THE LAND: LOTS 39-41 ON PLAN OF SUBDIVISION 3732**  
**& LOT 1 ON TITLE PLAN 851238E**  
**(1-2, 4 LONG ISLAND DRV & 35 CEMETERY RD. HASTINGS)**  
**COMMUNICATION: S.54 RESPONSE & S.50 APPLICATION AMENDMENT**

Please be advised that Town Planning & Co. continues to act on behalf of ESSO Resources Australia Pty Ltd (**ESSO**).

Further to receipt of your communication dated 9 March 2022 seeking additional information pursuant to Section 54(1) of the *Planning & Environment Act 1987* and the comments provided by Mr. Marc Boxer of the DELWP Land and Build Environment team to follow dated 17 March 2022.

We provide this written response, to be read in conjunction with the accompanying Section 50 Application and supporting documents forming part of that Application.

Firstly, we respond to your request for additional information. Our response to Mr. Boxer's will follow, together with an introduction to the proposed Amendment.

### **1.0 PIPELINE INFRASTRUCTURE**

Request: Clarification about whether the proposed pipeline infrastructure forms part of this planning permit application.

- a) It is unclear whether the proposed pipeline and connection infrastructure at the Esso Long Island Point (**LIP**) facility form part of this application.
- b) DELWP considers that the proposed pipeline infrastructure is subject to the approval requirements of the *Planning and Environment Act 1987* because the *Pipelines Act 2005* does not apply to the proposal. This is discussed in more detail in the 'Preliminary Comments' section of this request for further information.
- c) If this is not the case, please confirm the approval pathway and/or exemptions that apply to the pipeline.

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Response: We seek to incorporate the proposed pipe infrastructure works into Planning Application PA2201534.

All relevant application documents have been updated to respond to such, as / where required to do so.

Our client has received advice from DELWP that the proposed new ethane pipe is exempt from consideration pursuant to the *Pipelines Act 2005*. As outlined in Section 2 – *Exclusions* the Act does not apply to .... '(c) a pipeline entirely on land the freehold of which is owned or leased by a licensee and which is controlled by that licensee'.

## **2.0 TITLE PARTICULARS (ADDITIONAL LOT)**

Request: Amended Application Form and provision of Certificates of Title which consider all land to which the application applies (if applicable).

Response: The new Application Form and title particulars for Lot 1 on Title Plan 851238E (4 Long Island Drv. Hastings) form part of the accompanying Section 50 Application to Amend a Planning Application.

## **3.0 PLANNING ASSESSMENT**

Request: Amended Planning Assessment to include:

- a) *Assessment of the proposed pipeline and connection infrastructure at the LIP facility, including incorporation of this infrastructure into the subject site and the application more broadly (if applicable).*
- b) *Assessment of potential drainage/stormwater impacts and how they are proposed to be managed, including impacts associated with potentially contaminated runoff.*
- c) *Identification of dwellings within 1 km of the subject site.*
- d) *Assessment of potential amenity impacts (e.g. visual, noise, etc.) on surrounding dwellings.*
- e) *Discussion about how the proposed facility will connect to the electricity grid.*

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Response: The Application documents have been updated to include all the information requested.

- Pipeline and Connection Infrastructure:

We refer DELWP to the revised *Environmental, Safety & Security Information for Planning Permit Application Report*, ESSO Australia Pty Ltd, Revision 1 dated 19 April 2022 (**the ESSI Report**) and Section 5.3 – *Piping Construction* which describes the proposed piping construction:

*'The new piping to be installed is approximately 600 metres in length, with approximately 280 metres of pipe being hung on existing racking and approximately 242 metres of piping will be installed underground by trenching up to the Project site boundary. The balance of the piping within the Project site will run as above ground piping in open culverts*

*The 150 mm piping will be constructed of grade B seamless steel that meets ASTM A106.*

*The piping route has been designed to avoid native vegetation removal and minimise disruption to existing LIP infrastructure, utilities, and personnel, as far as practicable'.*

- Potential Drainage and Stormwater Impacts:

We refer DELWP to the ESSI Report and Sections 5.6.2 – *Site Drainage*, 5.6.3 – *Bunded Drainage*, 5.6.4 – *Service Trenches*, 5.6.5 – *Hydrocarbon Drainage System and Sump*, and 5.6.6 – *Stormwater System* which describe the existing and proposed drainage infrastructure.

A written *Stormwater Management Plan* has been prepared by ESSO (Rev B, dated 6 April 2022) for DELWP's consideration.

- Identification of Dwellings within 1 km of the subject Site:

We refer DELWP to the ESSI Report, Section 3 – *Neighbouring Dwellings* and table 1 provided within which lists all known dwellings within a 1 km radius of the proposed facility.

- Assessment of Amenity Impacts:

We refer DELWP to the ESSI Report, Section 2 – *Social and Amenity Impacts* which talks to matters including, not limited to: Community, Visual Amenity, Lighting, Noise, Odour and Cultural Heritage.

We submit that the project, as proposed, is not expected to result in unreasonable detriment to the amenity of neighbouring landowners/occupants, nor the Bayview Road or Long Island Drive streetscape.

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- Connection to the electricity grid:

DELWP to the ESSI Report, Section 3.5 – *Electrical Generation & Transmission Construction*. As described within:

*'The site is classified as an existing low voltage (LV) customer connected at low voltage via an existing 22 kV feeder. The scope of work for this project is to establish a new 66 kV connection from United Energy's upstream Hastings Zone Substation....'*

We understand that United Energy, or their representative, lodged [Planning Application PA2201533](#) on 22 February 2022 seeking approval for the use and development of a utility installation (allowing for the new 66 kv connection), together with associated works.

#### **4.0 DEVELOPMENT PLANS**

Request: Amended Development Plans for the proposal to include:

- Plans showing lot boundaries, title details and existing easements of the lots comprising the subject site (including pipeline infrastructure).*
- Plans showing the layout and details of the proposed facility, including dimensioned plans and elevations of the proposed Energy generation facility and associated infrastructure (i.e. turbines, fencing, pipelines, buildings, etc.).*
- Setbacks of all proposed infrastructure from title boundaries, neighbouring property boundaries, surrounding dwellings and any other significant features or sensitive land uses (e.g. waterways, native vegetation, etc.).*
- Description / labelling of surrounding land uses.*
- All existing infrastructure proposed to be retained or removed, including pipelines, access tracks, buildings, etc.*

Response: The development Plans have been updated to include all the additional information sought across the various Site Layout, Elevation and Demolition Plans.

Sections of the proposed underground trench alignment have also been provided.

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## 5.0 ACOUSTIC ASSESSMENT

Request: Amended Acoustic Assessment to include:

- a) Assessment of noise impacts at all surrounding sensitive receptors, or justification as to why certain sensitive receptors have not been assessed. i). Surrounding sensitive receptors which have not been assessed include, but are not limited to, dwellings at 34 Cemetery Road, Hastings; 7 Beach Drive, Hastings; 22 Beach Drive, Hastings; 47 Beach Drive, Hastings.

Response: A Noise Assessment Report Addendum has been prepared by Wood (Rev 0) to respond to your request.

We refer to Section 2 of the Addendum which states:

*'A noise sensitive area has several definitions as per the Victorian Environmental Protection Regulations 20211. For the previous assessment, four noise sensitive receivers (NSRs) nearby the proposed facility were identified. These receivers have all been identified as private residences/dwellings. The residential addresses of these receivers are outlined in Table 3-1 (NSRs 1-4).*

*These receivers were chosen to provide an inclusive and geographical spread of noise from The Project, and representative of varying potential for environmental noise impacts due to their distance and direction from The Project noise sources (effective noise levels, affected principally by geometrical spreading and meteorological factors), and also the local ambient baseline noise conditions (affecting the applied Noise Limit).*

*While the selection of receivers to be assessed is not exhaustive (e.g. every dwelling or multiple dwellings in close proximity), it is intended to provide characterisation of both differences in the local noise environment and emissions from The Project to adequately assess the risk of non-compliance with the regulations.*

*Further to this, the selection of receivers is also intended to represent the 'worst-case' potential for non-compliance with the regulations, within the local vicinity and influencing factors as described above.*

*Thus, selection of NSR 1 at 11 Cemetery Road is intended to represent the worst-case potential for exceedances of the Noise Limit for other dwellings in close proximity (e.g. dwellings on Picnic Avenue, Beach Avenue, and other dwellings on Cemetery Road), affected by the same environmental conditions (baseline, influenced by roads, rail and nearby industry) and at a similar distance and direction from The Project. As such, if NSR 1 is assessed as compliant with the regulations, nearby residences are also treated as compliant' (emphasis added).*

## 6.0 CULTURAL HERITAGE

Request: Amended Aboriginal Cultural Heritage Assessment to include:

- a) Incorporation of the proposed pipeline and connection infrastructure at the LIP facility into the activity area for the site, or justification as to why this part of the proposal does not form part of the activity.

Response: Whilst the proposed piping infrastructure does now form part of the proposed activity, all proposed works are located outside the mapped areas of Aboriginal Cultural Heritage Sensitivity.

I have been advised that our client has received advice from Mr. Matthew Barker of Benchmark Heritage, the author of the submitted *Cultural Heritage Assessment*, and Mr. Barker confirmed that based upon the diameter and length of the pipe, it was not considered a high impact activity.

As expressed in Section 12.6 of the submitted ESSI Report:

*'The piping feeding the HGP site is also outside the area of cultural heritage sensitivity. As the length of buried pipeline is approximately 240m, the construction of this pipe is also not considered to be a high impact activity under applicable clause in Regulation 46 (1) (b) (xxvii) (B) i.e is NOT a linear project that is the construction of a pipeline with a length exceeding 500 metres.'*

## 7.0 NATIVE VEGETATION

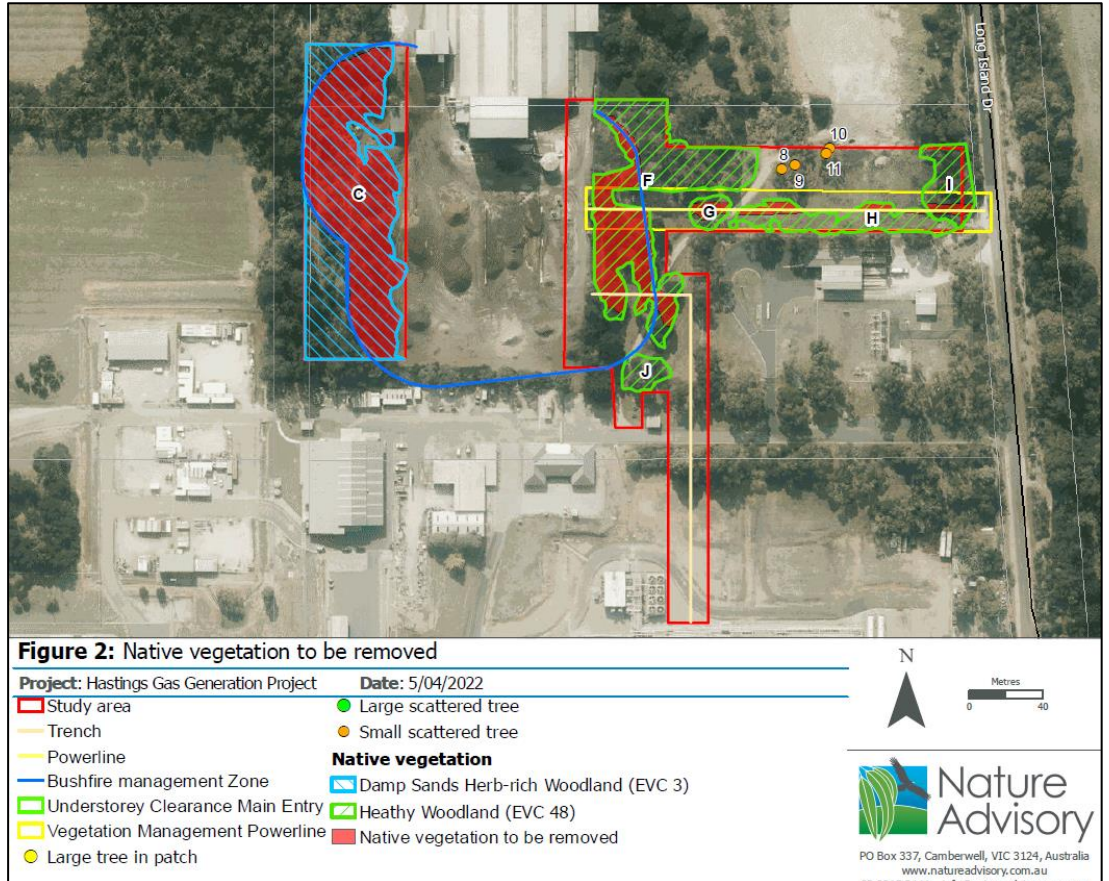
Request: Amended Native Vegetation Assessment to include:

- a) Identification of any existing native vegetation along the proposed pipeline alignment.
- b) Clarification about whether any native vegetation is required to be removed to facilitate the proposed pipeline and connection infrastructure at the LIP facility

Response: An Amended Native Vegetation Assessment has been prepared by Nature Advisory (Rev 1.2) which includes assessment of the proposed piping infrastructure.

It is understood that additional native vegetation will result from the proposed infrastructure works, as illustrated at Figure 2 within the Assessment, see area F where it meets the proposed trench works.

Image: Extract of Figure 2 within the Native Vegetation Assessment (Rev 1.2)



**8.0 TRAFFIC IMPACT**

Request: Submission of a Traffic Impact Assessment to include:

- a) Identification of access routes and all roads proposed to be used to transport construction materials to and from the site.
- b) Suitability of any unsealed roads for construction traffic, if required.
- c) Identification of any road upgrades or roadworks required to ensure roads can accommodate access to the site, specifying whether they are temporary or permanent.
- d) Suitability of car parking during construction and operation of the facility.

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Response: The ESSI Report has been updated to include a Traffic Impact Assessment, to be read in conjunction with the submitted *Traffic Management Plan* prepared by White Technics.

We refer to in Section 13 – *Traffic Impacts* of the Report which concludes in Section 13.6 – *Traffic Conclusions* that:

*'It is expected that the project will only result in a 7% increase in traffic over the construction period and less than one percent increase during operations. The increase to truck numbers on Bayview Road is only 4% during construction and less than 1% during operations.*

*As the existing road ways are designed for oversized and over mass vehicles, and part of the preferred freight network; the Project does not anticipate the need to modify or upgrade Bayview Road.*

*The Project site has sufficient space to accommodate all parking needs for personnel and visitors. The site will provide additional accessible parking for people with disabilities.*

*The Project site is able to safely accommodate all trucks entering the site, without causing a safety hazard to personnel; or interruption / hazard to traffic on Bayview Road or Long Island Drive'.*

Trusting that you consider this written response to your request complete and satisfactory, we respond to the referral comments from Mr. Boxer of the *Land and Built Environment* team to follow.

#### **DELWP - RECOMMENDING AUTHORITY COMMENTS**

In response to Mr. Boxer's letter dated 17 March, the submitted documents have been updated to respond to the additional information and clarification sought.

##### Native Vegetation Impact Matters

Item 1 (a): The development plans and accompanying reports talk to the proposed ethane gas fuel lines (piping infrastructure) and impacts upon native vegetation.

Item 1 (b): The native vegetation assessment has been updated to remove reference to native vegetation clearance along the access-way.

Item 1 (c): Figure 2 in the native vegetation assessment has been updated to clearly illustrate 'key' information.



Item 1 (d): No native scattered trees are nominated for removal and we understand that the mapping around vegetation patches nominated for removal extends to the outer canopy of such vegetation.

Item 1 (e): As the works to the proposed powerlines is subject to a separate planning permit application (see [Planning Application PA2201533](#)) any native vegetation removal to the road reserve sits outside the scope of this Application and should be dealt with in Application PA2201533.

#### Native Vegetation & Habitat Values

Item 2 (a): A response to surface water and groundwater consideration is provided for within the submitted ESSI Report, see Section 9 - *Water Emissions*.

Further, a *Surface Water and Groundwater Desktop Assessment* has been prepared by Nuffield Consultants Pty Ltd (Rev. 0, dated 4 April 2022) in response to DELWP's request. The report concludes that:

*'There is not expected to be any change in the size of impervious areas at the project site, upon completion of the development.*

*Where vegetation is required to be removed as part of the bushfire management plan or pipe installation, it will be replaced with low level vegetation such as grasses.*

*All mitigated risks have been classified as Low or Negligible for both the construction and operation phase of the project.*

.....

*With the proposed control measures in place, surface and groundwater impacts are expected to be Low or Negligible'.*

Item 2 (b): A *Stormwater Management Plan* (ESSO, Rev B) has been prepared to accompany the application, for review and consideration.

Item 2 (c): A *Site Lighting Plan* (White Technics, Rev. F) has been prepared to accompany the application, for review and consideration.

#### Assessment of threatened Flora & Fauna

Item 3: In response to DELWP's request the ESSI Report has been updated to include Section 11 – *Biodiversity*, talking to matters of flora, fauna and native vegetation. Further, the Native Vegetation Assessment Report incorporates Appendix 2: *Information about impacts to rare or threatened species habitat on site*. Notably, this table is marked 'scenario test'.

We trust that this response assists the Land and Built Environment team inform their assessment and final referral comments.

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## **SECTION 50 APPLICATION AMENDMENT**

Pursuant to Section 50 of the *Planning & Environment Act 1987* we seek to Amend the Application by way of:

- Amending the land of which the Application applies, to include Lot 1 on Title Plan 851238E.
- Amending what the application proposes, to include piping infrastructure from Lot 1 into Lot 39, as described in the submitted plans and supporting documents.
- Amending application documents, including:
  - Application Form
  - Title particulars
  - Plans
  - Written Reports & Assessments

For ease of access to all the relevant plans reports referred to as 'attachments' (A-K inclusive) within the ESSI Report, each attachment has been lodged as a separate document, labelled as follows:

- A. Project Environment Management Plan
- B. Site Layout Drawings
- C. Traffic Management Plan
- D. Cultural Heritage Assessment
- E. Environmental Noise Impact Assessment
- F. Air Quality Impact Assessment
- G. Greenhouse Gas Assessment
- H. Threatened Flora and Fauna Likely to Occur in the Project Area
- I. Surface Water and Groundwater Assessment
- J. Stormwater Management Plan
- K. Native Vegetation Assessment

The Bushfire Planning Report lodged with the original Application remains unaltered and has been re-lodged for completeness.

We trust that the application can progress to public notice without delay, and we look forward to reviewing referral comments upon receipt.

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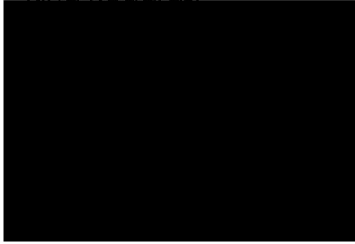


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I invite you to get in touch should you have any questions or seek any further clarification.

Kind Regards,



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