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Town Planning Response

Energy Generation Facility Hastings

Version 2.0 | April 2022

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Purpose

To introduce the Proposed Development
To introduce the Subject Site and spatial context
To introduce the relevant Planning Considerations
To respond to relevant Application Requirements
To assist the Responsible Authority in their assessment

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Accompanying Documents as Attachments

| Document | Date | Author |
|---------------------------|--|----------------------|
| Planning Property Reports | 22.04.2022 | Vic Plan |
| Title Documents | 10.12.2021 16.02.2022 18.04.2022 | Land Victoria |
| MPL Certificate | 18.02.2022 | State Revenue Office |

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Executive Summary

TOWN PLANNING & CO. act for ESSO Australia Pty Ltd who seek approval for the use and development of an Energy Generation Facility together with associated buildings, works, and native vegetation removal.

Background

| | |
|------------------------------------|---|
| Applicant | ESSO Resources Australia Pty Ltd |
| Name of Owner | ESSO Exploration and Production Australia; and, BHP Petroleum (Bass Strait) Pty Ltd. |
| Site Address | 1, 2 and 4 Long Island Drive & 35 Cemetery Road, Hastings |
| Property Description | Lots 39- 41 on PS 003732 and Lot 1 on TP 851238E |
| Pre-lodgement/Consultation History | Pre-Application Meetings: DELWP 17.11.2022 Responsible Authority MPSC 14.12.2021 Referral Authority |

Application Details

| | |
|-------------------------|---|
| Description of Proposal | Use and development of an energy generation facility, buildings and works including piping infrastructure (ethane pipeline extension), and native vegetation removal. |
| Permit Trigger/s | Special Use Zone Schedule 1 – <i>Use and Development</i> Clause 52.17 – <i>Native Vegetation Removal</i> |

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The Proposal & Rationale

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Approval Sought

The proposal seeks planning approval for the use and development of an Energy Generation Facility together with associated buildings and works including onsite amenity sheds and facilities; new piping infrastructure (ethane pipeline extension) works; and native vegetation removal.

Energy Generation Facility as defined at Clause 73.02 – *Land Use Terms* within the Victorian Planning Provisions (VPP's) is: 'Land used to generate energy for use off site other than geothermal energy extraction. It includes any building or other structure or thing used in or in connection with the generation of energy'.

The proposed facility will be located at Lot 39. No. 2 Long Island Dr. Hastings, with access provided via Lots 40 and 41 (1 Long Island Dr. and 35 Cemetery Rd. respectively), and new piping infrastructure provided through Lot 1. No. 4 Long Island Dr. Hasting.

ESSO Australia Pty Ltd (ESSO) propose to install an ethane fired electricity generator facility on the subject site, located on land adjacent to the existing Long Island Point Fractionation Plant (LIP).

The application has arisen due to a need to utilise excess ethane produced in the production of natural gas product to be used for electricity generation. As the production of natural gas is deemed an essential service an alternative use is sought for the current ethane production.

The proposal seeks to provide an innovative solution to the excess ethane gas, by providing a more sustainable and efficient outcome than the traditional plastic production or simple flaring of excess gas.

It is envisaged that the facility will operate for approximately 8-12 years, dependent upon the continued demand for natural gas from ESSO's Bass Strait fields. As this demand declines, as too will the quantity of ethane gas available for power generation.

Pursuant to Clause 72.01-1 – *Minister is Responsible Authority* of the VPP's, the Minister for Planning is the Responsible Authority for this Application.

The features of the Energy Generation Facility are described at Table 1.

Table 1. Development and Works Description

Turbine Generators (3x Solar Titan 130 generators producing 40MW power)

Electrical Equipment Building

Switch Yard

Oily Water Well (sealed)

Fuel Gas Supply piping (from ESSO LIP)

Circulating Roads (7.5m width)

Perimeter Fencing

Operations Buildings

Vegetation Removal including Native Vegetation Removal

Piping infrastructure and trenches

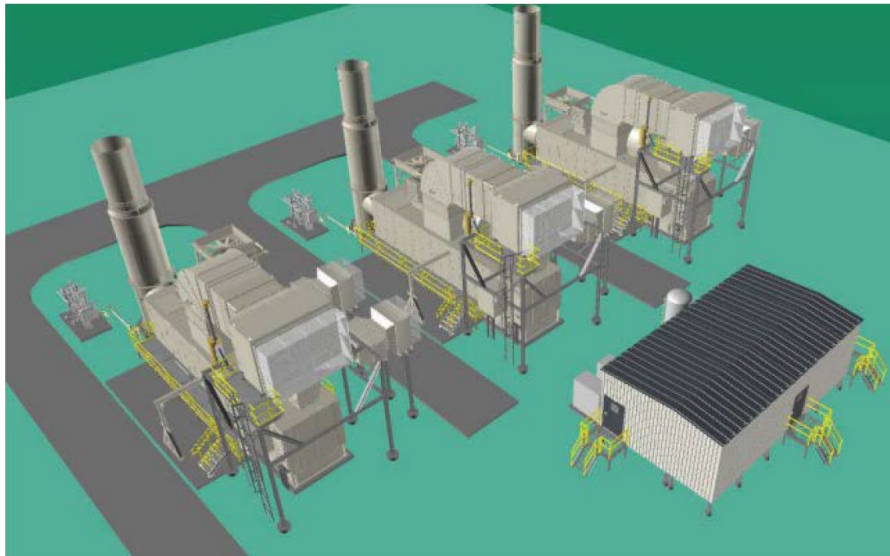
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The development plans prepared by Civil Design Management Pty Ltd, Wood and White Technics communicate the proposed layout of the Site and all key components pertaining to the application.

Other works forming part of this project, separated out of this application and to be managed by United Energy involves the provision of new 66kV transmission line.

We note this for completeness when reading the submitted plans. Image 1 to follow assists to illustrate the generator facility, as proposed.

Image 1. Illustration of Generators as proposed



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Project Alternatives

A Project Alternatives discussion and response has been prepared by ESSO within their *Environmental, Safety & Security Information for Planning Permit Application* Report accompanying this application (see Section 1.3) which outlines the alternative options to this proposal.

The discussion provides 6 alternative options for the excess ethane issue.

1. Increasing ethane consumption either at LIP or Longford.
2. Incorporating a higher percentage of ethane gas to the natural gas pipeline.
3. Find an alternative market.
4. Decreasing production of oil and gas in the Bass Strait.
5. Reinjection.
6. Flaring of excess gas at LIP.

Ultimately, these options are not particularly feasible or effective. *Flaring* is the most “feasible” of these options as it is able to fully dispose of the ethane but is still not favoured due to having negative social and environmental impacts.

When considering biodiversity impacts, consideration must be given to the unique environment context of the subject site and surrounds. The Site is located in close proximity to Western Port Bay and Ramsar wetlands. The Westernport Ramsar wetlands, of international importance, support over 30 international migrant species listed under agreements with China, Japan and Korea as well as being specifically listed as a Waterfowl Habitat.

It is also likely that ESSO will exceed its environmental licence conditions for LIP which would likely require the Minister to provide an exemption for the flaring.

As such, excess flaring is not considered an appropriate option for ESSO.

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Site & Site Context

Title Particulars

The subject site is made up of three allotments known commonly as 1, 2 and 4 Long Island Drive and 35 Cemetery Road Hastings. These are known as Lots 39, 40 and 41 on Plan of Subdivision 003732, and Lot 1 on Title Plan 851238E.

- Lots 39 and 40 on PS 003732 are contained within Volume 8898 Folio 887 and Volume 8898 Folio 888;
- Lot 41 on PS 003732 is contained within Volume 8898 Folio 889 and Volume 8898 Folio 890.
- Lot 1 on TP 851238E is contained within Volume 8898 Folio 885 and Volume 8898 Folio 886.

We understand that there are no relevant restrictive covenants or Section 173 Agreements burdening the land.

Site Description

The Subject Site is located within the Mornington Peninsula Shire, in the coastal township of Hastings, located approximately 80 km south-east of Melbourne.

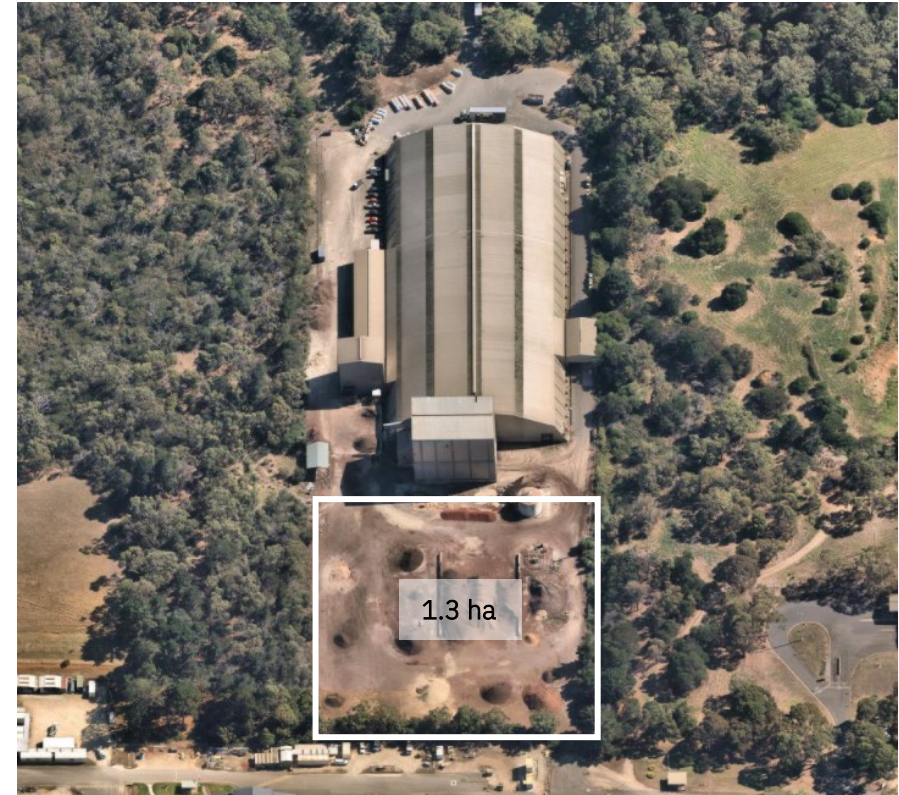
The Site is zoned Special Use Zone 1 (SUZ1), of the Mornington Peninsula Planning Scheme, and is affected by Bushfire Management Overlay (BMO). The northern boundary of Lot 41 (with a width of approximately 42 m) is affected by Public Use Zone (PUZ7).

Lot 41 is located adjacent to a Transport Zone 3 (Bayview Rd) and Lots 39, 41 and Lot 1 abut PUZ7. The southeast of Lot 1 abuts a Port Zone.

When combined, the four Lots afford a total site area of approximately 23.2 hectares. Of which, the proposed development zone affords an area of approximately 1.3 ha, or thereabouts.

Image 2 to follow assists to illustrate the proposed development zone.

Image 2. Aerial Image – Illustration of the Proposed Development Zone



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Access to the site is via the northern boundary at Bayview Road via Lot 41. The access driveway is approximately 190 m long and no less than 7.5 m wide that serves an existing warehouse. This reaches a height of approximately 25 m above natural ground level, together with associated buildings and infrastructure. The warehouse is presently vacant.

There is a disused railway line which enters the site from the northwest.

To the south of the access driveway is an open car park and vehicle access area, providing no less than 38 onsite car parking spaces, with additional car parking areas located to the west and east of the existing warehouse, a total of 80 onsite car parking spaces can be accommodated.

Part of Lot 39 and all of Lot 1 is currently used in association with the ESSO Long Island Point (LIP) Major Hazard Facility.

When considering vegetation, the periphery of the Site to the north, east and western boundaries is moderately dense featuring forest and woodland characteristics, with scattered vegetation and shrubbery to the south aspect.

The vegetation type at the site has been classified as Damp Sands Herb-rich Woodlands (EVC).

The broader development zone, located south of the existing warehouse building, to Lot 39, is generally clear of vegetation.

The land has a slight gradient of approximately 1 in 50 which slopes downward from the west to the east of the site.

The Context Maps, Site Images, Title Documents and Planning Property Reports provided for within Appendices A, B, C and D assist to further illustrate the Site and broader Site Context.

Environmental Context

The application is accompanied by an *Environmental, Safety & Security Information for Planning Permit Application* Report, an umbrella document that supports a framework of operational documents to allow for effective environmental management of the proposed use. The EMP provided for at Appendix A of the abovementioned Report has been developed in accordance with the requirements of ISO 14001 Environmental Management. The EMP states that:

- *The site is predominantly cleared with some vegetation growing along the fence lines and stormwater drainage. The vegetation type at the site has been classified as Damp Sands Herb-rich Woodlands (EVC). Little vegetation removal is expected; however, any removal will be covered through the planning permit process.*
- *No threatened flora or fauna is expected to be impacted by the Project's activities.*
- *The site is located within an industrial and port precinct, dominated by heavy industry, commercial properties and agricultural grazing.*
- *The project site does not connect with Olivers Creek. The Project does not directly discharge into Western Port. Stormwater drains on site connect to the LIP stormwater system the drains east towards Western Port.*
- *The topography of the site is relatively flat with a slight fall to the south towards LIP.*
- *Preliminary soil analysis has been conducted at the site and indicates that soils, where the facility is to be installed, are a Category D (reportable priority) waste.*

The proposal is required to obtain an Environmental Protection Authority (EPA) Development License. An application to the EPA has already been submitted and is undergoing assessment. It is anticipated that the environmental impacts will be assessed by the EPA concurrently with this planning permit application.

Native vegetation removal does form part of this planning permit application to the minimum amount necessary to satisfy the relevant Bushfire Planning recommendations.

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Cultural Heritage Context

Benchmark Heritage Management have undertaken a Cultural Heritage Assessment of the proposal. The Assessment, which accompanies this application included both a desktop assessment and a site inspection carried out on the 8th October 2021.

The results of the desktop assessment are that there is:

- An initial clearing of native vegetation
- Excavation and levelling for the preparation of the current land use
- Construction of a gravel pad.

The results of the site inspection were that there were no:

- Artefact scatters
- Scarred trees
- Rock shelters
- Caves
- Cave entrances

Noted in the Activity Area.

The Report specifies that a mandatory Cultural Heritage Management Plan is not required for the following reasons:

- The activity area is not within a designated area of cultural heritage sensitivity.
- Significant Ground Disturbance has occurred within the proposed activity area.

The opinion of Matthew Barker, Director of Benchmark Heritage Management, is that a mandatory Cultural Heritage Management Plan is not required.

Essential Service

The supply of natural gas from the Longford Plant to Victoria is an essential service under the Essential Services Act 1958 and this will remain the case in the near future. A requirement for the service to remain operating is that all the products produced from the natural gas processes (ethane, butane and propane) must be disposed of in one way or another.

If this cannot occur the essential service could become interrupted. Esso supplies 80% of the Victorian gas market.

Victoria has committed to Net Zero in 2050 under the Climate Change Act 2017, this proposal is still in line with this government commitment, gas production in Bass Straight will cease due to field decline and subsequently so will the production of ethane. This proposal is temporary in nature anticipated for a period of 8-12 years.

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Controls, Triggers & Referrals

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Planning Controls

| | |
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| Zone | Special Use Zone Schedule 1 Port Related Uses |
| Overlays | Bushfire Management Overlay |
| Abuttals | Public Use Zone Schedule 7 (east and north) Port Zone (southeast) Transport Zone 3 (north) |

Permit Triggers

| | |
|----------------|--|
| Clause 37.01-2 | Any other use not in Section 1 or 3 of the schedule to this zone. |
| Clause 37.01-4 | A permit is required to construct a building or construct or carry out works. |
| Clause 52.17-1 | A permit is required to remove, destroy or lop native vegetation, including dead vegetation. |

Responsible Authority

The Minister for Planning is the responsible authority. Clause 72.01-1 *Minister is responsible authority* applies for matters under Part 4 of the Planning and Environment Act 1987 (planning permits) for:

- *Energy generation facility with an installed capacity of 1 megawatt or greater.*

The proposal is for a 40 megawatt energy generation facility thereby placing the assessment of the planning application from Council to the Minister for Planning.

Referrals

It is expected that the planning permit application will be referred to:

- Environmental Protection Authority as a determining referral authority
- Secretary to DELWP as a recommending referral authority

We encourage referral of the Application to the relevant fire authority.

We encourage early engagement with the Mornington Peninsula Shire Council and internal referrals as / where deemed appropriate without delay.

Relevant Exemptions

- Pursuant to Clause 62.05, approval is not required for demolition works
- Pursuant to Clause 44.06 – *Bushfire Management Overlay* (BMO) a Planning Permit is not required as the proposed land use is not Trigger specifically listed at Cl. 44.06-2. However, pursuant to Clause 13.02-1S – *Bushfire Planning* and Best Practice outlined at Clause 53.02 – *Bushfire Planning* consideration of Bushfire Planning is required.
- Pursuant to Clause 52.17 – *Native Vegetation* a permit is not required for the type of native vegetation removal listed in the *Table of Exemptions* outlined at Cl. 52.17-7. Please refer to the submitted Native Vegetation Assessment which talks to exemptions relevant to the proposal, including ‘planted vegetation’.

Wider Regulatory Framework

Summary of relevant Regulatory Framework

| Legislative Instrument | Approval required? | Authority |
|---|---|---|
| Environment & Planning Act 1987 | Planning Permit. (Application pending) | DELWP / Minister for Planning |
| Environmental Protection Act 2017 | Development Licence (Application Pending) | Environmental Protection Authority (EPA) |
| Environmental Effects Act 1978 | NIL. Following ESS self-assessment lodged with DELWP. | DELWP |
| Environmental Protection & Biodiversity Conservation Act 1999 | NIL | Department of Agriculture, Water and Environment (Commonwealth) |
| Aboriginal Heritage Act 2006 | NIL. Based on expert advice. | Department of Premier and Cabinet / Heritage Victoria. |
| Occupational Health and Safety Regulations 2017 (Major Hazard Facility) | NIL. The project does not store any chemicals listed in Schedule 14 in excess of 10% of the threshold quantity. | Work Safe Victoria |
| Pipeline Act 2005 | NIL. Preliminary advice is that a pipeline licence is not required for the new ethane piping. | DELWP |

Planning permit condition guidance

Decision making guidance – Solar Energy Facility Design and Development Guideline

The State Government has little guidance on appropriate planning permit conditions or supporting reports which should form part of the endorsed planning permit material for an *Energy generation facility*. We submit that the State Government’s *Solar Energy Facilities Design and Development Guideline Example planning permit conditions* is a relevant substitute to this proposal as the conditions are aiming to achieve appropriate braces for a similar land use. *Solar energy facility* is nested under *Energy generation facility* in clause 73.04-17 of the VPP’s.

The following supporting documents are submitted with the application and should form planning permit conditions are consistent with the Guideline mentioned above.

- Development Plans
- Environmental Report
- Vehicle Access and Traffic Management Plan.
- Construction Management Plan
- Native Vegetation Impact Assessment.
- Bushfire Planning Report/s
- Environmental, Safety & Security Information for Planning Permit Application Report

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Planning Policy Framework

Relevant Planning Provisions

| Planning Scheme Clause no. | Mornington Peninsula Planning Scheme Clause Title and Objective |
|----------------------------|--|
| 12.01-1S | <p>Protection of biodiversity</p> <p><i>Objective - To assist the protection and conservation of Victoria's biodiversity.</i></p> |
| 13.01-1S | <p>Natural hazards and climate change</p> <p><i>Objective - To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning</i></p> |
| 13.01-1L | <p>Natural hazards and climate change - Mornington Peninsula</p> <p><i>Strategy - Ensure new development proposals assess the vulnerability of the proposed development to climate change effects.</i></p> |
| 13.01-2S | <p>Coastal inundation and erosion</p> <p><i>Objective - To plan for and manage coastal hazard risk and climate change impacts.</i></p> |
| 13.02-1S | <p>Bushfire planning</p> |

Objective - To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

| | |
|----------|---|
| 13.04-1S | <p>Contaminated and potentially contaminated land</p> <p><i>Objective - To ensure that contaminated and potentially contaminated land is used and developed safely.</i></p> |
| 13.05-1S | <p>Noise abatement</p> <p><i>Objective To assist the control of noise effects on sensitive land uses.</i></p> |
| 13.06-1S | <p>Air quality management</p> <p><i>Objective To assist the protection and improvement of air quality.</i></p> |
| 13.07-1S | <p>Land use compatibility</p> <p><i>Objective - To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.</i></p> |
| 13.07-2S | <p>Major hazard facilities</p> <p><i>Objective To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.</i></p> |
| 15.02-1S | <p>Energy and resource efficiency</p> <p><i>Objective To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.</i></p> |

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Planning Policy Framework: Response

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| 15.03-2S | Aboriginal cultural heritage <i>Objective To ensure the protection and conservation of places of Aboriginal cultural heritage significance</i> |
| 17.03-3S | State significant industrial land <i>Objective To protect industrial land of state significance.</i> |
| 18.02-6S | Ports <i>Planning for ports objective - To support the effective and competitive operation of Victoria's commercial trading ports at local, national and international levels, and to facilitate their ongoing sustainable operation and development.</i> |
| 19.01-1S | Energy supply <i>Objective To facilitate appropriate development of energy supply infrastructure.</i> |
| 19.01-3S | Pipeline infrastructure <i>Objective To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.</i> |
| 19.03-5S | Waste and resource recovery <i>Objective - To reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.</i> |

Relevant policies that should be considered in the assessment of the application presented, as we understand it, fall into the following themes:

- Environmental and Landscape Values
- Environmental Risks and Amenity
- Built Form and Heritage
- Economic Development
- Transport
- Infrastructure.

And, we respond to each key theme in turn.

Environmental and Landscape Values / Environmental Risks and Amenity

The main objectives and strategies of the Planning Policy Framework (PPF) seek to ensure proper planning and siting of uses commensurate to their environmental and amenity risks, ensuring mitigation measures, managing and protecting areas vulnerable to climate change, major hazard facilities and bushfire risks minimise risk to human life as well as appropriate consideration to the protection of biodiversity and native vegetation.

The proposal is sited within a State significant Special Use Zone which relates to Port related uses and other industry.

The proposal is not located within an area designated for population growth, but is used for port related uses and heavy industries. The proposal is anticipated to have a limited life span of 8-12 years. There is limited risk from climate change (such as sea level rise) in this short time frame ensuring the development has a low vulnerability to these possible climate change effects. Bushfire risk provides the most relevant vulnerability to the development proposal. While the land is subject to the Bushfire Management Overlay, this does not trigger a planning permit. Due to the nature of the proposal, it's expense and the risk presented from Bushfire and climate change related wildfire risks a bushfire consultant has been engaged to provide valuable input on the proposal.

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This has provided input advising that a Bushfire Management Zone is required to a maximum distance of 48 m from parts of the proposal including vegetation removal to assist in the managing of these critical Bushfire Management zones.

For land which is or may be contaminated the PPF provides strategies such as ensuring the proposed use is suitable to occur on contaminated or potentially contaminated land. Ministerial Direction No. 1 discourages sensitive uses such as residential, schools etc from occurring on such sites without a clean up occurring. The proposed use is not a sensitive use, is located on specially zoned land for port and industrial uses to occur and is adjacent to a major hazard facility.

Noise abatement policy seeks to control noise effects on sensitive land uses. There is reference to Environment Protection Regulations under the Environment Protection Act 2017. It is anticipated that when a planning permit is issued for the proposal, planning permit conditions addressing noise and amenity will be similar to the State Government example planning permit conditions for solar energy facilities but altered for this particular use – similar to the example below:

‘Noise from the energy generation facility must comply with the relevant recommended noise levels for noise sensitive areas in accordance with the EPA Publication 1411: Noise from Industry in Regional Victoria’.

The design has also included the development of an 41m long acoustic wall for the purpose of protecting workers on the neighbouring site from undue noise.

Air quality is one of the primary considerations for environmental risk and amenity. The *Environment, Safety & Security Information for the Planning Permit Report* summarises the greenhouse gas assessments undertaken.

Section 6.4 benchmarks the Project's greenhouse gas emissions against traditional coal-fired electricity generation and the ethylene production (the current use of ethane).

¹ [Victoria's greenhouse gas emissions \(climatechange.vic.gov.au\)](https://climatechange.vic.gov.au)

The greenhouse gas emissions intensity for ethane-fired electricity generation is approximately half of that that for coal-fired electricity generation.

| | Ethane-fired electricity | Coal-fired electricity |
|--|--------------------------|------------------------|
| Greenhouse gas emissions (t CO _{2e} / MW) | 0.66 | 1.36 |

While the greenhouse gas intensity for the current use of ethane is less than power generation. When the greenhouse gas intensity is compared with the lifecycle emissions of plastics, the end product of ethylene pellets, it is much lower. Utilising ethane for power generation has a net benefit for the climate when compared with plastics manufacture.

The report further goes on to clarify at Section 6.3.1: *‘Under the Climate Change Act (2017), Victoria has set the following emissions reduction targets, based on 2005 emissions:*

- 28-33% by 2025
- 45-50% by 2030
- net zero by 2050

Victoria's emissions in 2019 were 24.8% below 2005 emissions¹, exceeding the 2020 target of 15-20 percent reduction on 2005 emission values.

The PPF also seeks to ensure that new land uses are compatible with the surrounding land uses and to avoid land use incompatibility.

The LIP site is deemed a *major hazard facility* and the close proximity is essential to the proposal noting the reliance upon the proposed pipe works.

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The protection of biodiversity is paramount to the proposal, the main front runner alternative to this proposal is additional flaring to occur to enable the disposal of the gas. This has the potential to negatively impact upon the important biodiversity of the area. Western Port is declared as a Ramsar Site under the Convention on Wetlands of International Importance. Western Port is located only 700 metres to the east of the works.

The proposal satisfies and meets with the PPF objectives relating to Environmental and Landscape Values as well as Environmental Risks and Amenity.

Economic Development, Transport, & Built Form and Heritage

The proposal seeks to more efficiently use a by-product of the natural gas process than has been done traditionally (plastic production). The use of the gas for energy generation results in less greenhouse emissions than plastic production and avoids the need for additional flaring which could negatively impact the internationally significant biodiversity of the area.

Aboriginal cultural heritage has been considered, a desktop and onsite assessment was conducted by Benchmark Heritage Management.

It has been identified in the report that a mandatory Cultural Heritage Management Plan is not required. Appropriate due diligence has been therefore undertaken to ensure Aboriginal cultural heritage has not been negatively impacted upon by the proposal.

The subject site is identified as State significant industrial land (Port of Hastings Industrial Precinct). The proposal is not seeking to rezone the land or apply a use which is inconsistent with the important port related industrial uses and will not compromise the port related strategies for the wider area.

Infrastructure

The infrastructure related policies of the PPF seek to facilitate the appropriate development of energy supply infrastructure including to take advantage of existing infrastructure. The proposal takes advantage of existing infrastructure and will directly connect to this infrastructure which is located on the adjoining land parcels.

The PPF also seeks to ensure safe delivery of substances and that the locations of new pipelines etc are sensitively designed. Waste and resource recovery strategies within the PPF promote and *encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.*

The proposal is consistent with the PPF, in that it seeks to minimise the need for infrastructure due to its siting, as well as promote an efficient reuse of waste product to create energy.

The proposal substantially meets with the objectives and strategies within the PPF to guide land use and development on the Mornington Peninsula.

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Cl. 37.01 - Special Use Zone

The land is located within Schedule 1 to the Special Use Zone (clause 37.01) – Port Related Uses.

At Clause 37.01-1 Table of uses – section 2 permit required, for *any other use not in Section 1 or 3 of the schedule to the zone.*

Turning to Schedule 1 of the zone we can see the land use term *energy generation facility* is not listed in either section 1 or section 3 and a planning permit is therefore required.

At Clause 37.01-4, a planning permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise. Schedule 1 to the zone only provides development exemptions based on setback for non-restricted uses which does not apply to *energy generation facility* which is a section 2 use.

A planning permit is therefore required pursuant to 37.01-4 to construct a building or construct or carry out works.

The purpose of schedule 1 to the Special Use Zone is to:

‘To provide a location for selected port and industrial uses which depend upon or gain significant economic advantages from the natural deep-water channels in Westernport.

To enable the effective implementation of the Hastings Port Industrial Area Land Use Structure Plan (Department of Planning and Development 1996).

To protect the environmental values of the waters, coastline and intertidal areas of Westernport and adjoining land.

To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.

To protect the towns of Tyabb, Hastings, Crib Point and Bittern by ensuring that no port industrial development which may have an adverse effect on the amenity or safety of residents occurs in proximity to residential areas.’

The schedule to the zone provides a number of decision guidelines, the responsible authority must consider, as appropriate. The decision guidelines and a response to each of these is provided below.

Any natural and cultural values on or near the land.

As outlined earlier in the report a cultural heritage due diligence desktop and onsite review by Benchmark Heritage Management was undertaken to determine the likelihood for the presence of aboriginal cultural heritage at the site.

The Cultural Heritage Due Diligence Assessment found that the project area:

- *did not lie inside any areas identified as having cultural heritage sensitivity*
- *has undergone significant ground disturbance*
- *there are no Aboriginal cultural heritage places within 200 metres*
- *the distribution of aboriginal cultural heritage places, in the geographic region, are associated with watercourses (predominantly Olivers, Warrangine and Kings Creek)*
- *previous archaeological assessments in the geographical region have indicated that Aboriginal cultural heritage places are likely to be located on high ground (sandy dunes adjacent to swamps and watercourses*
- *given the level of ground disturbance that has occurred previously, the potential for discovering Aboriginal cultural heritage is low.*

In regard to natural values, the siting of the proposal has been deliberately designed to predominantly be within an existing flat clearing south of a large warehouse building thereby avoiding vegetation removal and earthworks. Some vegetation removal is only proposed to ensure appropriate bushfire protection measures are in place.

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The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.

This decision guideline is aimed at discouraging nonindustrial or port related uses occurring (such as dwellings). The proposed use is an appropriate use which is proposed to be used in synergy with the adjoining land use at LIP.

The effect of the development on adjoining areas outside of the Special Use Zone.

This land is currently vacant, the short-term nature of the energy generation facility and the ~ 200 metres setback to the closest portion of the PUZ7 is not considered to cause any significant effect from development on the land.

Traffic generation and traffic management proposals.

The proposed use and development is not expected to result in any detrimental impact when considering traffic during construction or the ongoing use of the facility.

The adequacy of provision for parking and site access.

As evidenced by site photographs and the Site Plan presented, there is ample onsite car parking to support employees of the facility and the existing access-way off Bayview Road is generous in width providing clear access and egress for all necessary vehicle movements during the construction phase of this project.

The location and extent of loading, storage and service areas.

The location of loading, storage and service areas are well-considered in context of the facility and operational needs.

The adequacy of existing roads and infrastructure to support the proposed development.

The existing road network and supporting infrastructure is adequate to support the proposed use and development.

The built form and visual impact of the proposed development, including signage.

The proposed built form is unlikely to have any noticeable visual impact from the public realm.

The site is located in a heavily industrial area and has substantial buffers in excess of 400 metres to the north, northwest, west and east of the site.

The existing warehouse building is approximately 26 metres in height, with the proposed buildings and construction to be a maximum height of 15 metres with limited bulk, it is not anticipated that the construction will have any appreciable impact from the public realm due to the significant setbacks, low accessibility to the public, and significant vegetation cover or existing large scale built forms.

The objectives and likely effectiveness of the proposed landscaping treatment and the extent of indigenous planting.

The environmental values of the site, including coastline will be maintained. The proponent has developed an Environmental Management Plan and also requires a licence from the EPA. Limited vegetation removal is proposed, and only to the extent necessary to allow appropriate bushfire management. Substantial swathes of vegetation exist between the development site and the public realm.

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Particular Provisions

Clause 52.06 – Car Parking

A planning permit is not required for car parking however pursuant to clause 52.06-6 *number of car parking spaces required for other uses* where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay.

Before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

With a total of 60 persons expected onsite during the construction phase and 6 staff in operations (24 hrs a day, working 12 hr shifts) post-construction, the existing onsite car parking capacity of 80 spaces is considered more than adequate to accommodate the needs throughout the life-cycle of the project.

Clause 52.17 – Native Vegetation

A planning permit is required to remove, destroy, or lop native vegetation including dead vegetation pursuant to clause 52.17-1. The purpose of the particular provision is as follows:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

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1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Nature Advisory were commissioned to provide expert advice to the project team and prepare a *Native Vegetation Assessment Report* to respond to the bushfire protection measures called for the Bushfire Planning report prepared by Fire Risk Consultants.

Opportunity to avoid and minimise native vegetation removal was explored to the maximum extent, in consultation with Fire Risk Consultants.

Further to that assessment, the proposed *Native Vegetation Assessment Report*, as revised (Report No. 21291.01 (1.2) in the ‘Scenario Testing’ offset outputs calls for the following offsets:

- 0.222 General Habitat Units that must include the following offset attributes:
 - Minimum Strategic Biodiversity Value (SBV) of 0.448
 - Occur within the Port Phillip and Westernport CMA boundary or the Mornington Peninsula Municipal district

ESSO accept the final offset outputs presented within the *Native Vegetation Assessment Report* (amended from time to time to the satisfaction of DELWP).

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Clause 53.02 – Bushfire Planning

Clause 13.02-1S - *Bushfire Planning* calls for consideration of Bushfire Planning and Clause 53.02 – *Bushfire Planning* is considered the industry accepted ‘best practice’ when considering appropriate bushfire protection measures including:

- Construction requirements (for buildings), ensuring buildings are sited and designed to a relevant (nominated) bushfire attack level.
- Defendable Space, ensuring adequate separation between the facility and nearby hazards.
- Access requirements, as to ensure clear and safe access for staff, operational and emergency vehicles
- Water supply, as to ensure adequate access to water supply.

Fire Risk Consultants were commissioned to provide expert advice to the project team and to make recommendations around bushfire protection measures, working with the ‘best practice’ standards provided for at Clause 53.02.

Key recommendations include, not necessarily limited to:

- Defendable space around the proposed development zone (facility and associated infrastructure) and associated vegetation management, varying from 33 – 48 m respectively.
- Construction Standards to new buildings, minimum Bushfire Attack Level of BAL-12.5.
- Maintenance of clear access-way.
- Provision of onsite above ground static water supply to a minimum capacity of 10,000 L.

ESSO accept the key recommendations presented within the accompanying *Bushfire Management Statement* Report.

Clause 53.10 – Uses & Activities with Potential Adverse Impacts

The purpose of Clause 53.10 is ‘to identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood’.

Whilst the proposed land use ‘energy generation facility’ is not nested within land use terms ‘industry, utility installation or warehouse’, due to the nature of the proposed facility, it is expected that DELWP will refer the Application to the EPA.

As previously introduced, the proposed facility requires an Environmental Protection Authority (EPA) Development License. As such, an application to the EPA has already been submitted and is undergoing assessment [Application Reference APP09563, lodged 10 December 2021].

It is anticipated that the environmental impacts will be assessed by the EPA concurrently with this planning permit application.

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Summation

As Victoria heads toward its Net Zero 2050 commitments and gas production in Bass Strait nears to an end innovative solutions are required to ensure a sustainable as possible use of the remaining resources are utilised.

The natural gas production in Victoria will continue until the existing fields expire as it is legislated as an essential service. The closing of manufacturing industries related to this natural gas production is an inevitable outcome as the gas reservoirs come closer to expiration.

The applicant has come up with an innovative solution to ensure minimal wastage occurs while the essential service continues in this time of transition.

By providing energy generation this avoids the need for excessive flaring which would be severe waste of a Victorian resource and inherent risk to nearby biodiversity particularly the migratory birds in the nearby Ramsar wetlands.

The proposal is consistent with the PPF, adequately considers and responds to cultural heritage, environmental risks and management, bushfire and safety to life, biodiversity values, amenity issues and is entirely consistent with the purpose of the specialized Special Use Zone 1.

The proposed use and development is not expected to result in any significant loss of amenity, nor result in any unreasonable amount of social or environmental impacts.

As such, it is respectfully requested that the Minister issue a Planning Permit for the proposal as submitted.

Appendices

Appendix A

Context Maps

Appendix B

Site Images

Appendix C

Title Particulars

Appendix D

Planning Property Reports

Appendix E

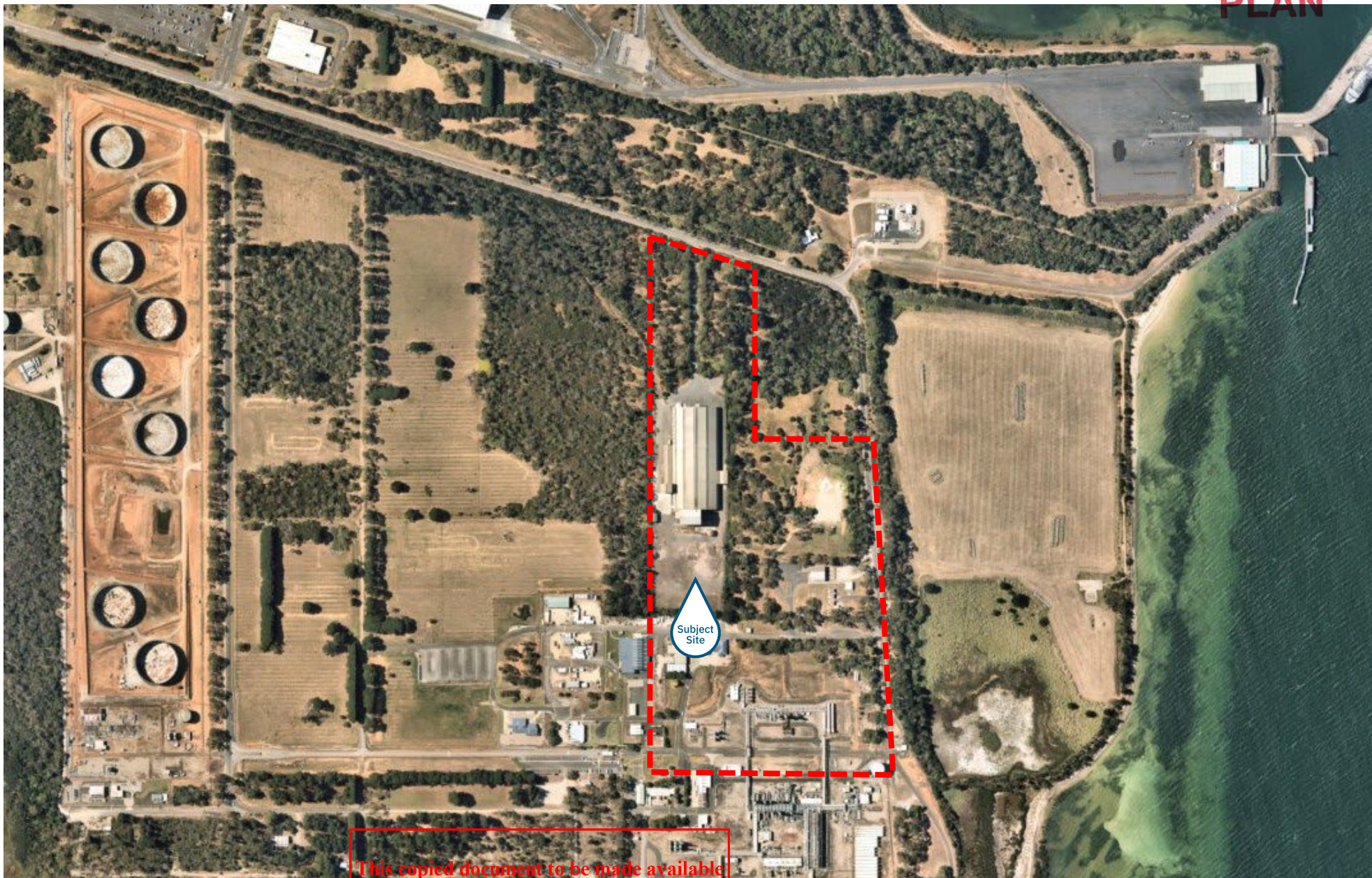
Metropolitan Planning Levy

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Appendix A. Context Maps

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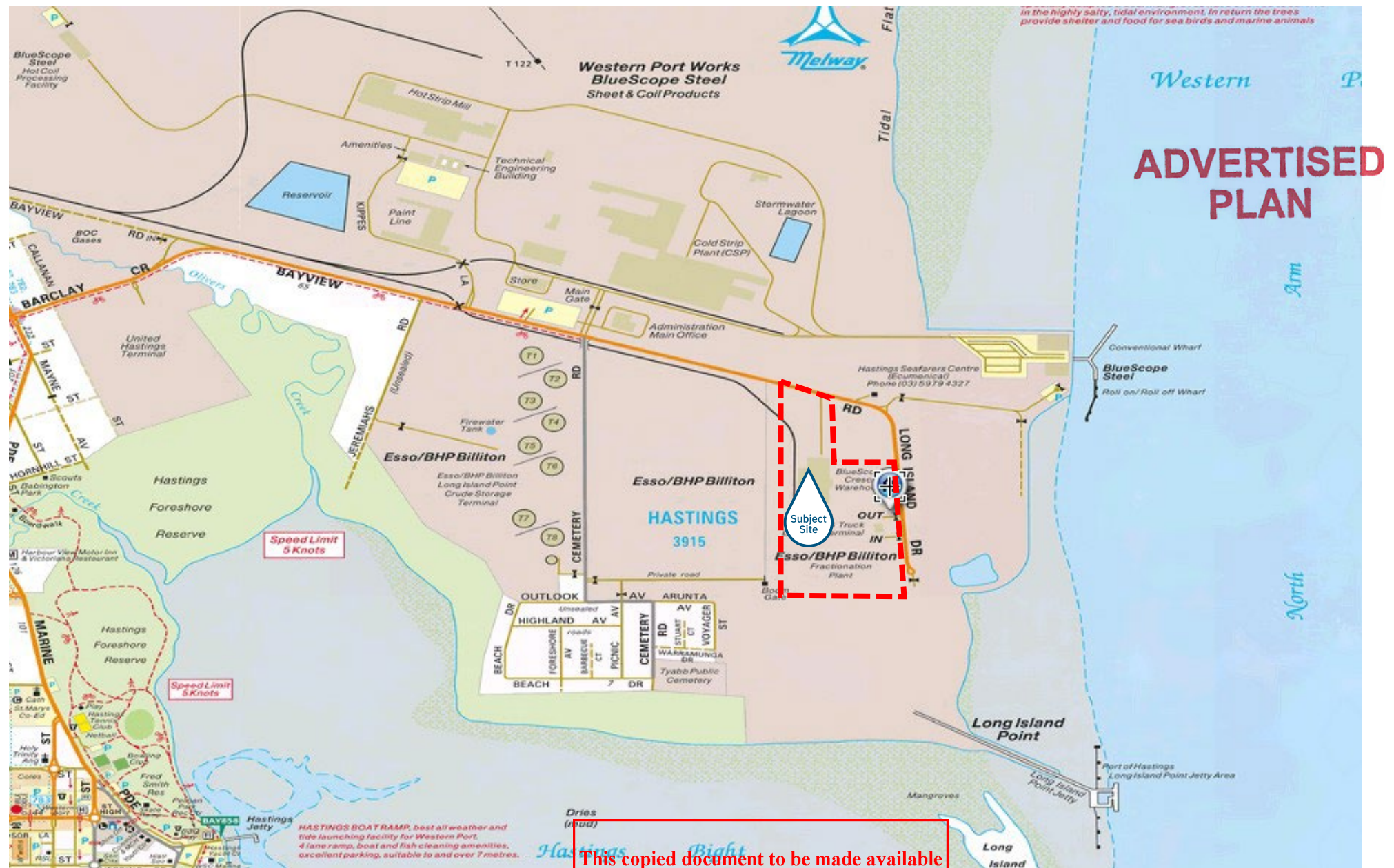


Aerial Map

Subject Site highlighted red (approx.)

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Street Directory Map

Subject Site highlighted red (approx.)

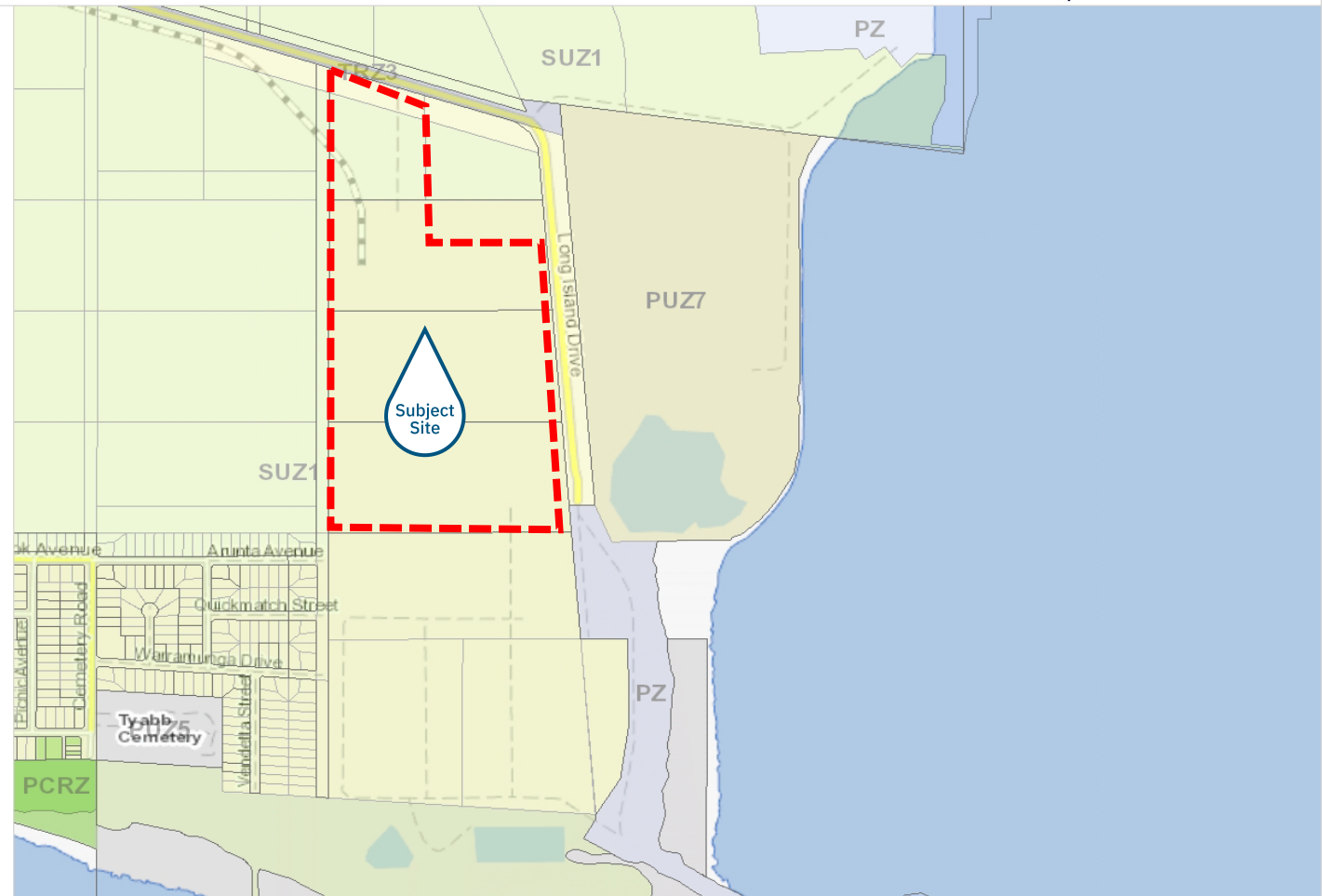
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Zoning Map

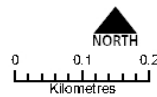


- Property**
- Properties
 - Parcel
 - All Zones
- Planning Scheme Zones**
- Public Land Zones
- PUZ7 - Public Use Zone-Other Public Use
 - PCRZ - Public Conservation and Resource Zone
 - TRZ3 - Significant Municipal Road
- Special Purpose Zones
- SUZ - Special Use Zone
 - PZ - Port Zone

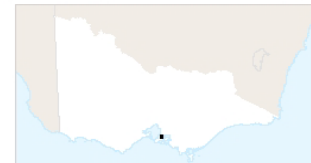


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Map Projection: GDA 1994 VICGRID94
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Zoning Map

Subject Site highlighted red (approx.)



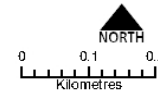
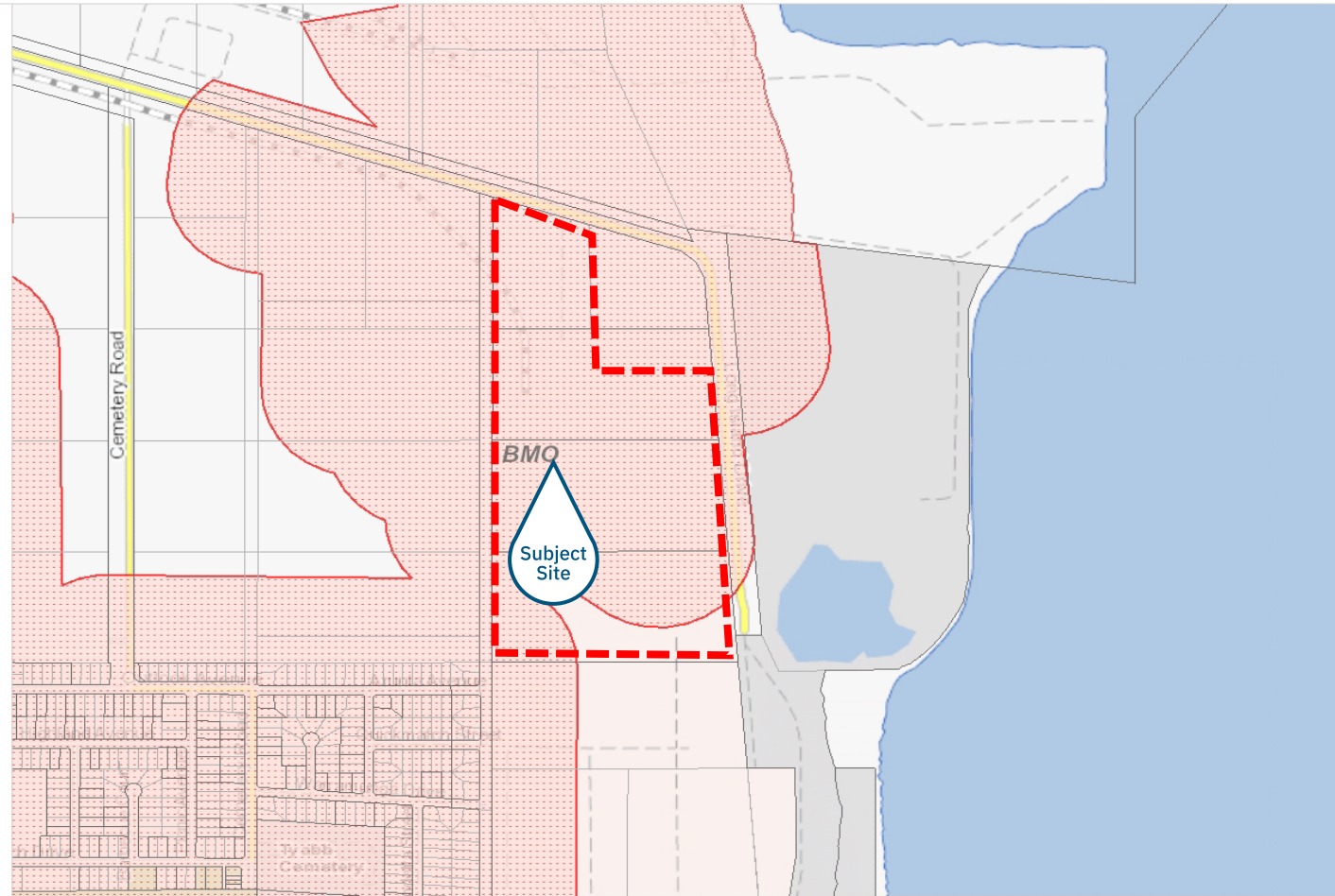
Bushfire Management Overlay Map



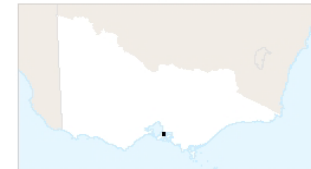
- Property**
- Properties
- Parcel
- Planning Scheme Overlays**
- Land Management**
- BMO - Bushfire Management Overlay

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Bushfire Management Overlay Map

Subject Site highlighted red (approx.)

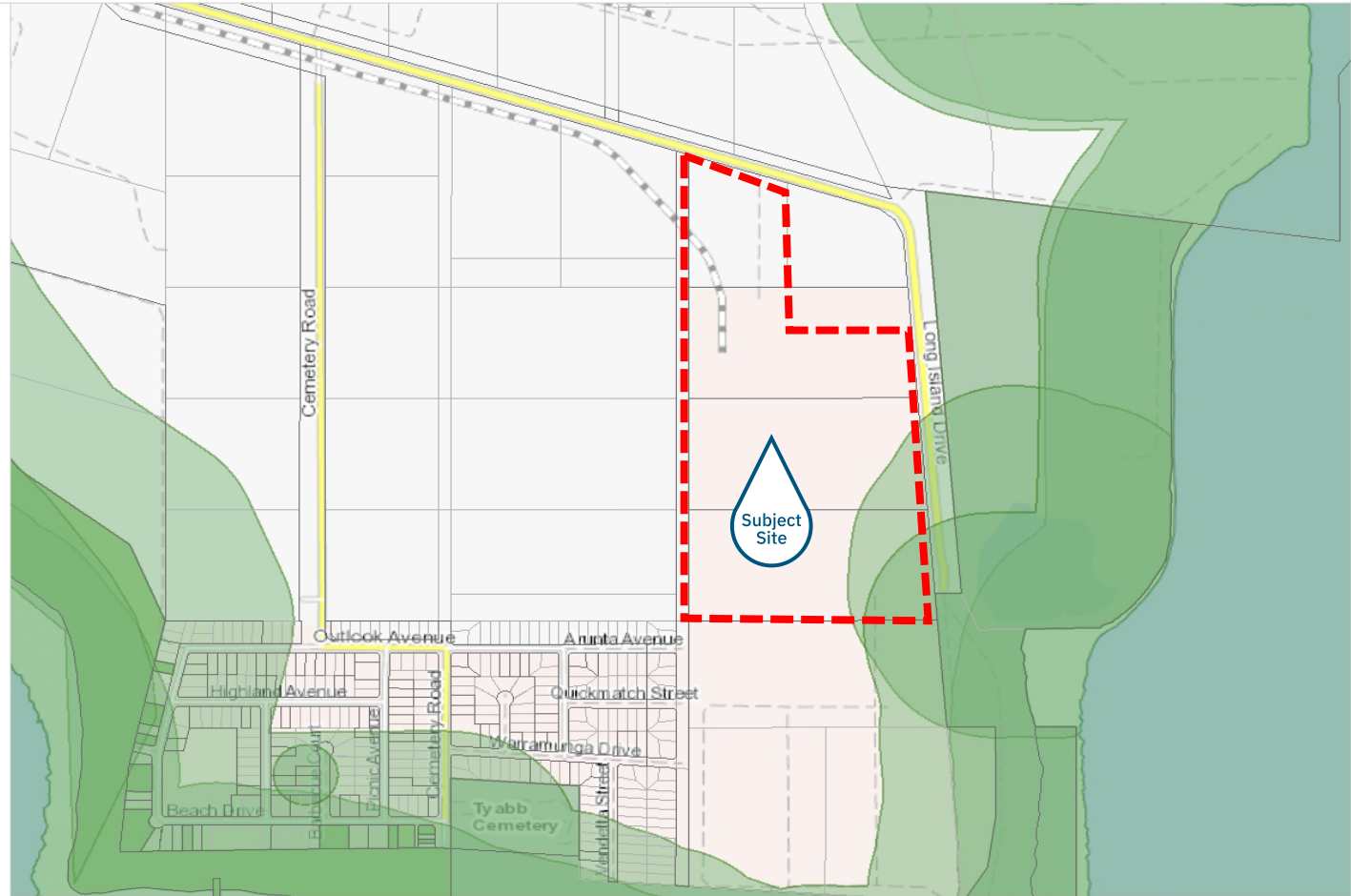


Aboriginal Cultural Heritage Map

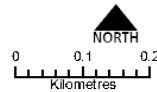


- Property**
- Properties
 - Parcel
- Heritage**
- Aboriginal Cultural Heritage Sensitivity

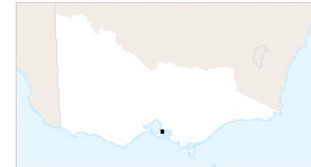
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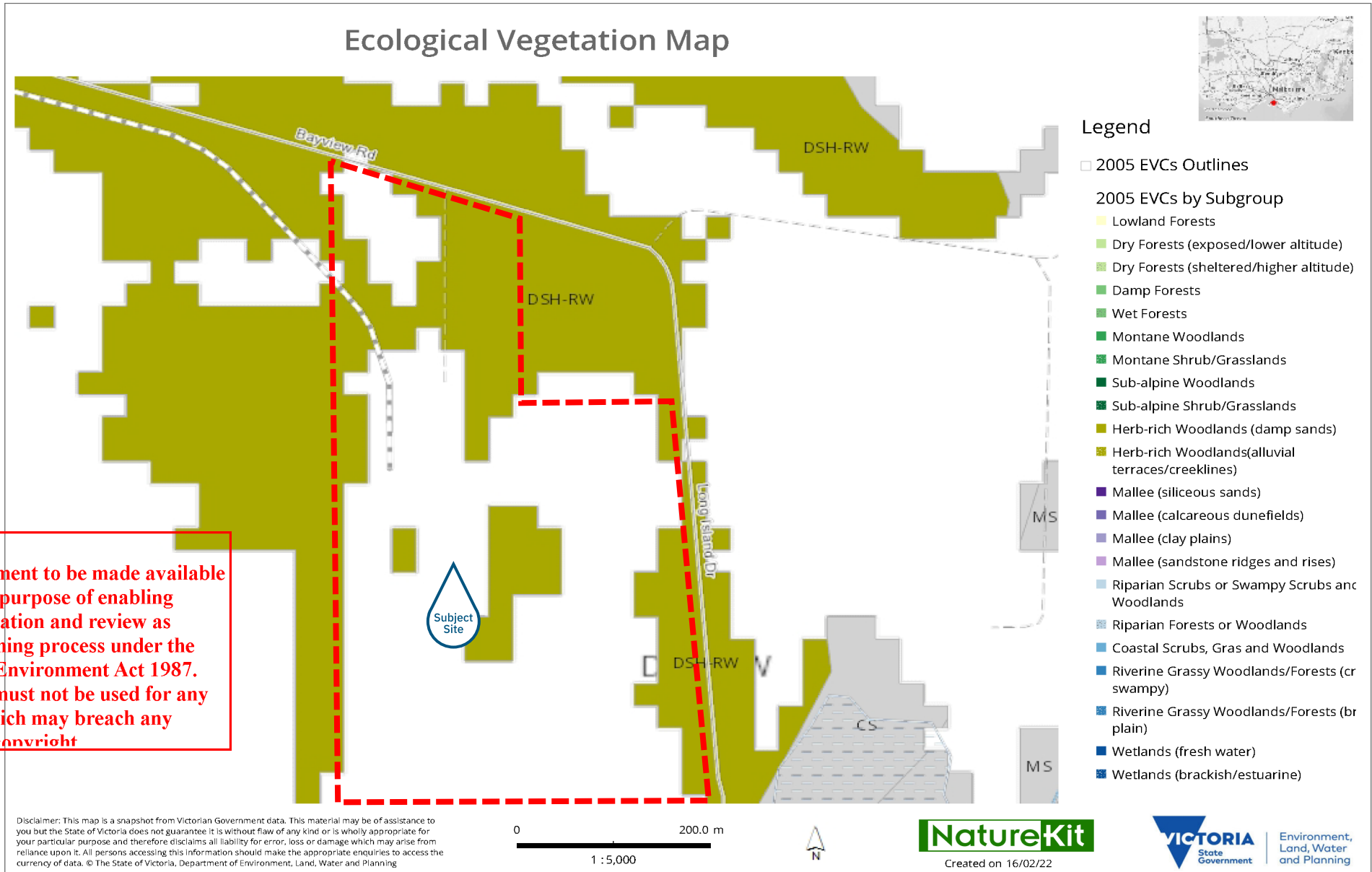
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Aboriginal Cultural Heritage Map

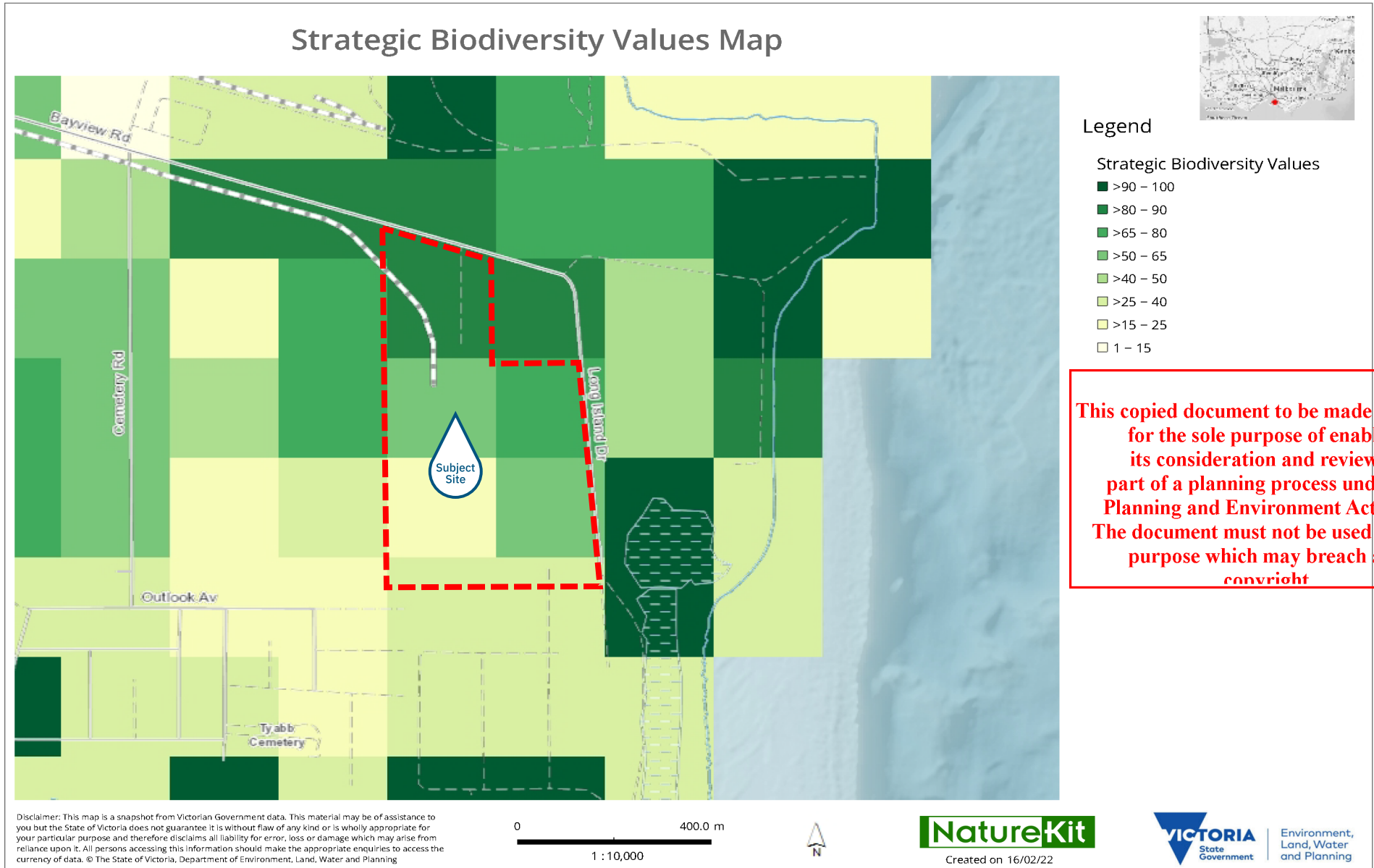
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Ecological Vegetation Map
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Strategic Biodiversity Values Map
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Appendix B. Site Images

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1. Existing Driveway at Lot 41, looking south.



3. Front of existing building (warehouse) to Lot 40 (north elevation).



2. Entrance gates, off Bayview Road.



4. Existing car parking area, to Lot 40.

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5. Car parking area across Lot 40, with view to vegetation.



7. Lot 39, looking north along the western elevation of warehouse buildings.



6. Southern view of the western elevation, from Lot 40.



8. Existing infrastructure to Lot 39.

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9. View to Lot 39, across the proposed 'development zone'



11. View along existing fence-line between LIP and 'project site'.



10. View across Lot 39 toward southern elevation of existing warehouse.



12. Vegetation positioned between the LIP Site (left) and 'project site'.

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13. Existing vegetation along fence-line between LIP and 'project site'.



15. View to existing building and water tank to Lot 40.



14. Existing power Lines located to the eastern boundary of Lot 39.

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16. Looking south, along the eastern boundary to Lot 39.



17. View into the (vacant) warehouse building.



19. View looking south, along the eastern elevation of warehouse.



18. Looking north, along the eastern elevation of the warehouse.



20. Looking north-east from Lot 40 into Lot 41.

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Appendix C. Titles

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

VOLUME 08898 FOLIO 887

Security no : 124095620996N
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LAND DESCRIPTION

Lots 39 and 40 on Plan of Subdivision 003732.
PARENT TITLE Volume 07851 Folio 014
Created by instrument E115554 28/07/1971

REGISTERED PROPRIETOR

Estate Fee Simple
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC of 380 LONSDALE STREET
MELBOURNE
E115554 28/07/1971

ENCUMBRANCES, CAVEATS AND NOTICES

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DIAGRAM LOCATION

SEE TP658592M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

OTHER TITLES WITH INTERESTS AFFECTING THIS LAND
8898/888

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LAND DESCRIPTION

Lots 39 and 40 on Plan of Subdivision 003732.
PARENT TITLE Volume 07851 Folio 014
Created by instrument E115554 28/07/1971

REGISTERED PROPRIETOR

Estate Fee Simple
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
BHP PETROLEUM (BASS STRAIT) PTY LTD of 27TH FLOOR 35 COLLINS ST MELBOURNE
P334219X 27/07/1989

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ACTIVITY IN THE LAST 125 DAYS

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PLAN OF BUNGUNYAH ESTATE

Being Crown Allots 75^c, 75^d, 76 + 77

PARISH OF TYABB

COUNTY OF MORNINGTON

Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

√ 2099 F 663/4

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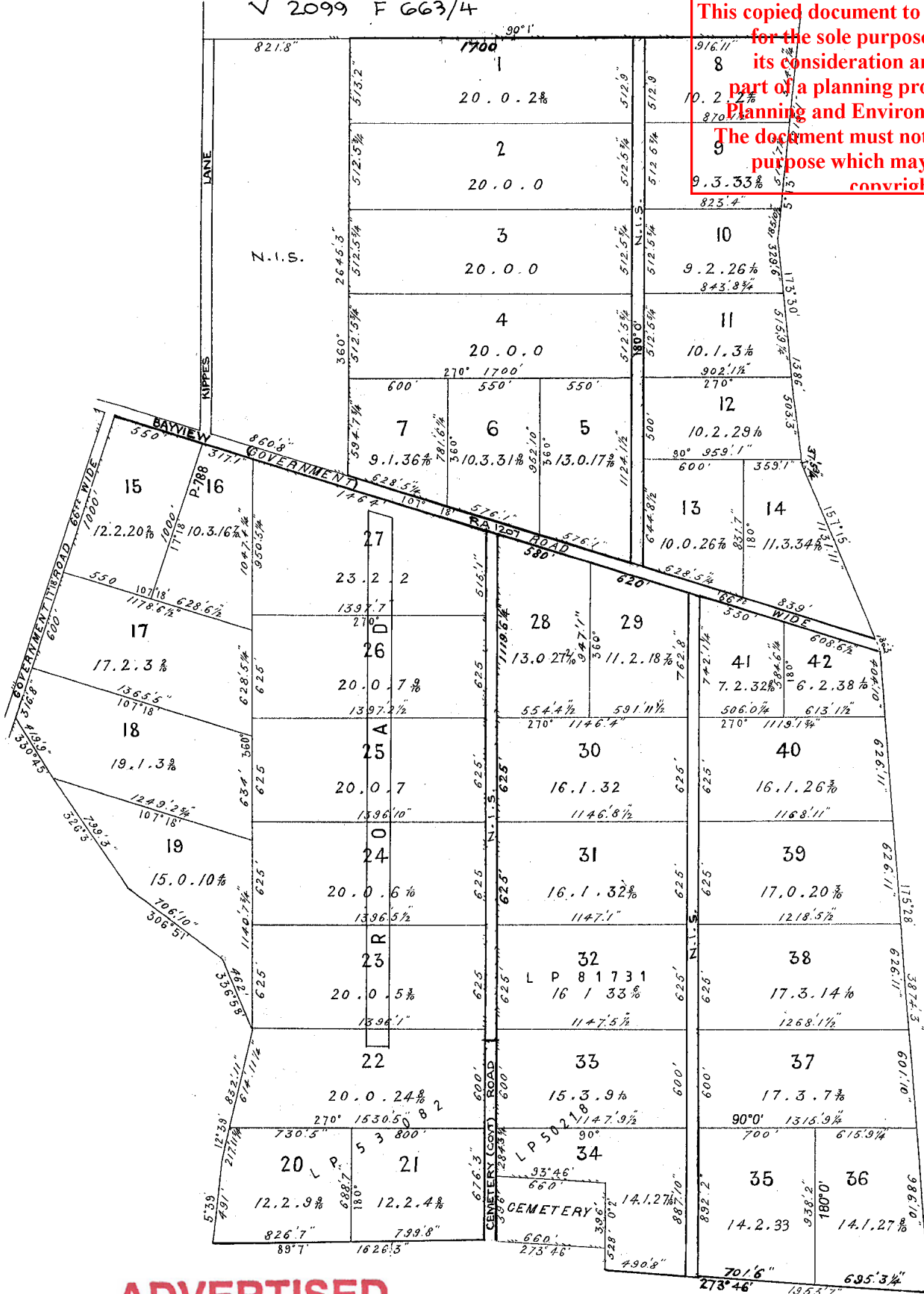
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PLAN NUMBER

L. P. 3 7 3 2

**MODIFICATION TABLE
RECORD OF ALL ADDITIONS OR CHANGES
TO THE PLAN**

| LAND | MODIFICATION | DEALING REFERENCE | DATE AND TIME | | NEW EDITION NUMBER | SIGNATURE OF ASSISTANT REGISTRAR OF TITLES |
|-----------------------|--------------------|---|---------------|------|--------------------|--|
| | | | DATE | TIME | | |
| | ROAD DISCONTINUE | LGD 295, S. B. 12199A, LGD 1037, APPN. 1777 S. 73, LGD 3537 | | | 2 | |
| | STREET NAME CHANGE | CORR 71/4793 71P/2840 | | | 2 | |
| PART OF LOTS 22 TO 27 | PUBLIC HIGHWAY | GAZ 1989 No 10 P 535 | | | 2 | |
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Page 1 of 1

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LAND DESCRIPTION

Lot 41 on Plan of Subdivision 003732.
PARENT TITLE Volume 08212 Folio 550
Created by instrument E115554 28/07/1971

REGISTERED PROPRIETOR

Estate Fee Simple
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
ESSO EXPLORATION AND PRODUCTION AUSTRALIA INC of 380 LONSDALE STREET
MELBOURNE
E115554 28/07/1971

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ACTIVITY IN THE LAST 125 DAYS

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Additional information: (not part of the Register Search Statement)

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LAND DESCRIPTION

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Created by instrument E115554 28/07/1971

REGISTERED PROPRIETOR

Estate Fee Simple
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
BHP PETROLEUM (BASS STRAIT) PTY LTD of 27TH FLOOR 35 COLLINS ST MELBOURNE
P334219X 27/07/1989

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SEE LP003732 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

OTHER TITLES WITH INTERESTS AFFECTING THIS LAND
8898/889

DOCUMENT END

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**ADVERTISED
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PLAN OF BUNGUNYAH ESTATE

LP 3732
EDITION 2
PLAN MAY BE LODGED
1/12/1893

Being Crown Allots 75^c, 75^d, 76 + 77

PARISH OF TYABB

COUNTY OF MORNINGTON

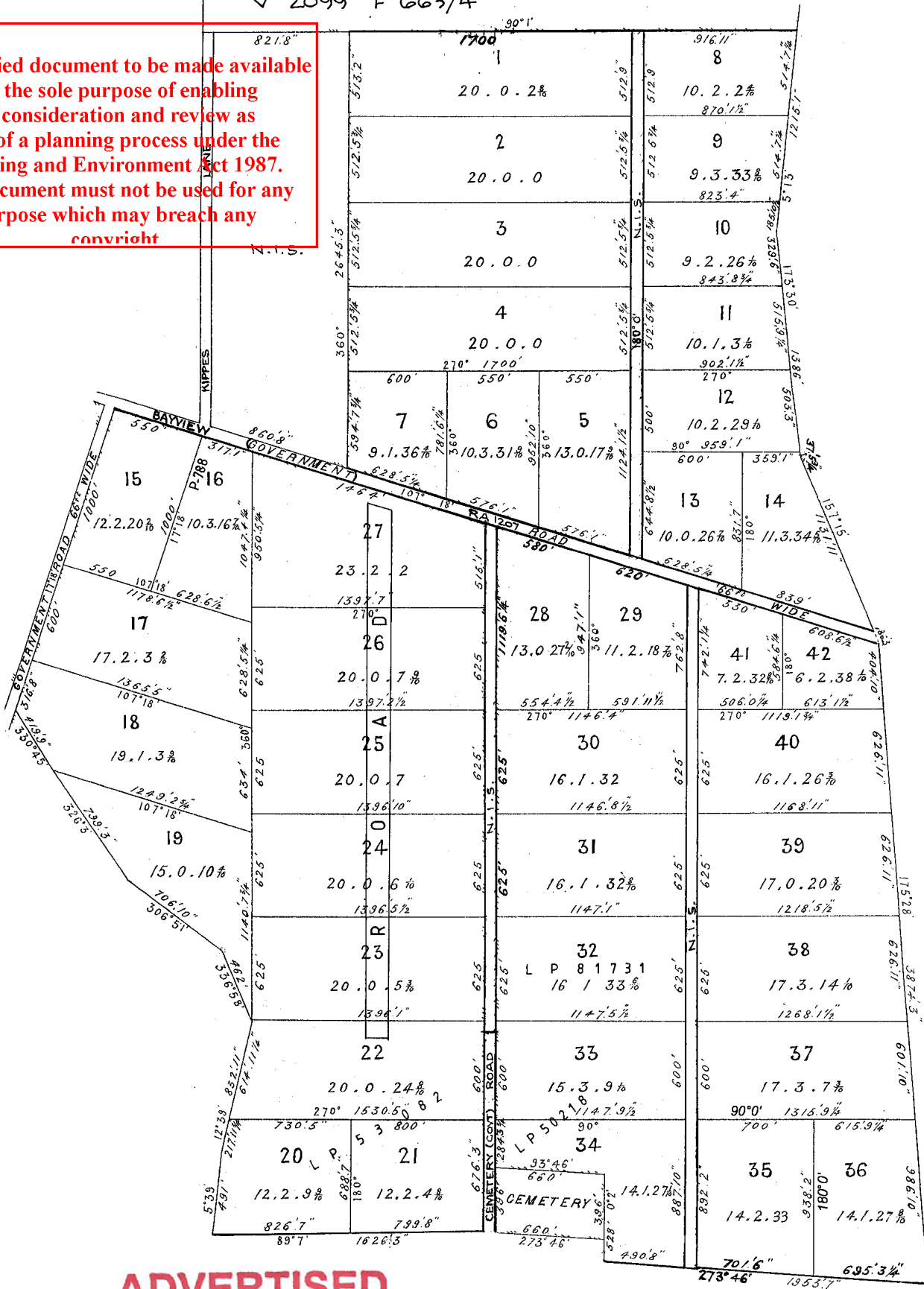
Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

√ 2099 F 663/4

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ADVERTISED PLAN

PLAN NUMBER
L. P. 3 7 3 2

MODIFICATION TABLE
RECORD OF ALL ADDITIONS OR CHANGES
TO THE PLAN

| LAND | MODIFICATION | DEALING REFERENCE | DATE AND TIME | | NEW EDITION NUMBER | SIGNATURE OF ASSISTANT REGISTRAR OF TITLES |
|-----------------------|--------------------|---|---------------|------|--------------------|--|
| | | | DATE | TIME | | |
| | ROAD DISCONTINUE | LGD 295, S. B. 12199A, LGD 1037, APPN. 1777 S. 73, LGD 3537 | | | 2 | |
| | STREET NAME CHANGE | CORR 71/4793 71P/2840 | | | 2 | |
| PART OF LOTS 22 TO 27 | PUBLIC HIGHWAY | GAZ 1989 No 10 P 535 | | | 2 | |
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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08898 FOLIO 885

Security no : 124096882338P
Produced 18/04/2022 07:57 PM

LAND DESCRIPTION

Lot 1 on Title Plan 851238E (formerly known as part of Lot 38 on Plan of Subdivision 003732).
PARENT TITLE Volume 08780 Folio 918
Created by instrument E115554 28/07/1971

REGISTERED PROPRIETOR

Estate Fee Simple
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
ESSO EXPLORATION & PRODUCTION AUSTRALIA INC of 380 LONSDALE STREET MELBOURNE
E115554 28/07/1971

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP851238E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

OTHER TITLES WITH INTERESTS AFFECTING THIS LAND
8898/886

Street Address: 4 LONG ISLAND DRIVE HASTINGS VIC 3915

DOCUMENT END

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08898 FOLIO 886

Security no : 124096882339N
Produced 18/04/2022 07:57 PM

LAND DESCRIPTION

Lot 1 on Title Plan 851238E (formerly known as part of Lot 38 on Plan of Subdivision 003732).
PARENT TITLE Volume 08780 Folio 918
Created by instrument E115554 28/07/1971

REGISTERED PROPRIETOR

Estate Fee Simple
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
BHP PETROLEUM (BASS STRAIT) PTY LTD of 27TH FLOOR 35 COLLINS STREET
MELBOURNE
P334219X 27/07/1989

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP851238E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

OTHER TITLES WITH INTERESTS AFFECTING THIS LAND
8898/885

Street Address: 4 LONG ISLAND DRIVE HASTINGS VIC 3915

DOCUMENT END

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| | | |
|-------------------|------------------|-------------------|
| TITLE PLAN | EDITION 1 | TP 851238E |
|-------------------|------------------|-------------------|

Location of Land

Parish : TYABB
 Township : -
 Crown Allotment: -
 Crown Portion: -
 Section : -

Base record : DCMB
 Last Plan Reference LP 3732
 Derived From : VOL. 8898 FOL. 885 & VOL. 8898 FOL. 886

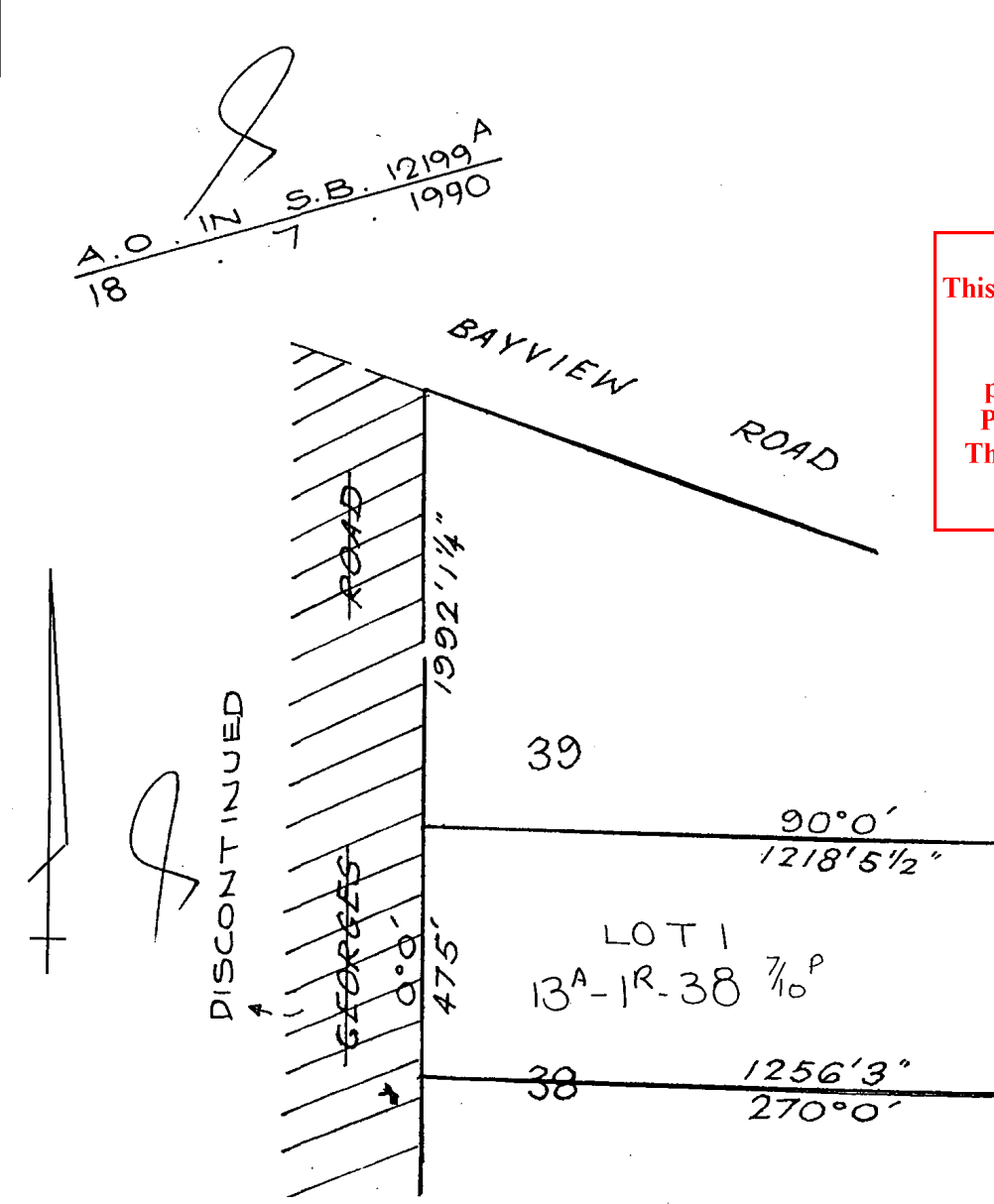
Depth Limitation : NIL

Notations

ADVERTISED PLAN

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land/ Easement Information



THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES

COMPILED: Date 20/07/05

VERIFIED: A. DALLAS
Assistant Registrar of Titles

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| TABLE OF PARCEL IDENTIFIERS |
|--|
| WARNING: Where multiple parcels are referred to or shown on the Title Plan this does Not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 |
| LOT 1 = LOT 38 (PT) ON LP 3732 |

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Appendix D. Planning Property Reports

From www.planning.vic.gov.au at 22 April 2022 09:20 AM

PROPERTY DETAILS

Lot and Plan Number: **Lot 41 LP3732**
 Address: **35 CEMETERY ROAD HASTINGS 3915**
 Standard Parcel Identifier (SPI): **41\LP3732**
 Local Government Area (Council): **MORNINGTON PENINSULA**
 Council Property Number: **85789 (Part)**
 Planning Scheme: **Mornington Peninsula**
 Directory Reference: **Melway 155 C7**

www.mornpen.vic.gov.au

[Planning Scheme - Mornington Peninsula](#)

This parcel is one of 105 parcels comprising the property. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **South East Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **UNITED ENERGY**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
 Legislative Assembly: **HASTINGS**

OTHER

Registered Aboriginal Party: **Bunurong Land Council
Aboriginal Corporation**

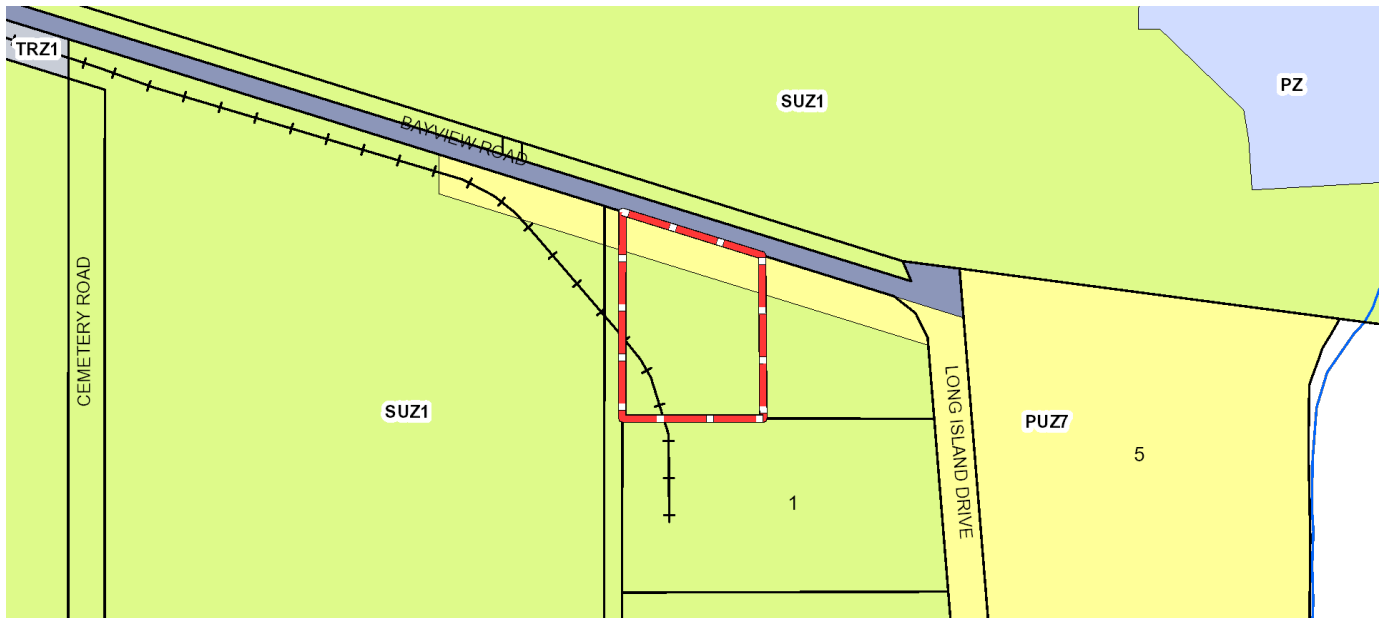
[View location in VicPlan](#)

Planning Zones

[PUBLIC USE ZONE - OTHER PUBLIC USE \(PUZ7\)](#)

[SPECIAL USE ZONE \(SUZ\)](#)

[SPECIAL USE ZONE - SCHEDULE 1 \(SUZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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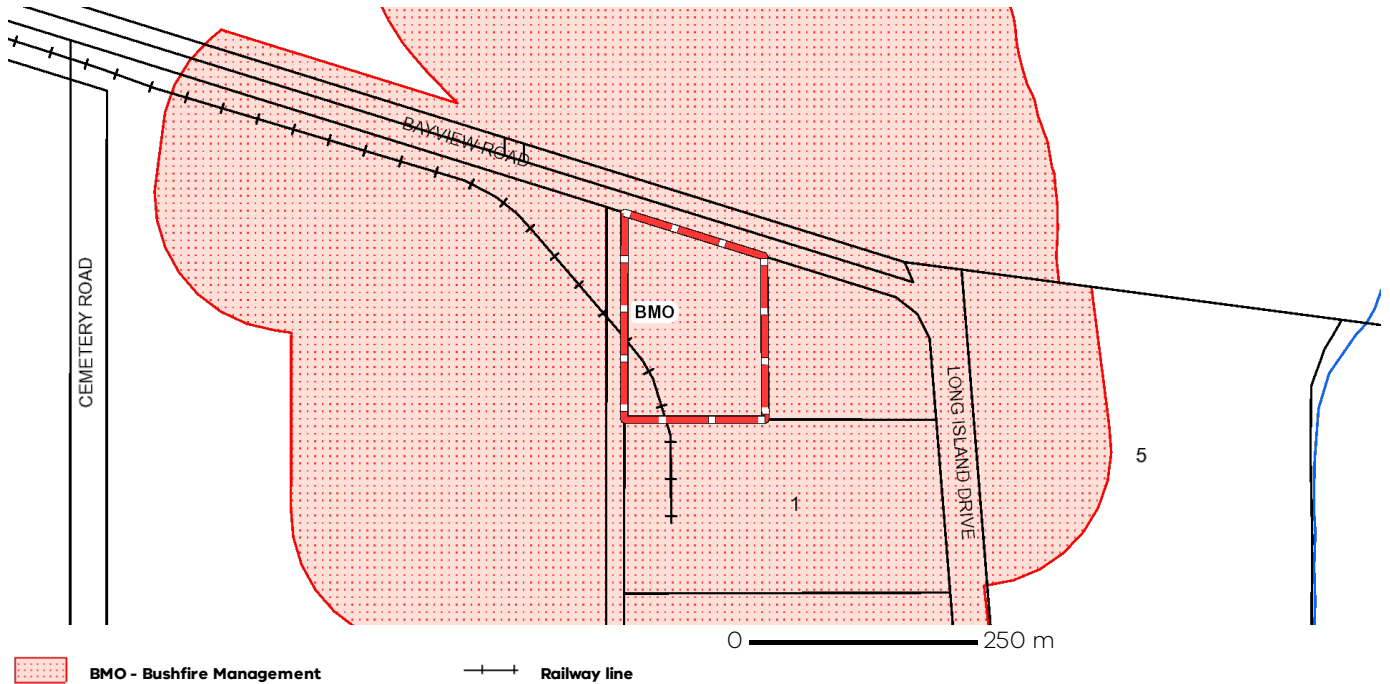
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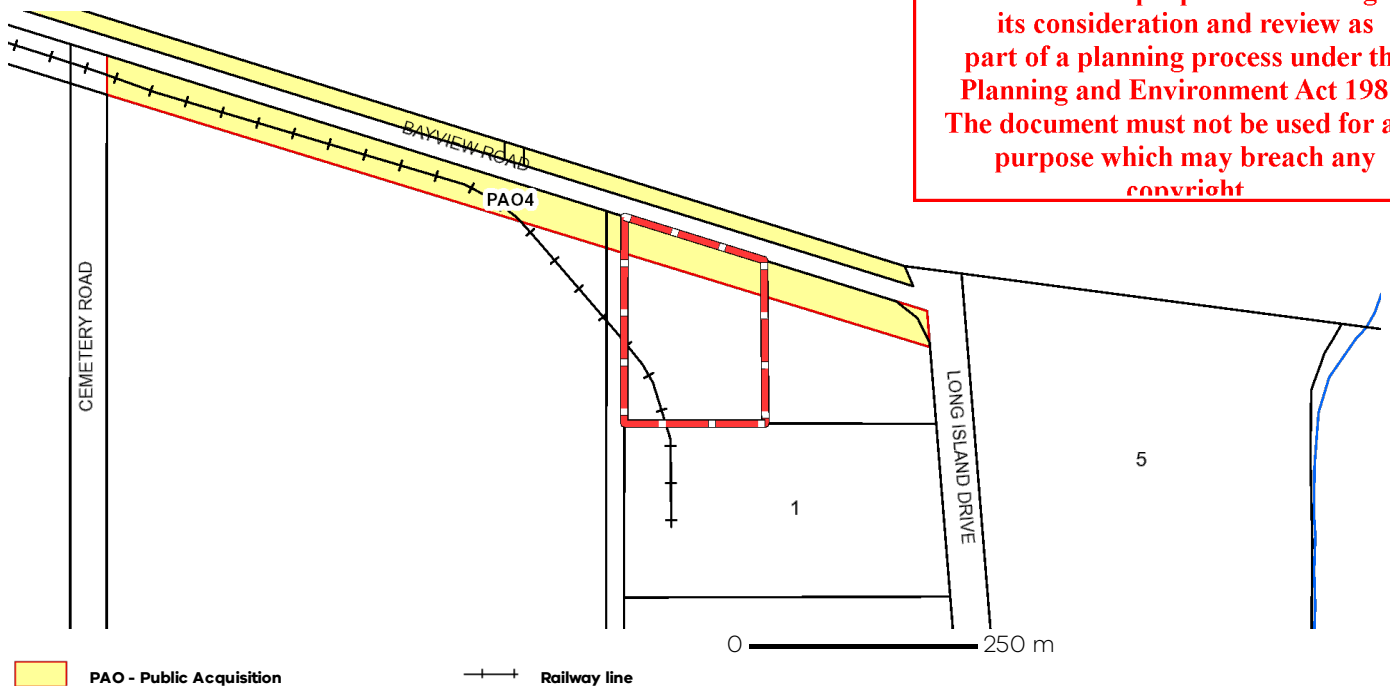
Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)



PUBLIC ACQUISITION OVERLAY (PAO)

PUBLIC ACQUISITION OVERLAY 4 SCHEDULE (PAO4)



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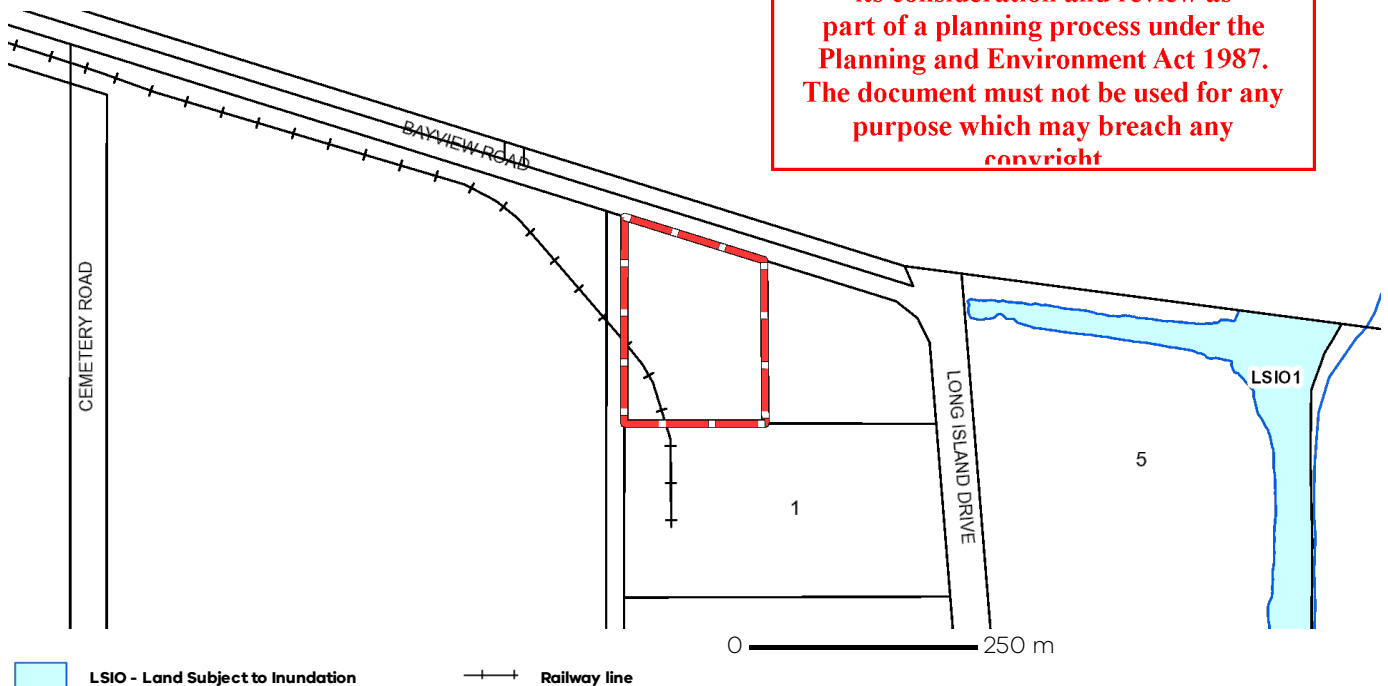
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Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)



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Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 13 April 2022.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

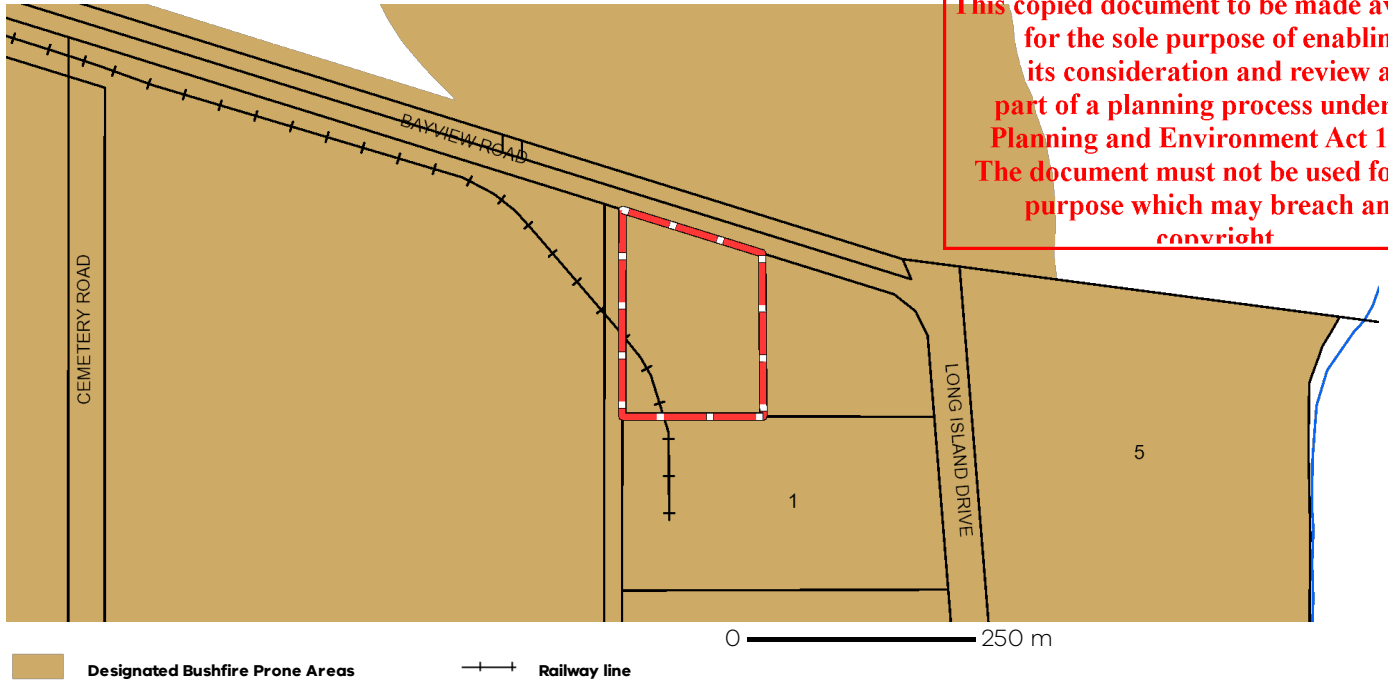
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

ADVERTISED PLAN

Designated Bushfire Prone Areas

This parcel is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.

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Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To help identify native vegetation on his property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

ADVERTISED PLAN

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From www.planning.vic.gov.au at 22 April 2022 09:16 AM

PROPERTY DETAILS

Address: **1 LONG ISLAND DRIVE HASTINGS 3915**
 Lot and Plan Number: **Lot 40 LP3732**
 Standard Parcel Identifier (SPI): **40\LP3732**
 Local Government Area (Council): **MORNINGTON PENINSULA**
 Council Property Number: **87930**
 Planning Scheme: **Mornington Peninsula**
 Directory Reference: **Melway 155 F7**

www.mornpen.vic.gov.au

[Planning Scheme - Mornington Peninsula](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **South East Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **UNITED ENERGY**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
 Legislative Assembly: **HASTINGS**

OTHER

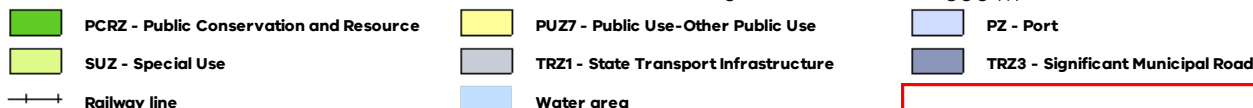
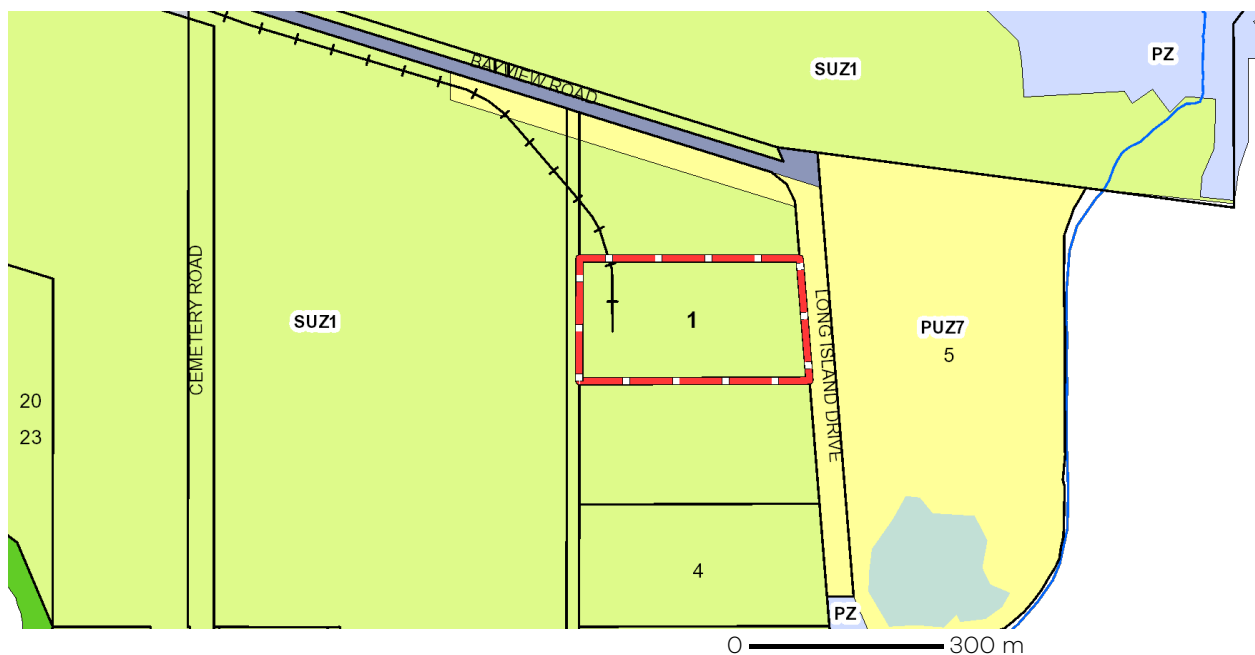
Registered Aboriginal Party: **Bunurong Land Council
Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[SPECIAL USE ZONE \(SUZ\)](#)

[SPECIAL USE ZONE - SCHEDULE 1 \(SUZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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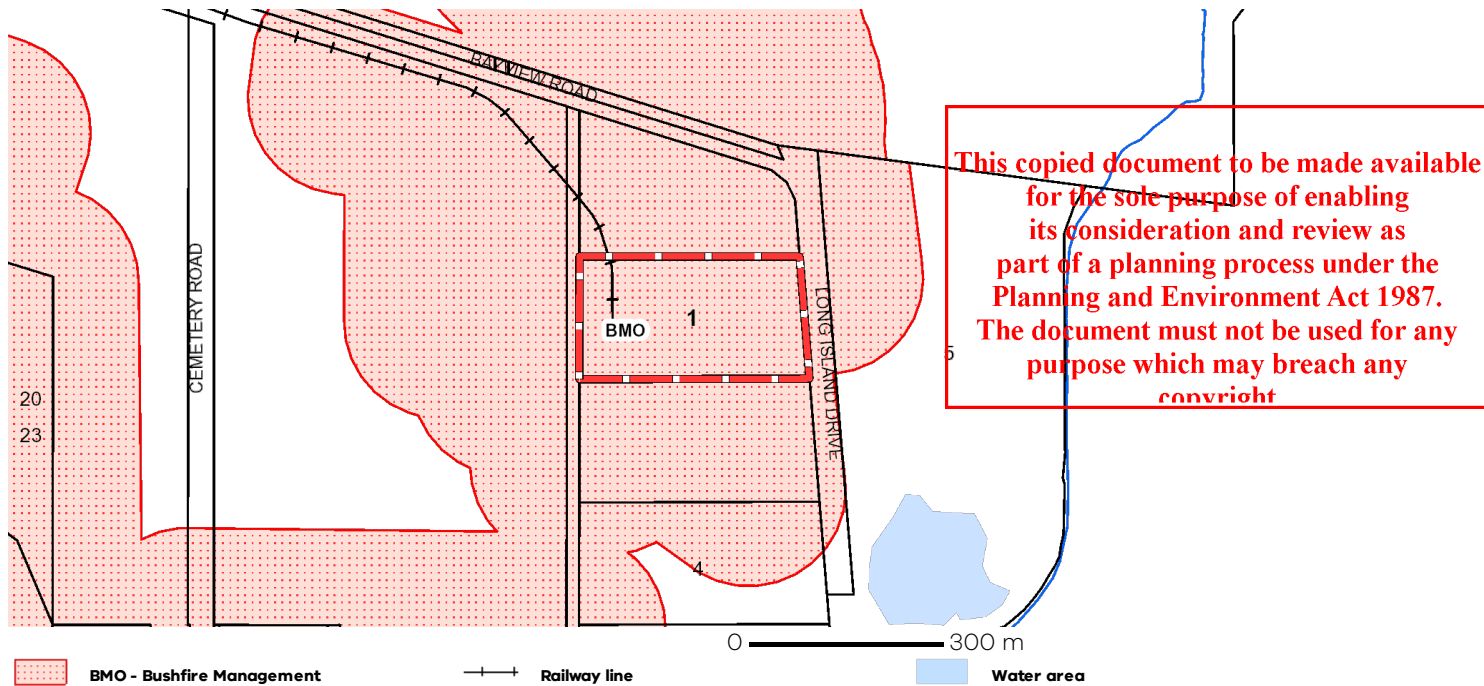
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Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)



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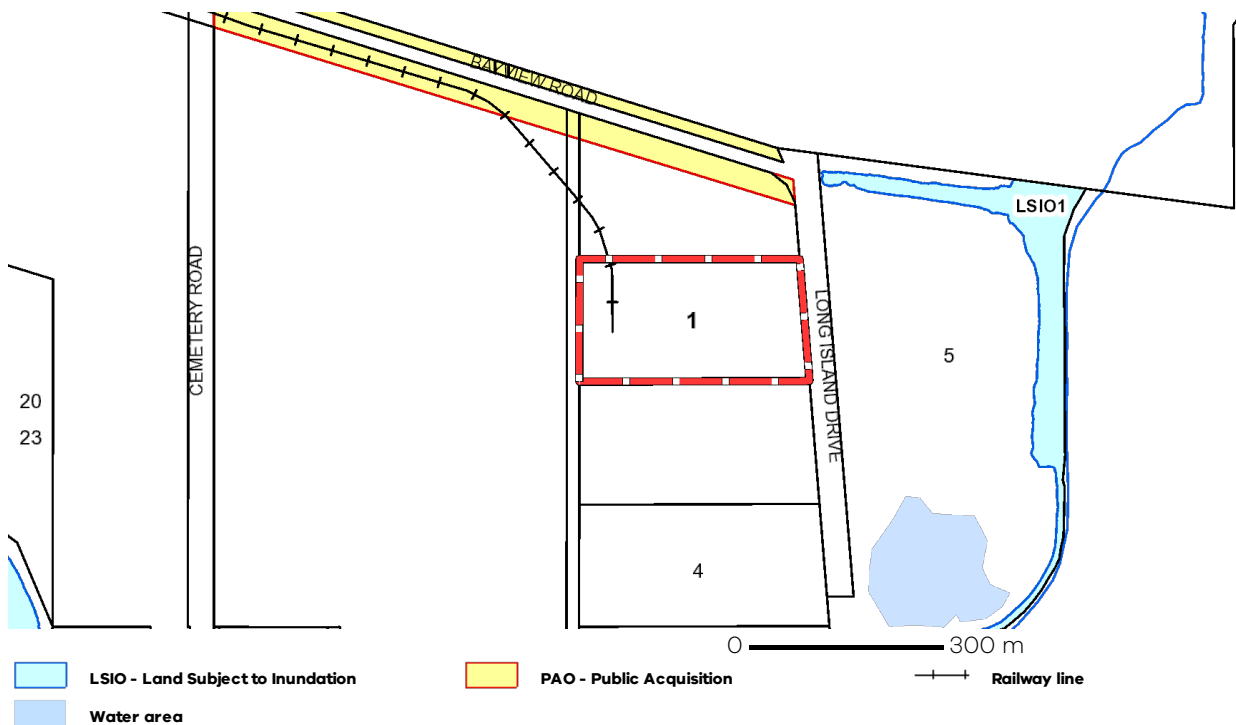
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

PUBLIC ACQUISITION OVERLAY (PAO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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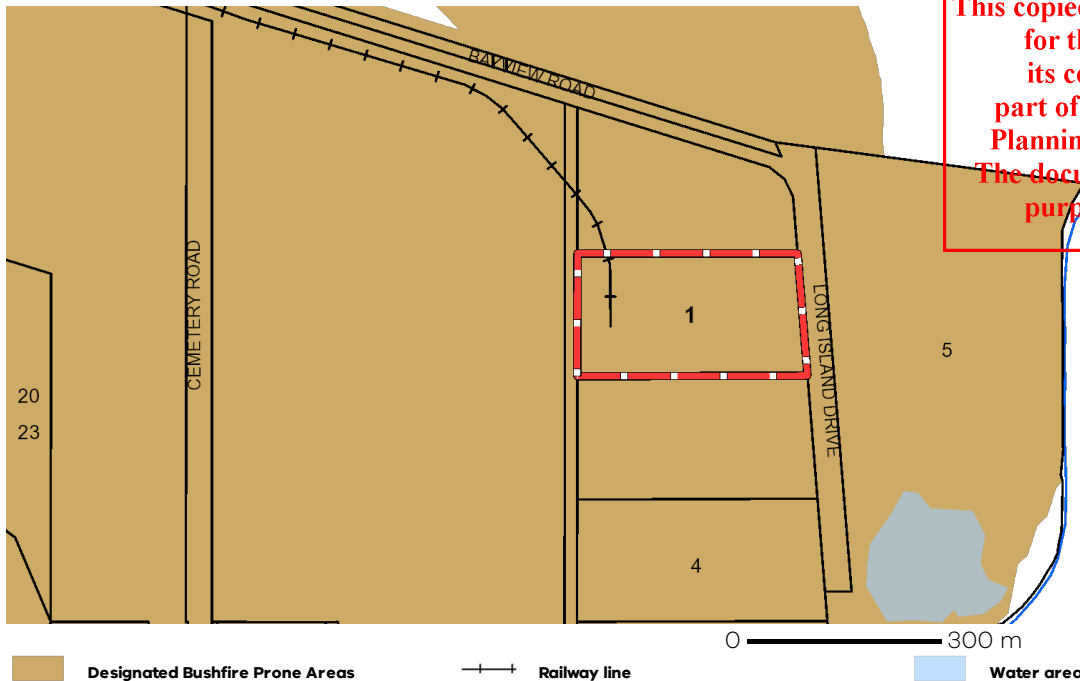
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Designated Bushfire Prone Areas

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Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

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Native Vegetation

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From www.planning.vic.gov.au at 20 April 2022 10:39 AM

PROPERTY DETAILS

Address: **2 LONG ISLAND DRIVE HASTINGS 3915**
 Lot and Plan Number: **Lot 39 LP3732**
 Standard Parcel Identifier (SPI): **39\LP3732**
 Local Government Area (Council): **MORNINGTON PENINSULA**
 Council Property Number: **87931**
 Planning Scheme: **Mornington Peninsula**
 Directory Reference: **Melway 155 F8**

www.mornpen.vic.gov.au

[Planning Scheme - Mornington Peninsula](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **South East Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **UNITED ENERGY**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
 Legislative Assembly: **HASTINGS**

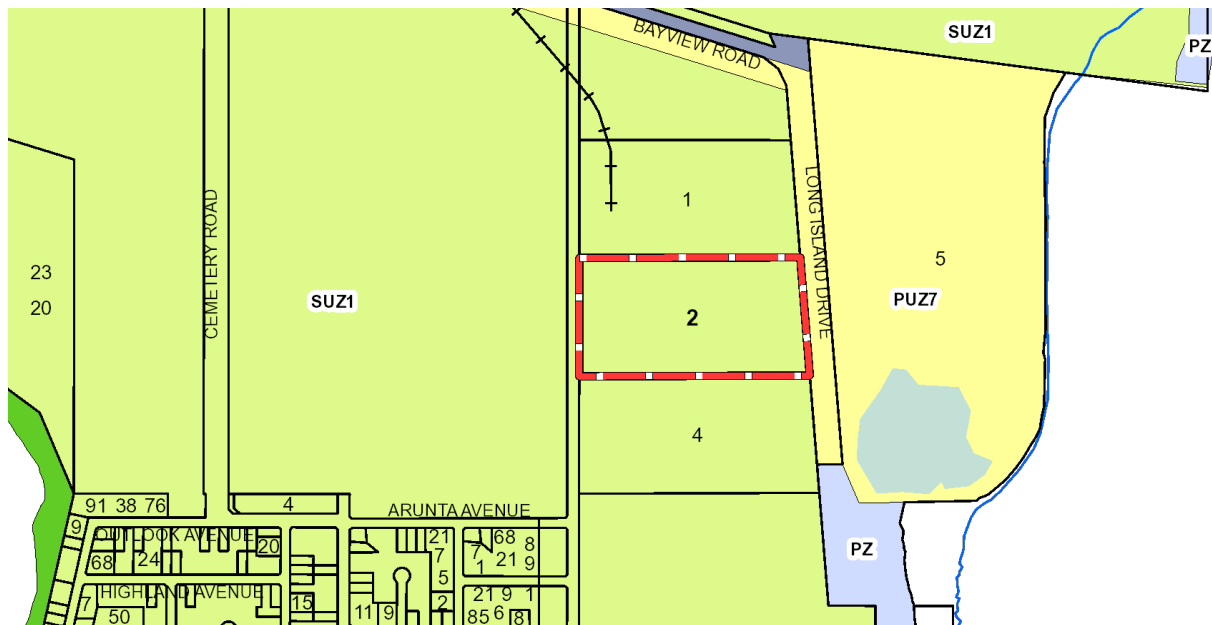
OTHER

Registered Aboriginal Party: **Bunurong Land Council
 Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[SPECIAL USE ZONE \(SUZ\)](#)
[SPECIAL USE ZONE - SCHEDULE 1 \(SUZ1\)](#)



- PCRZ - Public Conservation and Resource
- SUZ - Special Use
- Water area
- PUZ7 - Public Use - Other Public Use
- TRZ3 - Significant Municipal Road
- PZ - Port
- Railway line

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

ADVERTISED PLAN

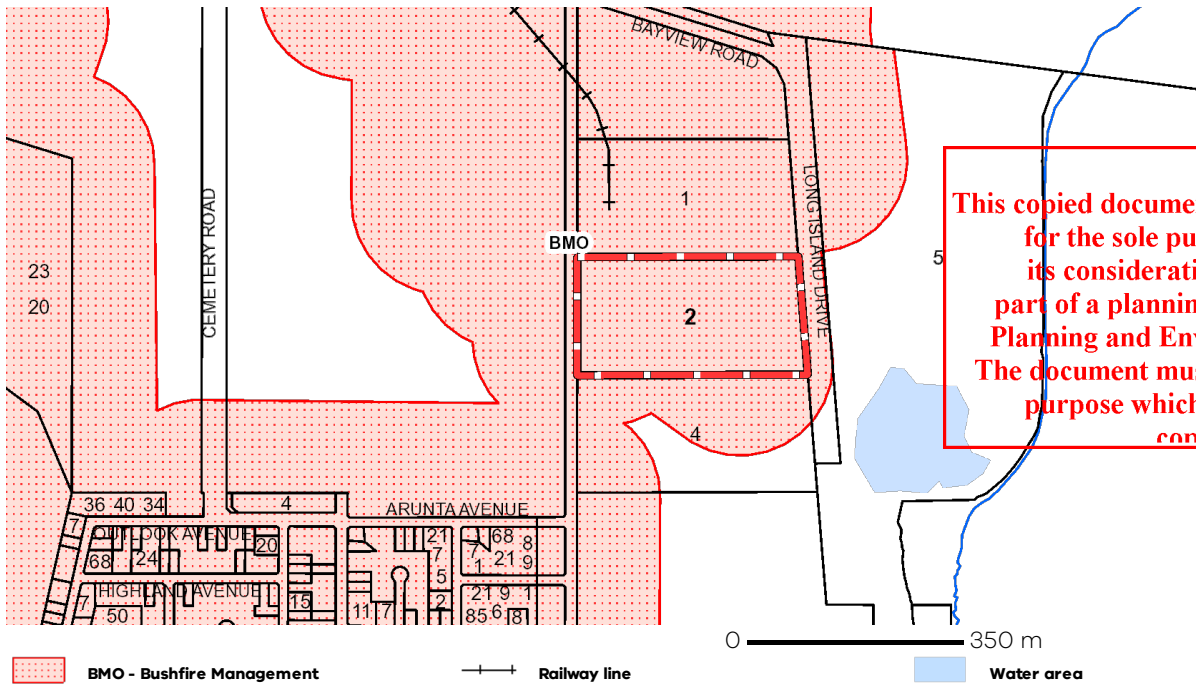
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Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)



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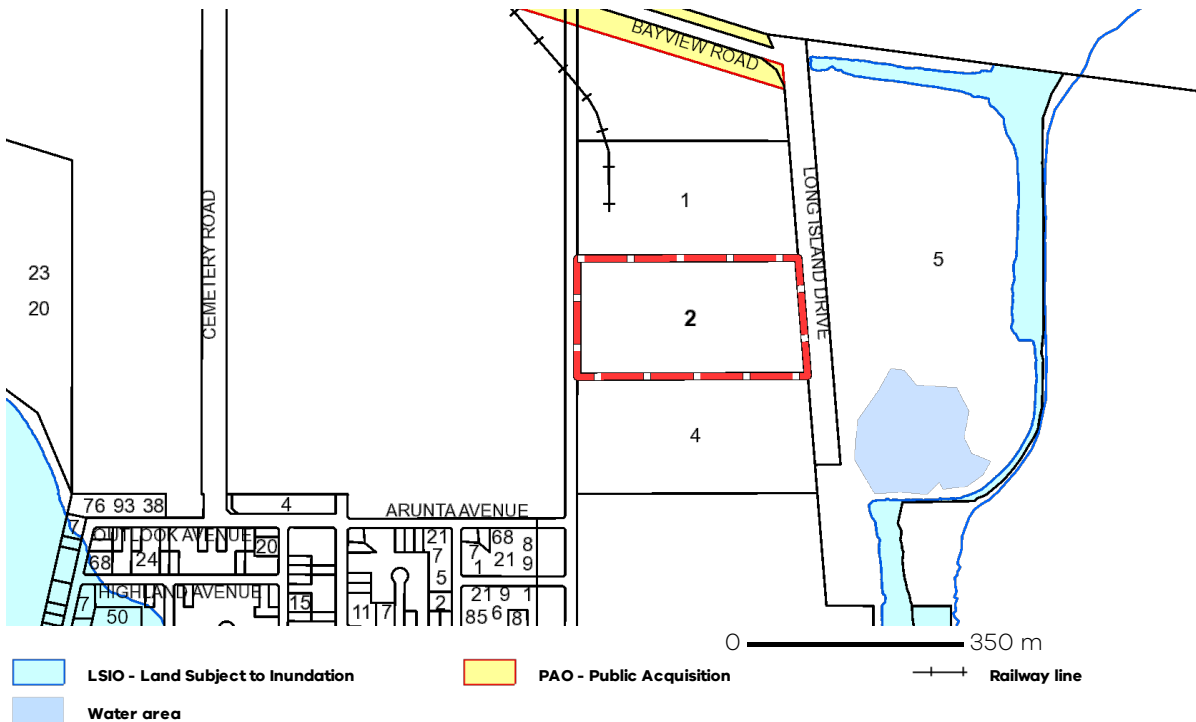
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

PUBLIC ACQUISITION OVERLAY (PAO)



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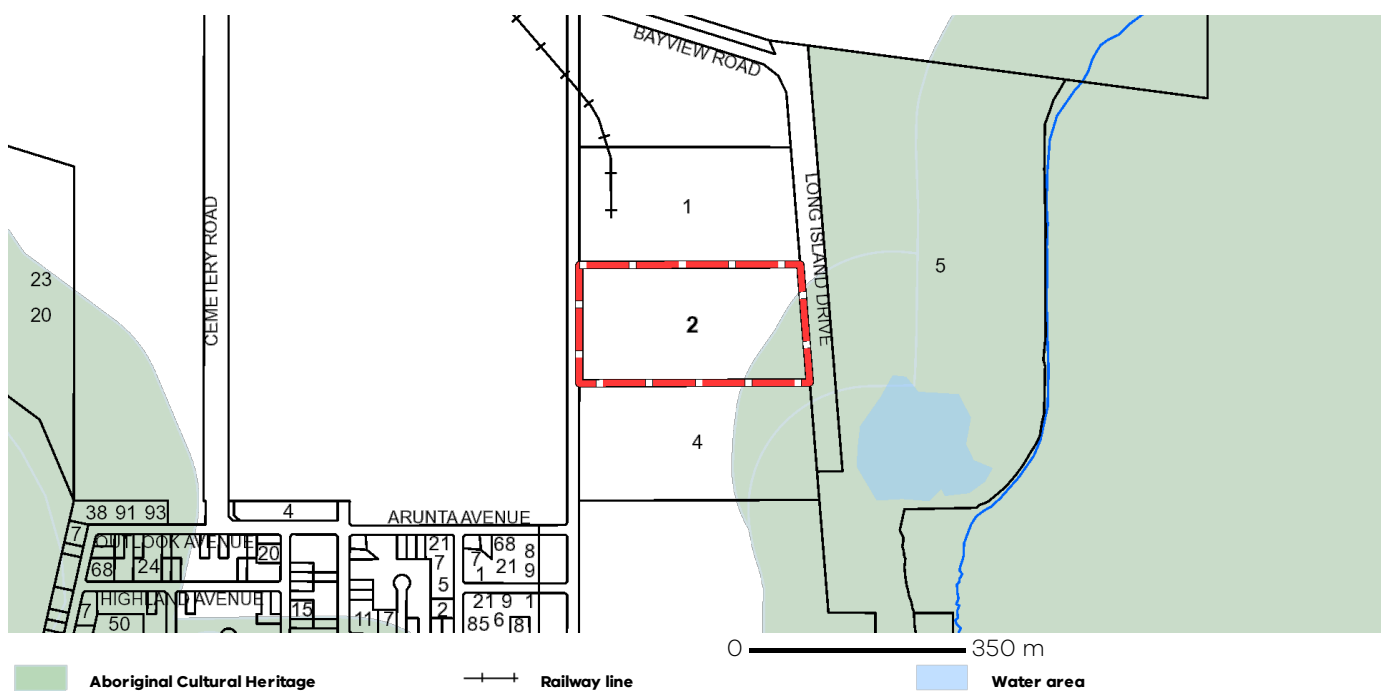
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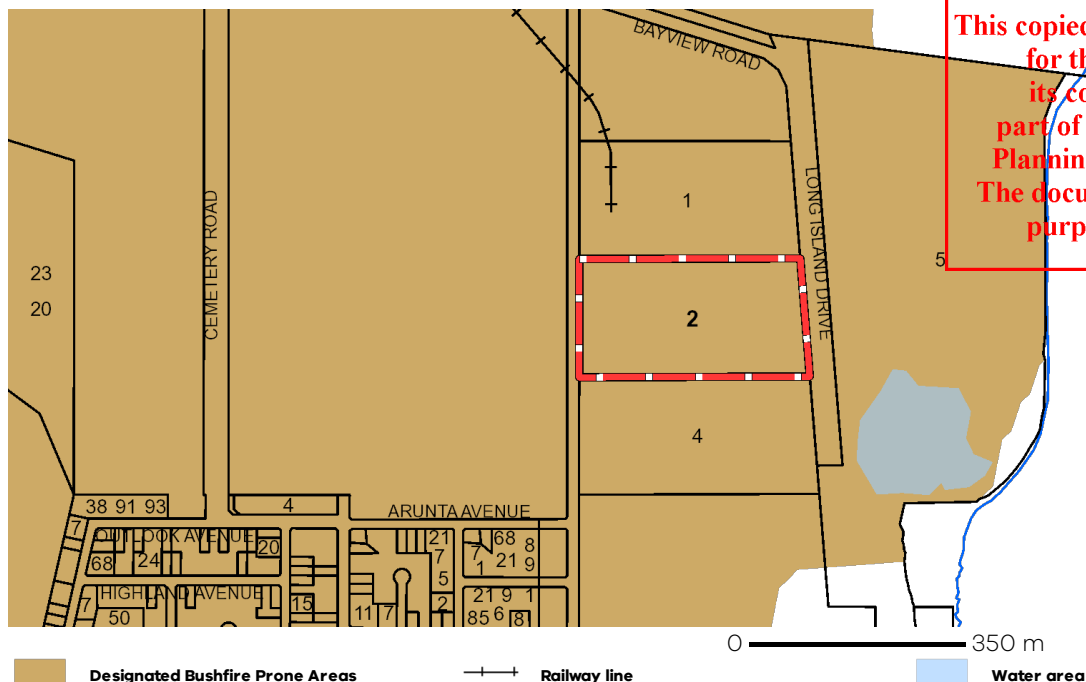
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From www.planning.vic.gov.au at 22 April 2022 09:16 AM

PROPERTY DETAILS

Address: **4 LONG ISLAND DRIVE HASTINGS 3915**
 Lot and Plan Number: **Lot 1 TP851238**
 Standard Parcel Identifier (SPI): **1\TP851238**
 Local Government Area (Council): **MORNINGTON PENINSULA**
 Council Property Number: **87933**
 Planning Scheme: **Mornington Peninsula**
 Directory Reference: **Melway 155 F8**

www.mornpen.vic.gov.au

[Planning Scheme - Mornington Peninsula](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **South East Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **UNITED ENERGY**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
 Legislative Assembly: **HASTINGS**

OTHER

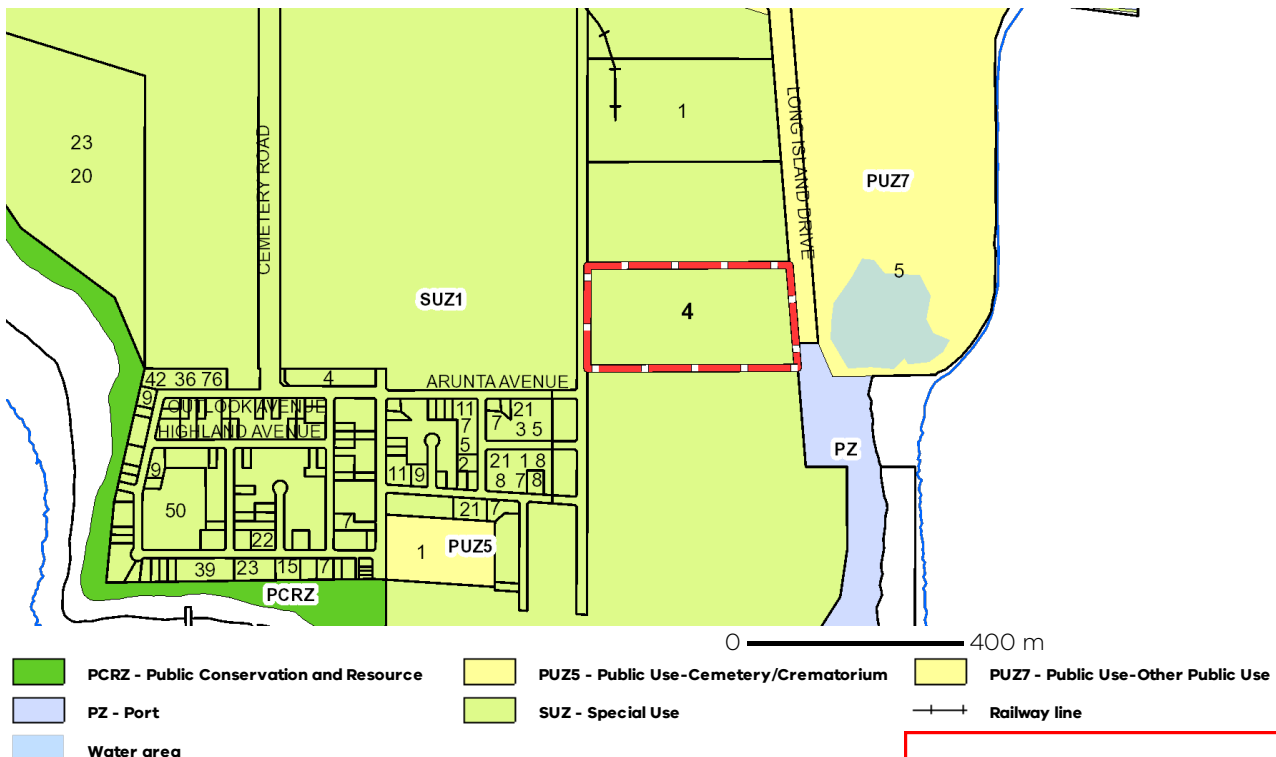
Registered Aboriginal Party: **Bunurong Land Council
Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[SPECIAL USE ZONE \(SUZ\)](#)

[SPECIAL USE ZONE - SCHEDULE 1 \(SUZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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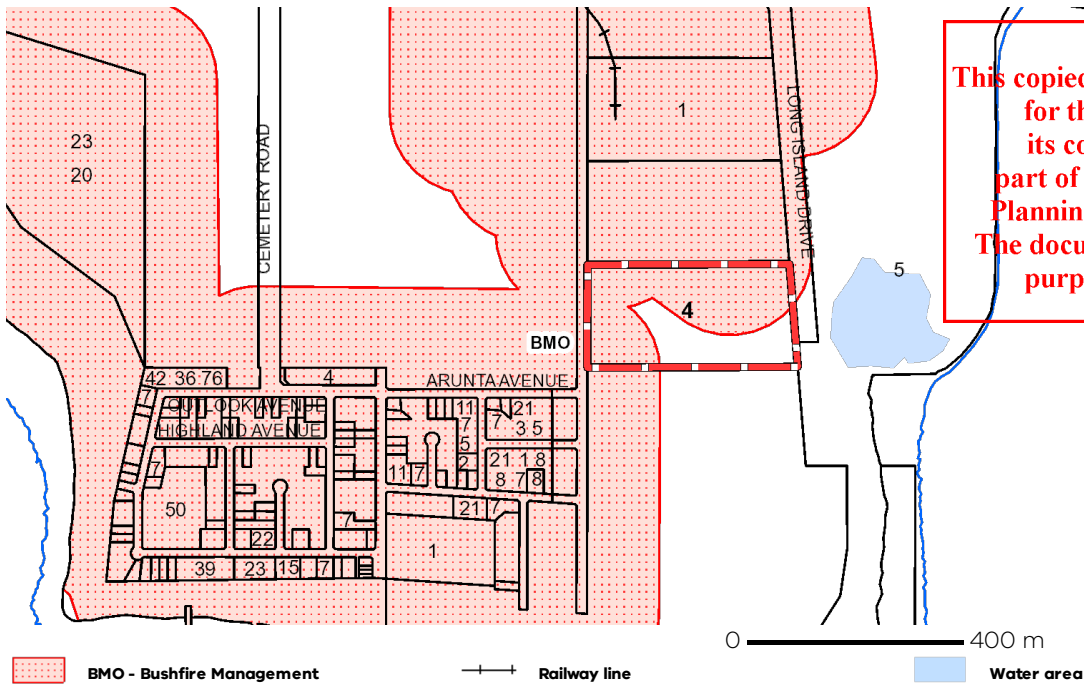
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Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)



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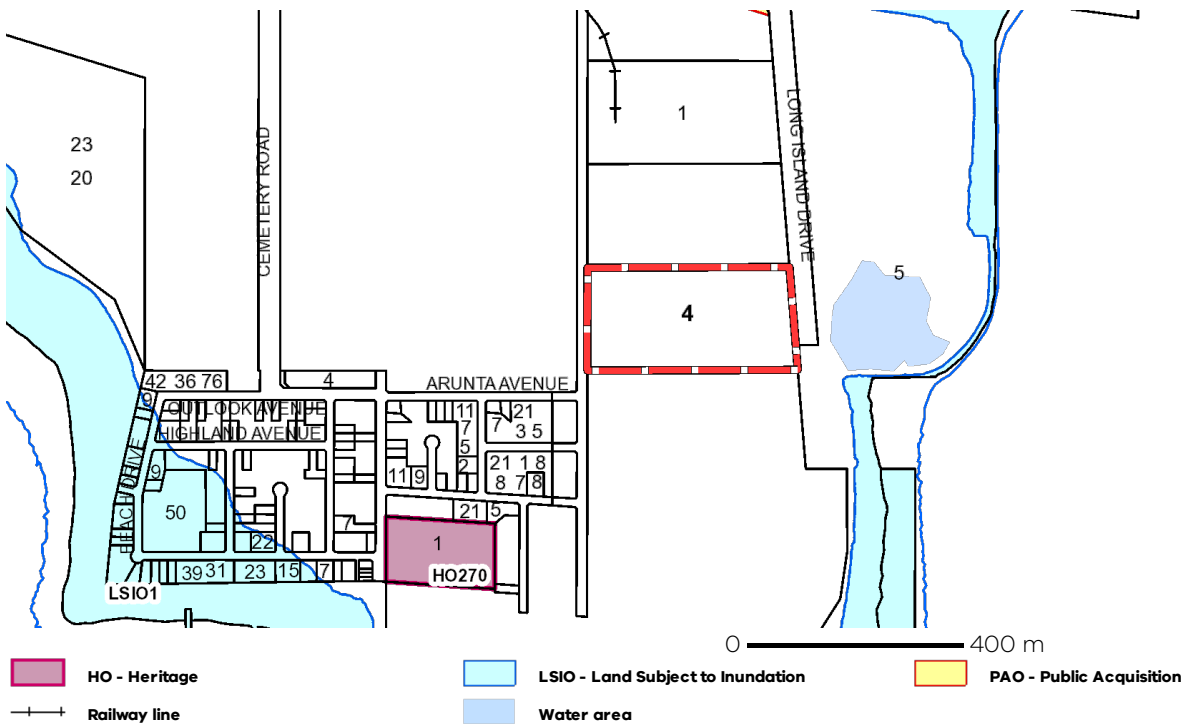
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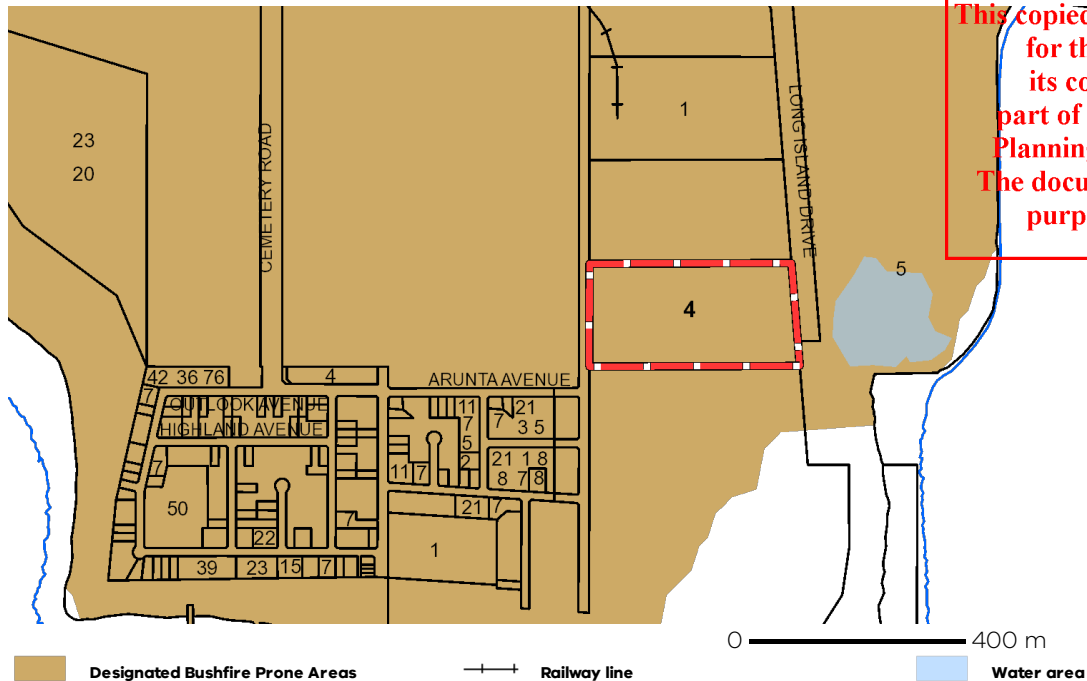
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Appendix E. Metropolitan Planning levy

Metropolitan Planning Levy (MPL)

Certificate

ESSO AUSTRALIA PTY LTD

Certificate Number: MPLCERT20414

L 9 664 Collins Street

Issue Date: 16 February 2022

Docklands

Expiry Date: 17 May 2022

AUSTRALIA

PART 1 - APPLICANT DETAILS

Details of person who applied for this Certificate:

Name: ESSO AUSTRALIA PTY LTD

Address: L 9 664 Collins Street

Docklands

AUSTRALIA

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PART 2 - LEVIABLE LAND DETAILS

Address of land to which the Metropolitan Planning Levy applies:

Street Address: 2 Long Island Drive
Hastings VIC 3915

Formal Land Description:

Vol/Folio: 8898 / 887 Lot/Plan: 39 / SP003732

Block/Subdivision:

Crown Reference:

Other: Lots 40 and 41 on LP3732

Municipality: Mornington Peninsula Shire Council

Estimated Cost of Development: \$112,000,000

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PART 3 - MPL PAYMENT DETAILS

MPL Application ID: MPL20414

MPL Paid: \$145,600.00

MPL Payment Date: 4 February 2022

PART 4 - CERTIFICATION

The Commissioner of State Revenue confirms that the whole of the amount of the MPL has been paid in respect of the estimated cost of development.

Paul Broderick

Commissioner of State Revenue

PART 5 – EXPLANATORY NOTES

General

- The Metropolitan Planning Levy (MPL) is imposed for the privilege of making a leviable planning permit application.
- A leviable planning permit application is an application made to a responsible authority or planning authority under sections 47 and 96A of the *Planning and Environment Act 1987* (PEA) for a permit required for the development of land in metropolitan Melbourne, where the estimated cost of the development for which the permit is required exceeds the threshold amount (see MPL threshold amount).
- As a statutory requirement of making a leviable planning permit application, the applicant must give the responsible authority or planning authority a current MPL Certificate. The estimated cost of development stated in the MPL Certificate must be equal to or greater than the estimated cost of the development stated in the leviable planning permit application. If an applicant fails to comply with this requirement, the application for the leviable planning permit is void.
- The applicant for the leviable planning permit application is liable for the MPL.
- The Commissioner of State Revenue (Commissioner) has the general administration of the MPL.

MPL threshold amount

- The threshold amount is \$1 million for the 2015-2016 financial year.
- For the financial year beginning on 1 July 2016 and each subsequent financial year, the Consumer Price Indexed (CPI) adjusted threshold amount will be calculated in accordance with section 96R of the PEA.
- On or before 31 May each year, the Commissioner must publish the CPI adjusted threshold amount for the following financial year on the SRO website.

How MPL is calculated

- The amount of MPL is \$1.30 for every \$1000 of the estimated cost of the development for which the leviable planning permit is required.
- If the estimated cost of the development for which the leviable planning permit is required is not a multiple of \$1000, the estimated cost is to be rounded up or down to the nearest \$1000 (and, if the amount by which it is to be rounded is \$500, it is to be rounded up).

Notification and Payment of MPL to the Commissioner

- Before making a leviable planning permit application, the applicant must submit a completed Application for Metropolitan Planning Levy (MPL) Certificate and pay the whole MPL amount to the Commissioner. This Application must state the estimated cost of the development and any other information required by the Commissioner.
- If, after the Commissioner has issued a MPL Certificate which has not expired (see MPL Certificate), and the estimated cost of the development increases before the leviable planning permit application is made, the applicant must submit an Application for Metropolitan Planning Levy (MPL) Certificate (*Revised*) and pay the whole additional MPL amount to the Commissioner. This revised Application must state the increased estimated cost of the development and any other information required by the Commissioner.

MPL Certificate

- The Commissioner must issue a MPL Certificate if he is satisfied that the whole amount of the MPL has been paid in respect of the estimated cost of the development.
- Subject to section 96U(3) of the PEA, a MPL Certificate expires 90 days after the day on which it is issued.

Revised MPL Certificate

- The Commissioner must issue a revised MPL Certificate if:
 - the Commissioner has issued a MPL Certificate, which has not expired;
 - the estimated cost of the development increases before the application for a leviable planning permit is made; and
 - he is satisfied that the whole amount of the MPL has been paid in respect of the increased estimated cost of the development.
- The Commissioner may also issue a revised MPL Certificate to:
 - Correct any error in the information listed in the MPL Certificate (except the estimated cost of development as explained below), or
 - the estimated cost of the development stated in the MPL Certificate is different from the estimated cost of the development stated in the Application for Metropolitan Planning Levy (MPL) Certificate lodged by the applicant.
- A revised MPL Certificate expires 90 days after the day on which it is issued.

Refund of MPL

- The only circumstance under which a person who has paid a MPL is entitled to a refund is where there has been a mathematical error in calculating the amount of the MPL by reference to the estimated cost of the development stated in the original or revised Application for Metropolitan Planning Levy (MPL) Certificate. Other than that, a person who has paid a MPL is not entitled to a refund of the whole or any part of the MPL.

Certificate number

- The Certificate number is on the top right corner on the front of this Certificate.
- Quoting this Certificate number will give you access to information about this Certificate and enable you to enquire about your application by phone.
- You should quote this number in any correspondence.

For more Metropolitan Planning Levy information please contact the State Revenue Office:

| | |
|---|---|
| Mail State Revenue Office, GPO Box 4376, MELBOURNE VIC 3001 or DX260090 Melbourne | Internet www.sro.vic.gov.au Email mpl@sro.vic.gov.au Phone 13 21 61 (local call cost) Fax 03 9628 6856 |
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