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## TOWN PLANNING REPORT

APPLICATION FOR THE USE AND DEVELOPMENT OF A  
UTILITY INSTALLATION AND REMOVAL OF VEGETATION  
(NATIVE & NON-NATIVE)

APRIL 2021

PREPARED FOR UNITED ENERGY DISTRIBUTION PTY LTD

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### **Acknowledgements and Recognition**

EcoAerial Environmental Services  
Utility Trees  
Tardis Archaeology

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## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION</b> .....	<b>4</b>
1.1	INTRODUCTION.....	4
1.2	PROJECT DESCRIPTION.....	5
<b>2.</b>	<b>SITE AND SURROUNDS</b> .....	<b>7</b>
2.1	SUBJECT SITE.....	7
2.2	LAND TITLES .....	9
2.3	SURROUNDING AREA.....	9
<b>3.</b>	<b>PROPOSAL</b> .....	<b>10</b>
3.1	PROPOSAL DESCRIPTION.....	10
3.2	CONSTRUCTION METHODOLOGY.....	12
<b>4.</b>	<b>PLANNING FRAMEWORK</b> .....	<b>15</b>
4.1	LAND USE DEFINITION.....	15
4.2	PLANNING POLICY.....	16
4.3	ZONES.....	17
4.3.1	SPECIAL USE ZONE – SCHEDULE 1 (SUZ1) .....	18
4.3.2	TRANSPORT ZONE – SCHEDULE 3 (TRZ3).....	19
4.3.3	PUBLIC USE ZONE – SCHEDULE 7 (PUZ7) .....	19
4.4	OVERLAYS.....	20
4.4.1	PUBLIC ACQUISITION OVERLAY – SCEDULE 2 (PAO2) .....	20
4.4.2	LAND SUBJECT TO INUNDATION OVERLAY – SCHEDULE 1 (LSIO1) .....	21
4.4.3	BUSHFIRE MANAGEMENT OVERLAY (BMO) .....	22
4.5	PARTICULAR AND GENERAL PROVISIONS .....	22
4.5.1	CLAUSE 52.17 NATIVE VEGETATION .....	22
4.5.2	CLAUSE 65 DECISION GUIDELINES .....	23
4.6	ABORIGINAL CULTURAL HERITAGE.....	24
<b>5.</b>	<b>ASSESSMENT</b> .....	<b>25</b>
5.1	PLANNING POLICY.....	25
5.2	USE AND DEVELOPMENT .....	25
5.3	VEGETATION REMOVAL – NATIVE AND NON-NATIVE .....	26
5.3.1	DECISION GUIDELINES.....	29

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<b>6. CONCLUSION .....</b>	<b>30</b>
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<b>APPENDIX A – LAND TITLES.....</b>	<b>31</b>
<b>APPENDIX B – CONSTRUCTION PLANS.....</b>	<b>33</b>
<b>APPENDIX C – BIODIVERSITY REPORT.....</b>	<b>35</b>
<b>APPENDIX D – ARBORIST REPORT .....</b>	<b>37</b>

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## 1. INTRODUCTION

### 1.1 INTRODUCTION

Spiire Australia Pty Ltd acts on behalf of United Energy Distribution Pty Ltd (United Energy) in relation to a planning permit application for the use and development of a utility installation and the removal of vegetation (native and non-native) in Hastings.

The works are subject to the provisions of the Mornington Peninsula Shire Planning Scheme (the Scheme).

The proposed works are required as part of an upgrade to the existing electrical alignment to create a new connection to an energy generation facility located within the Esso (ExxonMobil) site at 1 Long Island Drive, Hastings.

United Energy is committed to providing an electricity network that is safe and reliable while minimising any impact on the environment. United Energy has undertaken numerous connection and upgrade projects across Victoria with minimal or no vegetation, environmental or community impacts.

The proposal seeks approval for the use of the land and development of a utility installation pursuant to the controls of the Special Use Zone – Schedule 1 (SUZ1), Transport Zone – Schedule 3 (TRZ3), Public Use Zone – Schedule 7 (PUZ7), Public Acquisition Overlay – Schedule 2 (PAO2), and for the development of a utility installation within the Land Subject to Inundation Overlay (LSIO).

The proposal also seeks approval the removal of 11m<sup>2</sup> of vegetation, being 1m<sup>2</sup> non-native vegetation within the PAO2 and 10m<sup>2</sup> of native vegetation under the provisions of Clause 52.17 of the Scheme.

The works are required to upgrade the existing overhead powerlines (the alignment) from the zone substation in Barclay Crescent to 1 Long Island Drive. This upgrade will ensure that the existing network can accommodate the increased power that will be generated at Esso's facility and will also allow for the distribution of power back into the electricity grid, which can be distributed to the region.

The purpose of this report is to:

- ▶ Provide an overview of the subject site and surrounding area.
- ▶ Outline the proposal.
- ▶ Identify the relevant planning controls, policies and guidelines within the Mornington Peninsula Planning Scheme.
- ▶ Provide an assessment of the proposal against the relevant planning requirements.

This report is accompanied by, and should be read in conjunction with the following documents:

- ▶ Land Titles – Appendix A.
- ▶ Construction Plans, prepared by United Energy – Appendix B.
- ▶ Biodiversity Report, prepared by EcoAerial – Appendix C.
- ▶ Arborist Report, prepared by Utility Trees – Appendix D.
- ▶ Cultural Heritage Statement, prepared by Tardis Archaeology – Appendix E.

## 1.2 PROJECT DESCRIPTION

A summary of the key details of the proposal is provided in Table 1 below.

Table 1: Project Synopsis

Project Synopsis		
<b>Land Description</b>		<ul style="list-style-type: none"> <li>▶ Road reserves of Barclay Crescent, Bayview Road &amp; Long Island Drive, Hastings</li> <li>▶ 22 Barclay Crescent, Hastings (Substation site)</li> <li>▶ 1 Long Island Drive, Hastings (Esso Site)</li> <li>▶ 7 Barclay Crescent, Hastings</li> <li>▶ 28A Bayview Road, Hastings</li> </ul>
<b>Proposal</b>		The project comprises the installation of fifteen (15) new poles, twenty-eight (28) replacement poles, associated ground stays and approximately 3.8 kilometres of overhead conductor, primarily within the road reserve.
<b>Planning Controls</b>	<b>Zone</b>	<ul style="list-style-type: none"> <li>▶ Special Use Zone – Schedule 1 (SUZ1)</li> <li>▶ Transport Zone – Schedule 3 (TRZ3)</li> <li>▶ Public Use Zone – Schedule 7 (PUZ7)</li> </ul>
	<b>Overlays</b>	<ul style="list-style-type: none"> <li>▶ Land Subject to Inundation Overlay – Schedule 1 (LSIO1)</li> <li>▶ Bushfire Management Overlay (BMO)</li> <li>▶ Public Acquisition Overlay – Schedule 2 (PAO2)</li> </ul>
	<b>Permit Triggers</b>	<ul style="list-style-type: none"> <li>Clause 37.01-1 To use the land for a utility installation within the SUZ1</li> <li>Clause 37.01-4 To construct or carry out works within the SUZ1</li> <li>Clause 36.04-1 To use the land for a utility installation within the TRZ3</li> <li>Clause 36.04-2 To construct or carry out works for a utility installation within the TRZ3</li> <li>Clause 36.01-1 To use the land for a utility installation within the PUZ7</li> <li>Clause 36.01-2 To construct or carry out works for a utility installation within the PUZ7</li> <li>Clause 44.04-2 To construct or carry out works within the LSIO</li> <li>Clause 45.01-1 To use the land for a utility installation, to construct or carry out works and to remove, destroy or lop any vegetation within the PAO2</li> </ul>

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**Project Synopsis**

Clause 52.17-1 To remove, destroy or lop native vegetation

**Area of  
Aboriginal  
Cultural  
Heritage  
Sensitivity?**

Yes – Refer to Section 4.6 of this report

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## 2. SITE AND SURROUNDS

### 2.1 SUBJECT SITE

The project, or the works to be undertaken by United Energy will upgrade the connection between the Esso (ExxonMobil) facility at 1 Long Island Drive and the zone substation at 22 Barclay Crescent.

The project area consists of:

- ▶ The road reserves of Barclay Crescent, Bayview Road and Long Island Drive.
- ▶ The property at 1 Long Island Drive, Hastings (Esso site).
- ▶ The property at 22 Barclay Crescent, Hastings (substation site).
- ▶ The property at 7 Barclay Crescent, Hastings.
- ▶ The property at 28A Bayview Road, Hastings.

There are multiple areas of vegetation, being:

- ▶ Within the zone substation at 22 Barclay Crescent.
- ▶ Road reserve of Barclay Crescent.
- ▶ Road reserve of Bayview Road.
- ▶ Road reserve of Long Island Drive.

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The majority of the works will be contained within the road reserves of Barclay Crescent, Bayview Road and Long Island Drive. Figure 1 below illustrates the entire alignment.



**Figure 1. Overall Alignment**

Figures 2, 3 and 4 illustrate different sections of the alignment.



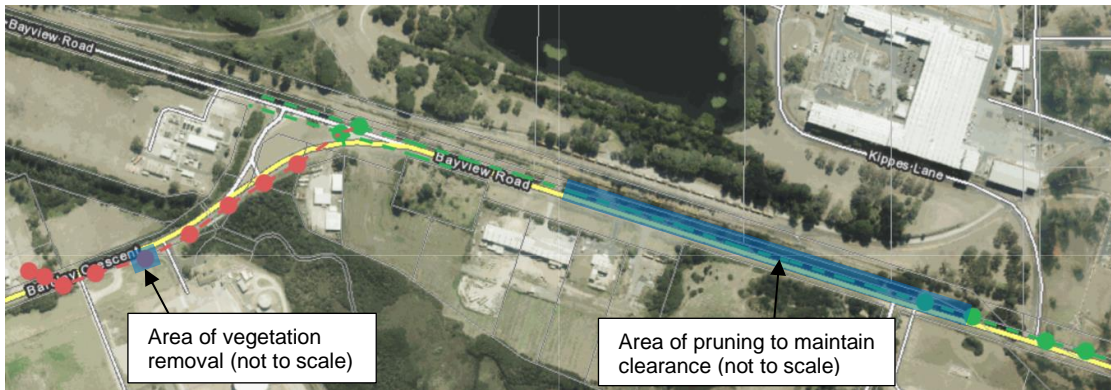


Figure 2. Alignment - Section 1 (Barclay Crescent, Bayview Road)

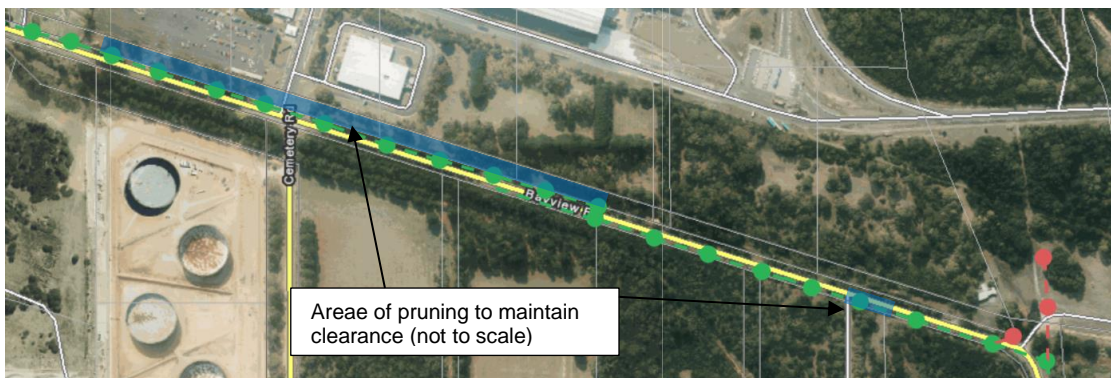


Figure 3. Alignment - Section 2 (Bayview Road)

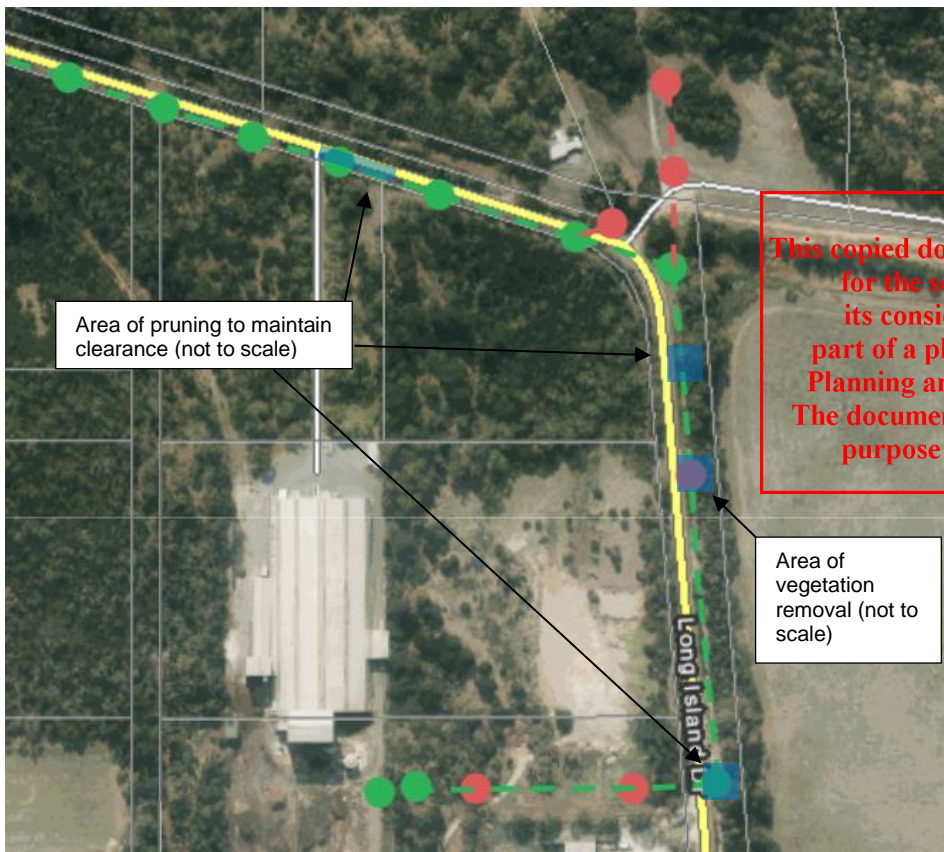


Figure 4. Alignment - Section 3 (Bayview Road, Long Island Drive)

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## 2.2 LAND TITLES

Land titles for the private properties have been included at Appendix A.

**Table 2: Land Description**

Street Address	Formal Land Description
1 Long Island Drive, Hastings (Esso site)	Lot 40\LP3732
22 Barclay Crescent, Hastings (substation site)	Lot 1\TP902282
7 Barclay Crescent, Hastings.	Lot 1\TP4193
28 Bayview Road, Hastings	Allotment 58A\PP3666

## 2.3 SURROUNDING AREA

The alignment is found within the Port of Hastings area, located within the Western Port Bay. The port is bordered by Hastings Foreshore Reserve to the south, various refinery and industrial uses to the north and south, and the Hastings to the south-west.

The area to the north and south of Bayview Road contains densely vegetated areas, interspersed with refinery related land uses and large land parcels that have been cleared.

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### 3. PROPOSAL

#### 3.1 PROPOSAL DESCRIPTION

The project comprises the installation of fifteen (15) new poles, twenty eight (28) replacement poles, associated ground stays and approximately 3.8 kilometres of overhead conductor, primarily within the road reserve. This will upgrade the connection between the substation and the Esso facility. Works also include minor pole top works on some poles along the alignment.

The works will also require the relocation of one streetlight pole, located on the corner of Bayview Road and Long Island Drive. It is proposed to shift this pole from the eastern side of the road reserve to the western side.

The planning report is accompanied by, and should be read in conjunction with:

- ▶ Construction Plans, prepared by United Energy – Appendix B.
- ▶ Biodiversity Report, prepared by EcoAerial – Appendix C.
- ▶ Arborist Report, prepared by Utility Trees – Appendix D.

The impact of these works has been assessed by an ecologist and arborist, and it has been identified that there are minor impacts to vegetation within the road reserve of Barclay Crescent, Bayview Road and Long Island Drive. Specifically, the removal of 10m<sup>2</sup> of native vegetation is required in Long Island Drive, and the removal of 1m<sup>2</sup> of non-native vegetation is required in Barclay Crescent. A Biodiversity Report is attached at Appendix C which outlines the type of vegetation proposed to be removed.

There is also substantial tree pruning required along the alignment. The majority of this is to ensure that the powerlines will have an appropriate clearance distance between any tree limbs. Pruning of the Cyprus Pines will be required along the north of Bayview Road as well as minor pruning of native trees within the substation property and along the south of Bayview Road. This will ensure that a safe line clearance can be maintained between the overhead powerlines and any nearby tree branches. An Arborist Report is attached at Appendix D which details the required pruning.

New poles will be between 10.5 – 12.5 metres above ground, and will be constructed out of wood or concrete material depending on the engineering requirements of each pole.

Figure 5, 6 and 7 illustrate the areas of vegetation clearing in relation to the overall alignment.

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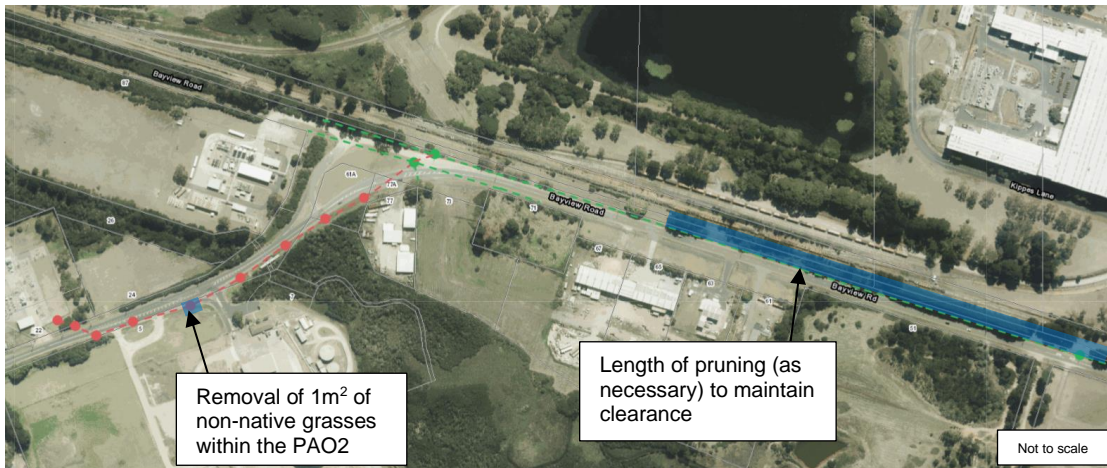


Figure 5. Areas of vegetation removal and tree pruning – Section 1

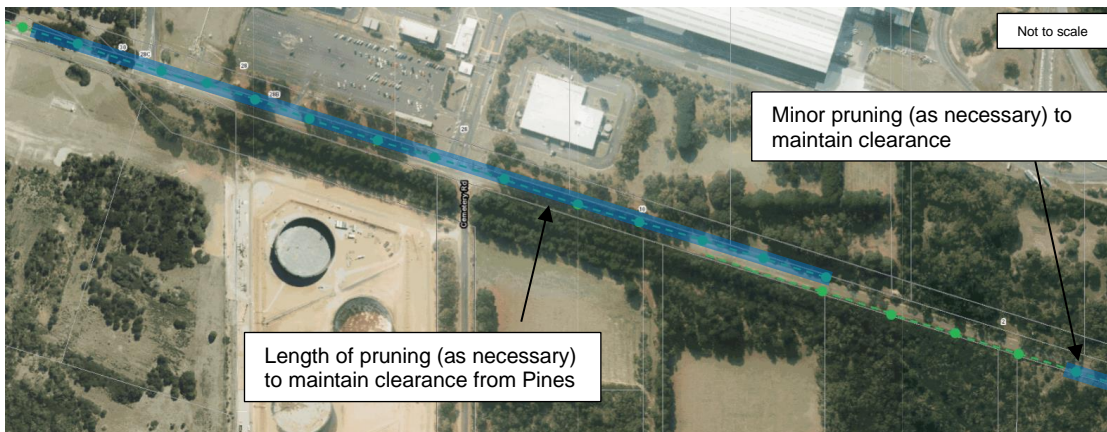


Figure 6. Areas of vegetation removal and tree pruning – Section 2

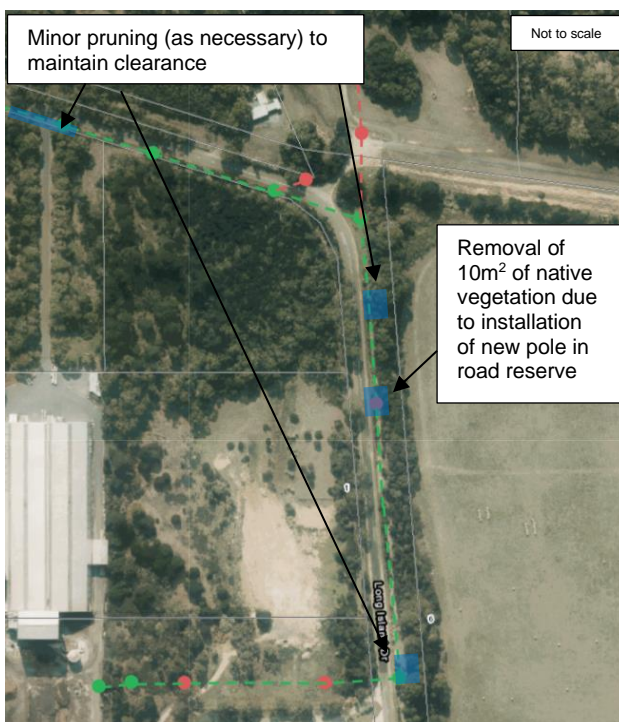


Figure 7. Areas of vegetation removal and tree pruning – Section 3

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### 3.2 CONSTRUCTION METHODOLOGY

United Energy is adept at minimising environmental or community impacts during the construction or replacement of electrical infrastructure, and frequently undertakes upgrade projects without impact, facilitating the delivery of critical electrical infrastructure within communities.

United Energy construction technique/methodology enables works to occur with minimal disturbance to existing biodiversity or ground disturbance. A description of the methodology and examples of previous works conducted by United Energy is provided below:

- ▶ United Energy prefers non-destructive digging (NDD) methods. A high-pressure hose is used to liquefy the soil and unwanted soil is then vacuumed into a self-contained storage tank (shown in Figure 8). The hydro-vacuum truck can remain parked on the edge of the road pavement. A sleeve is then fitted into the hole to prevent collapse and the pole is installed using a track crane (shown in Figure 9).
- ▶ Existing poles will be accessed via trucks parked on the existing road pavement / verge or existing access tracks. The construction methodology will then involve an arm reaching from the parked truck to the pole location to pull out the pole. Another arm would then put the replacement pole into place.
- ▶ Where the trucks need to get closer, or off the road pavement, bog mats will be used to ensure any additional vegetation is not impacted, when recommended by an ecologist during periods of wet weather.
- ▶ Any areas of native vegetation adjacent to work sites which need to be preserved will be identified with No-Go fencing to avoid unintended impacts. These will be erected prior to construction.
- ▶ Existing alignments are utilised where practicable when new infrastructure is required to be installed. For this project, an existing alignment already exists along Bayview Road and Long Island Drive, and it is logical to use existing pole locations and upgrade the alignment.

The installation of a pole has a footprint or works area of between 0.35m<sup>2</sup> to 1m<sup>2</sup>, depending on the footings of the poles. This is considered in the micro-siting of new poles away from potential patches of native vegetation.

Provided these construction techniques are implemented, it is considered the proposed works can be completed with minimal other impacts to vegetation. The above procedures would be outlined in a standard Construction environment management Plan for the project to ensure compliance.

Figures 8 – 10 below depict the typical construction methodology.

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Figure 8. Example of a hole being dug by non-destructive digging methods (NDD). A high-pressure hose is used to liquefy the soil and the soil is then removed by a vacuum. The NDD can be undertaken by one person, which means there is no need for large vehicles to drive over vegetation in the road reserve.



Figure 9. Example of pole being installed via truck crane

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Figure 10. Example of contractors working on a new or replacement pole installation. Note that the truck is still in the road carriageway

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## 4. PLANNING FRAMEWORK

The purpose of this section of the report is to provide a summary of the relevant planning controls and provisions contained within the Mornington Peninsula Planning Scheme.

The proposal triggers the requirement for a planning permit for the following:

- ▶ To use the land for a utility installation within the Special Use Zone – Schedule 1, pursuant to Clause 37.01-1.
- ▶ To construct or carry out works within the Special Use Zone – Schedule 1, pursuant to Clause 37.01-4.
- ▶ To use the land for a utility installation within the Transport Zone – Schedule 3, pursuant to Clause 36.04-1.
- ▶ To construct or carry out works for a Section 2 use (utility installation) within the Transport Zone – Schedule 3, pursuant to Clause 36.04-2.
- ▶ To use the land for a utility installation within the Public Use Zone – Schedule 7, pursuant to Clause 36.01-1.
- ▶ To construct or carry out works for a Section 2 use (utility installation) within the Public Use Zone – Schedule 7, pursuant to Clause 36.01-2.
- ▶ To construct or carry out works within the Land Subject to Inundation Overlay, pursuant to Clause 44.04-2.
- ▶ To use the land for a Section 2 use within the zone, to construct or carry out works and to remove, destroy or lop any vegetation within the Public Acquisition Overlay – Schedule 2, pursuant to Clause 45.01-1.
- ▶ To remove, destroy or lop native vegetation, pursuant to Clause 52.17-1.

### 4.1 LAND USE DEFINITION

The works are best described as a utility installation rather than a *minor* utility installation as the definition of a minor utility installation excludes any powerlines directly associated with an energy generation facility. As the powerlines will connect to an energy generation facility at 1 Long Island Drive the infrastructure is most accurately described as a utility installation.

The proposal classifies the works as a 'Utility Installation'.

The Mornington Peninsula Planning Scheme defines a "utility installation" as:

*"Land used:*

- a) for telecommunications*
- b) to transmit or distribute gas or oil;*
- c) to transmit, distribute or store power, including battery storage;*
- d) to collect, treat, transmit, store, or distribute water; or*
- e) to collect, treat, or dispose of storm or flood water, sewage, or sullage.*

*It includes any associated flow measurement device or a structure to gauge waterway flow."*

It is noted that an energy generation facility (proposed to be located at 1 Long Island Drive) is subject to planning approval. This permit application does not consider this land use or the

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development of an energy generation facility. Planning approval for the energy generation facility will be sought separately.

## 4.2 PLANNING POLICY

The following planning policies of the Mornington Peninsula Planning Scheme are considered relevant to this proposal:

- ▶ Clause 12.01-1S Protection of Biodiversity
- ▶ Clause 12.01-2S Native Vegetation Management
- ▶ Clause 12.02-1S Protection of Coastal Areas
- ▶ Clause 12.05-1S Environmentally Sensitive Areas
- ▶ Clause 13.02-1S Bushfire Planning
- ▶ Clause 13.03-1S Floodplain Management
- ▶ Clause 15.03-2S Aboriginal Cultural Heritage
- ▶ Clause 18.02-6S Ports
- ▶ Clause 19.01-1S Energy Supply

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The relevant objectives and strategies of these policies are summarised below:

- ▶ *To assist the protection and conservation of Victoria's biodiversity. (Clause 12.01-1S)*
- ▶ *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. (Clause 12.01-2S)*
- ▶ *To protect and enhance the marine and coastal environment. (Clause 12.02-1S)*
- ▶ *To protect and conserve environmentally sensitive areas. (Clause 12.05-1S)*
- ▶ *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. (Clause 13.02-1S)*
- ▶ *To assist the protection of:*
  - *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
  - *The natural flood carrying capacity of rivers, streams and floodways.*
  - *The flood storage function of floodplains and waterways.*
  - *Floodplain areas of environmental significance or of importance to river, wetland or coastal health. (Clause 13.03-1S)*
- ▶ *To ensure the protection and conservation of places of Aboriginal cultural heritage significance. (Clause 15.03-2S)*
- ▶ *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. (Clause 18.02-6S)*
- ▶ *To facilitate appropriate development of energy supply infrastructure. (Clause 19.01-1S)*

### 4.3 ZONES

The project area is affected by multiple zones, being the:

- ▶ Special Use Zone – Schedule 1 (SUZ1).
- ▶ Transport Zone, Category 3 (TRZ3).
- ▶ Public Use Zone – Schedule 7 (PUZ7).

Each zone and the relevant permit triggers are discussed below. Figures 10 – 12 below illustrate the zones across the alignment.



Figure 10. Zones – Section 1



Figure 11. Zones – Section 2

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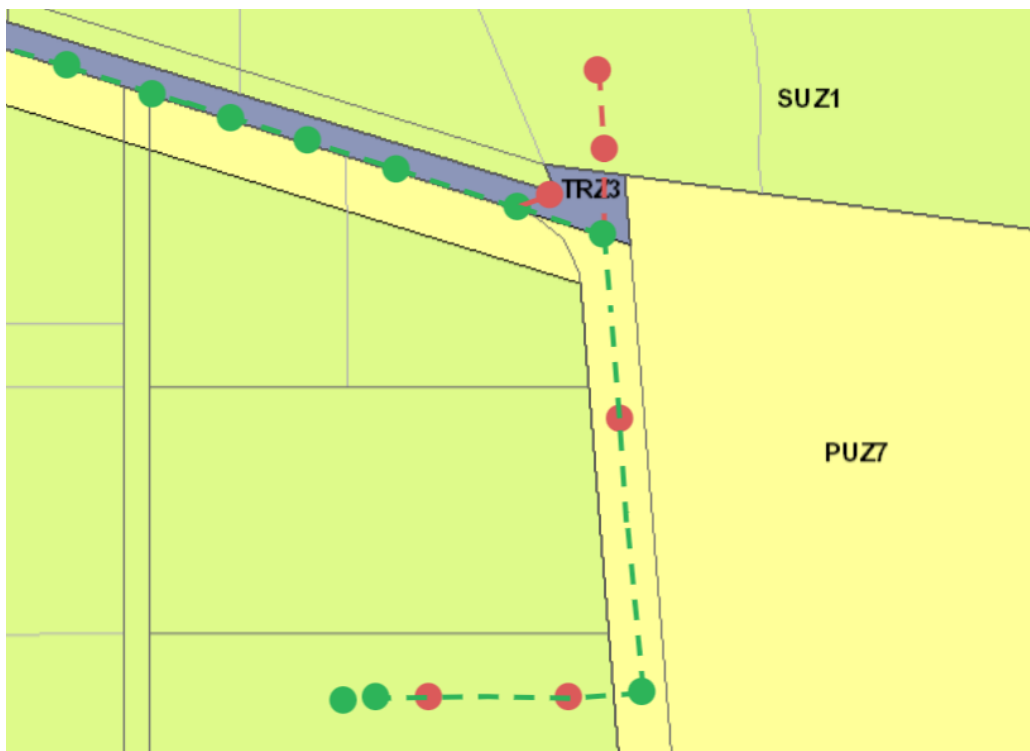


Figure 12. Zones – Section 3

#### 4.3.1 SPECIAL USE ZONE – SCHEDULE 1 (SUZ1)

The purpose of the SUZ is:

- ▶ *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- ▶ *To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.*

Specially, Schedule 1 to the SUZ relates to “Port Related Uses”.

Pursuant to Clause 37.01-1, a permit is required for any use in Section 2 specified within the schedule to the zone. A utility installation is a Section 2 use within the SUZ1 and as such, a permit is required to use the land for a utility installation.

Pursuant to Clause 37.01-4, a permit is required to construct or carry out works within the SUZ1.

Although the majority of the works within the SUZ1 relate to replacing the already existing power poles and powerlines, there are five (5) new proposed poles and associated new conductor (powerlines) within the SUZ1 .

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## 4.3.2 TRANSPORT ZONE – SCHEDULE 3 (TRZ3)

The purpose of the Transport Zone is:

- ▶ *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- ▶ *To provide for an integrated and sustainable transport system.*
- ▶ *To identify transport land use and land required for transport services and facilities.*
- ▶ *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
- ▶ *To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.*

The TRZ3 identifies land for 'significant municipal road' purposes and applies to Barclay Crescent and Bayview Road.

Clause 36.04-1 states that a permit is not required for a utility installation if the use is carried out by or on behalf of the relevant transport manager. As United Energy will be carrying out the use, a permit is required for the use of the land for a utility installation within the TRZ3.

Pursuant to Clause 36.04-2, a permit is required to construct or carry out works for a Section 2 use (utility installation) within the TRZ3.

Similar to the SUZ1 land identified in section 4.3.1 of this report, most of the works within the TRZ3 relate to replacing the already existing power poles and powerlines, however there are eight (8) new poles and associated new conductor (powerlines) proposed within the TRZ3 .

## 4.3.3 PUBLIC USE ZONE – SCHEDULE 7 (PUZ7)

The purpose of the PUZ is:

- ▶ *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- ▶ *To recognise public land use for public utility and community services and facilities.*
- ▶ *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Schedule 7 relates to 'Other public uses'.

Pursuant to Clause 36.01-1, a permit is required to use the land for a Section 2 use (utility installation) within the PUZ7.

Pursuant to Clause 36.01-2, a permit is required to construct or carry out works for a Section 2 use (utility installation) within the PUZ7.

Most of the works within the PUZ7 relate to replacing the already existing power poles and powerlines, however there is one (1) new pole with replacement conductor (powerlines) proposed within the road reserve of Long Island Drive..

#### 4.4 OVERLAYS

The following overlays apply to the project area:

- ▶ Public Acquisition Overlay – Schedules 2 (PAO2).
- ▶ Bushfire Management Overlay (BMO).
- ▶ Land Subject to Inundation Overlay – Schedule 1 (LSIO1).

##### 4.4.1 PUBLIC ACQUISITION OVERLAY – SCHEDULE 2 (PAO2)

The Public Acquisition Overlay – Schedule 2 applies to part of the alignment which run along the road reserve in Barclay Crescent.

The purpose of the PAO is:

- ▶ *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- ▶ *To identify land which is proposed to be acquired by a Minister, public authority or municipal council.*
- ▶ *To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.*
- ▶ *To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.*

The Schedule to the PAO identifies the acquiring authority as Mornington Peninsula Shire Council.

Pursuant to Clause 45.01-01 of the Mornington Peninsula Planning Scheme, a permit is required to use the land for a utility installation, to construct or carry out works and to remove, destroy or lop any vegetation within the PAO (unless a valid exemption applies).

One new (1) pole is proposed to be located within the PAO2. It is necessary to locate the new pole within private property as there is insufficient space in the road reserve to install a new pole.

The new pole will result in 1m<sup>2</sup> of non-native grass being removed, which requires planning approval.

Figure 13 below illustrates the extent of works within the PAO2.

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Figure 13. Works within the PAO2

#### 4.4.2 LAND SUBJECT TO INUNDATION OVERLAY – SCHEDULE 1 (LSIO1)

A small section of the alignment along Barclay Crescent is affected by the LSIO. The purpose of the LSIO includes:

- ▶ *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- ▶ *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- ▶ *To minimise the potential flood risk to life, health and safety associated with development.*

Schedule 1 does not specific any controls of relevance to the project.

Pursuant to Clause 44.04-2, a permit is required to construct a building or carry out any works within the LSIO.

Four (4) new poles are proposed within the LSIO. The small section of the alignment affected by the LSIO is shown in Figure 14 below.

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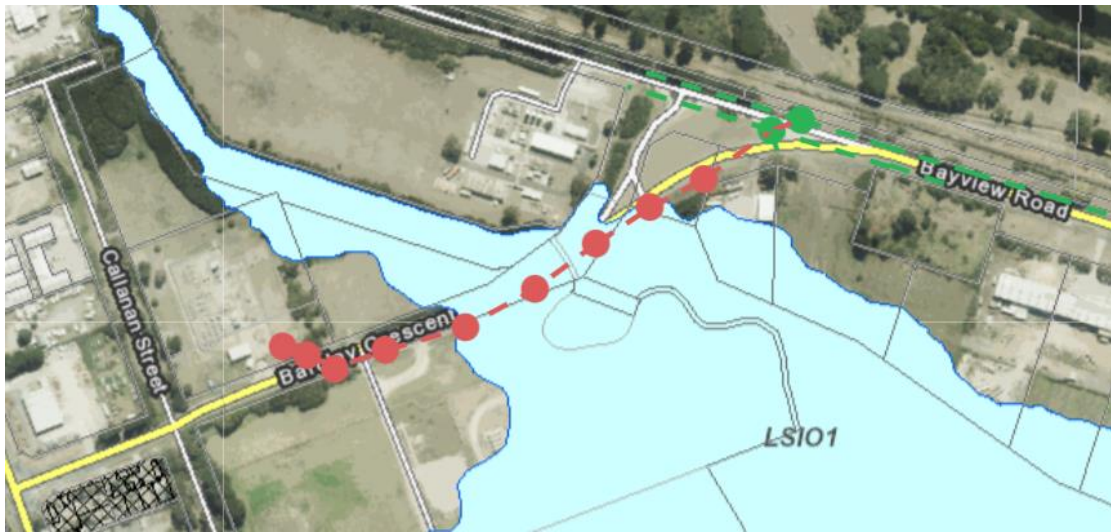


Figure 14. LSIO extent

#### 4.4.3 BUSHFIRE MANAGEMENT OVERLAY (BMO)

The BMO affects a small portion of the alignment, however this overlay does not contain any controls of relevance to the project.

### 4.5 PARTICULAR AND GENERAL PROVISIONS

#### 4.5.1 CLAUSE 52.17 NATIVE VEGETATION

The purpose of Clause 52.17 is:

- ▶ *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):*
  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.*

Pursuant to Clause 52.17-1, a planning permit is required to remove, destroy or lop native vegetation, including dead vegetation.

The works involve the removal of 10m<sup>2</sup> of native vegetation due to the location of one pole along Long Island Drive.

The pruning along the northern side of the road reserve of Bayview Road only affects Cyprus Pines. These pines are not native, and are not affected by any environmental overlays. As such, no planning approval is required to prune these trees to maintain clearance.

The 'Lopping and Pruning' exemption is being utilised for minor pruning to native vegetation along the southern side of Bayview Road, within 22 Barclay Crescent (the substation site) and 35 Cemetery Road. There is native vegetation (trees) growing within these properties which overhang into the road reserve. It is acknowledged that the 'Lopping and Pruning' exemption does not apply to vegetation established within the road reserve, however given that the tree trunks and the majority of the tree limbs are located within private property, this exemption is applicable.

The pruning along the southern side of Bayview Road and Long Island Drive will impact on four spotted gums and one mana gum locations 12, 13 and 14 on page 5 of the Arborist Report attached at Appendix D). Pruning will be limited to minor pruning, being less than one third of the vegetation. As such, the exemption for lopping and pruning at Clause 52.17-7 applies and planning approval is not required for this minor pruning.

It is noted that this exemption does not apply to the small patch of native grass located in the road reserve of Long Island Drive, as this vegetation is on the roadside. As such, this small section cannot rely on the exemption and approval is being sought to remove this small patch of native vegetation.

Notwithstanding the above pruning exemption, the "Utility Installations" exemption could also be relied upon to remove the small patch of roadside vegetation when undertaken in accordance with the agreement of the Secretary to DELWP. However, when undertaking vegetation removal using this approval pathway, an application to DELWP still must be submitted and assessed. This would mean for this project that there would be two concurrent applications lodged, being one for use and development of a utility installation and the other for native vegetation removal. However, rather than create multiple approvals for the same project, the permit requirements for vegetation removal have been combined with the other permit requirements for use and development. Submitting one application which combines all permit requirements, rather than one permit application and one 'Utilities Installation' exemption application is considered a more appropriate approval pathway which will avoid multiple permits being issued for the same project. It also allows for all impacts of the works to be assessed by the relevant authority. In this instance, combining approval for vegetation removal with the use and development of a utility installation allows for DELWP to make an informed assessment about the impacts of the new utility installation.

#### 4.5.2 CLAUSE 65 DECISION GUIDELINES

Clause 65 sets out a number of decision guidelines that the responsible authority must consider before deciding on an application. Of relevance to this application, these are:

- ▶ *The matters set out in Section 60 of the Act.*
- ▶ *The Municipal Planning Strategy and the Planning Policy Framework.*
- ▶ *The purpose of the zone overlay or other provision.*
- ▶ *Any matter required to be considered in the zone, overlay or other provision.*
- ▶ *The orderly planning of the area.*
- ▶ *The effect on the amenity of the area.*
- ▶ *The proximity of the land to any public land.*
- ▶ *The extent and character of native vegetation and the likelihood of its destruction.*
- ▶ *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- ▶ *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*



These guidelines are addressed in Section 5 below.

#### 4.6 ABORIGINAL CULTURAL HERITAGE

The project area is located within an area of Aboriginal cultural heritage sensitivity as shown in Figure 15 below.

A Heritage Statement has been prepared by Tardis Archaeology, which found that the proposal did not require the preparation of a mandatory Cultural Heritage Management Plan (CHMP) as the area has undergone significant ground disturbance.

The advice from Tardis Archaeology has been attached at Appendix E.



Figure 15. Cultural Heritage

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## 5. ASSESSMENT

### 5.1 PLANNING POLICY

State and Local Planning Policies identify the need to ensure the efficient provision of services and infrastructure while considering potential environmental impacts.

This project will provide necessary electrical infrastructure upgrades within the Port of Hastings which will directly contribute to the operations of one of the Port's largest operators. The upgrade will allow ExxonMobil to operate an energy generation facility which will support their processes within the Port. The additional electricity generated by the energy generation facility will also benefit the wider region, as it will be sent back to the grid and redistributed for use by all customers.

The upgrading the existing electrical alignment will also improve the safety of the existing infrastructure and the capacity of the conductor, which will benefit other businesses within the area.

A concerted effort was taken within the design process to ensure that any environmental impacts have been appropriately considered and minimised through strategic siting of the works within the existing alignment and mitigation strategies which will be implemented during construction.

Overall, it is considered that this proposal complies with the Planning Policy Framework by delivering sensitively designed electrical upgrades that provide a net benefit to the wider operations of the Port of Hastings, while also minimising any impact to vegetation.

### 5.2 USE AND DEVELOPMENT

The use of the land for the purpose of a utility installation is considered appropriate in the applicable zones.

Given that the works are predominantly located within the road reserve, there will be minimal impact to the adjoining private properties. The road reserve has typically been used to provide infrastructure services, including power lines, water pipes and gas pipelines or similar. The proposed poles are not likely to generate any road safety concerns. Where poles will be installed in the road reserve, existing pole locations have been utilised. This will ensure that there is sufficient distance is maintained between the road carriageway and the replacement poles to avoid potential traffic hazards.

New and replacement poles will be constructed of concrete and will be approximately 13m tall (above ground). The newer poles will be significantly stronger and reduce the likelihood of electrical faults or damage to the conductor.

The design and location of the poles is consistent within the surrounding site context and is unlikely to impact on any landscape features or visual amenity.

A very small portion of the works is affected by the LSIO (in Barclay Crescent), however it is considered that the overlay will have minimal to no impact on the works. The works will not redirect or obstruct floodwater or stormwater runoff, nor will they impact on flood storage capabilities. Further, the poles will not increase flood levels or flood velocities in the area.

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### 5.3 VEGETATION REMOVAL – NATIVE AND NON-NATIVE

A very small area (1m<sup>2</sup>) of non-native vegetation is required to be removed from within the PAO2. The PAO2 contains a permit requirement for the removal of any vegetation, regardless of its type. The 1m<sup>2</sup> of vegetation in the PAO2 is non-native, and consists of exotic grasses, similar to the species found in a lawn. It is not considered that this small area has a significant contribution on the biodiversity or the landscape views of the area.

The proposal involves the removal of 10m<sup>2</sup> native vegetation to facilitate the installation of one new pole within the road reserve. An assessment of the biodiversity has been undertaken by EcoAerial Environmental Services and is attached at Appendix C. This assessment confirms the proposal will require the removal of a total of 10m<sup>2</sup> of native vegetation.

Although the importance of protecting vegetation (native or otherwise) is recognised, some vegetation is required to be cleared in order to undertake essential infrastructure upgrade works. The proposed works and consequential vegetation removal are located entirely within either an existing powerline alignment or within the road reserve. Vehicles will remain on already established roads or access tracks where possible to minimise the overall area of impact.

There is also potential for vegetation to naturally re-establish under and around infrastructure. However, ensuring that the electricity alignment remains clear of any vegetation is of critical importance, both for the reliability of services and to minimise potential bushfire hazard.

The ability to avoid and minimise vegetation removal is constrained by the location of the existing electrical alignment. As such, it is not possible to completely avoid the clearing of vegetation. Only the minimum extent necessary for access and safety is proposed to be removed.

In the design process, a number of new poles were relocated, or foregone entirely so that some patches of native vegetation could be avoided. However, technical requirements such as span lengths (the distance between two poles) need to be considered and it is not possible to locate poles too far away from the previous pole.

The *Guidelines for the removal, destruction or lopping of native vegetation* lists ten (10) decision guidelines which must be considered by the responsible authority when deciding on an application to remove native vegetation. These guidelines are set out in Table 3, and a response is provided to the right of each guideline.

**Table 3. Guidelines**

Guideline	Response
<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none"> <li>▶ the site has been subject to a regional or landscape scale strategic planning</li> </ul>	<p>The location of new poles have been carefully considered in consultation with an arborist and ecologist in order to minimise the impact to native vegetation.</p> <p>The road reserve is a logical location for the installation of infrastructure. Services such as telecommunications, gas pipelines, public lighting and electrical poles are commonly found in the road reserve.</p>

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process that appropriately avoided and minimised impacts on native vegetation

- ▶ the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation
- ▶ feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

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The role of native vegetation to be removed in:

- ▶ Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994.
- ▶ Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly:
  - where ground slopes are more than 20 per cent
  - on land which is subject to soil erosion or slippage
  - in harsh environments, such as coastal or alpine areas.
- ▶ Preventing adverse effects on groundwater quality, particularly on land:
  - where groundwater recharge to saline water tables occurs
  - that is in proximity to a discharge area
  - that is a known recharge area.

The majority of the vegetation removal consists of pruning and will retain the roots below ground level which will minimise adverse effects on groundwater quality and land degradation.

The land is not identified within the Planning Scheme as being subject to land degradation, erosion or salinity issues.

The need to manage native vegetation to preserve identified landscape values.

There are no identified landscape values that affect the alignment.

No large trees will be removed (only pruned) which will maintain the current appearance of the landscape.

Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the Aboriginal Heritage Act 2006.

No vegetation is identified as being protected under the Aboriginal Heritage Act 2006.

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The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.

The removal of this vegetation is not associated with the need to create defensible space.

Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site

There is no Property Vegetation Plan applicable to the site.

Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.

The vegetation will be offset in accordance with the Guidelines.

For Clause 52.16 applications, consider in relation to the native vegetation to be removed:

N/A – This application seeks removal under Clause 52.17.

- ▶ The purpose and objectives of the Native Vegetation Precinct Plan.
- ▶ The effect on any native vegetation identified for retention in the Native Vegetation Precinct Plan.
- ▶ The potential for the effectiveness of the Native Vegetation Precinct Plan to be undermined.
- ▶ The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for retention in the Native Vegetation Precinct Plan.
- ▶ Offset requirements in the Native Vegetation Precinct Plan.

For applications in both the Intermediate and Detailed Assessment Pathway only – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:

N/A – The application will follow a Basic Assessment Pathway.

- ▶ The extent.
- ▶ The condition score.
- ▶ The strategic biodiversity value score.
- ▶ The number and circumference of any large trees.
- ▶ Whether it includes an endangered Ecological Vegetation Class.

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- ▶ Whether it includes sensitive wetlands or coastal areas.

For applications in the Detailed Assessment Pathway only – consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the Habitat importance maps, consider the following:

- ▶ The total number of species' habitats.
- ▶ The species habitat(s) that require a species offset(s).
- ▶ The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1.
- ▶ The conservation status of the species (per the Advisory Lists maintained by DELWP).
- ▶ Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat.

N/A – The application will follow a Basic Assessment Pathway.

### 5.3.1 DECISION GUIDELINES

Before deciding on an application, the Responsible Authority is required to consider other matters as listed under Clause 65.01. This report addresses all the relevant Clause 65 guidelines and confirms the proposal aligns with the planning intent for the area. Supporting information and assessments have also been prepared accordingly.

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## 6. CONCLUSION

The proposal seeks approval for the use of the land and development of a utility installation pursuant to the controls of the Special Use Zone – Schedule 1 (SUZ1), Transport Zone – Schedule 3 (TRZ3), Public Use Zone – Schedule 7 (PUZ7), Public Acquisition Overlay – Schedule 2 (PAO2), and for the development of a utility installation within the Land Subject to Inundation Overlay (LSIO).

The proposal also seeks approval the removal of 11m<sup>2</sup> of vegetation, being 1m<sup>2</sup> non-native vegetation within the PAO2 and 10m<sup>2</sup> of native vegetation under the provisions of Clause 52.17 of the Scheme.

These works will provide a substantial upgrade to the existing electrical infrastructure in the Port of Hastings region and will directly benefit a number of key operators within the Port, particularly ExxonMobil.

In summary, the proposal is considered appropriate for the following reasons:

- ▶ The proposal is consistent with the relevant planning policies and provides necessary upgrades to electrical infrastructure within the Port of Hastings region.
- ▶ The proposed works have been designed and located to avoid and minimise the impact on the environment and the removal of native vegetation where possible.
- ▶ Tree pruning has been limited as much as possible and will only occur where it is necessary to maintain safe clearance distances between the tree limbs and the powerlines.
- ▶ United Energy’s construction methodology allows for minimal disturbance to biodiversity.

Based on the details set out in this report, it is considered that a planning permit should be issued for this proposal.

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### APPENDIX A – LAND TITLES





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## APPENDIX B – CONSTRUCTION PLANS



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## APPENDIX C – BIODIVERSITY REPORT



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### APPENDIX D – ARBORIST REPORT



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## APPENDIX E HERITAGE STATEMENT