

Mornington Peninsula Planning Scheme

**Hydrogen Liquefaction and Loading Terminal – Pilot Project Hastings
Incorporated Document**

July 2018

1.0 INTRODUCTION

This document is an Incorporated Document in the Schedule to Clause 51.01 and the Schedule of Clause 72.04 of the Mornington Peninsula Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause 51.01 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document. In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

2.0 ADDRESS OF THE LAND

This incorporated document applies to land described as "Land for the Hydrogen Liquefaction and Loading Terminal - Pilot Project" located to the north west corner of Bayview Road and Long Island Drive Hastings being:

- part of Crown Allotment 58A Parish of Tyabb, being part of the land contained in Certificate of Title Vol. 8941 Fol. 276; and
- part of Crown Allotment 58B Parish of Tyabb, being part of the land contained in Certificate of Title Vol. 8876 Fol. 783.

identified in Figure 1 of this document (the Project Land).

3.0 PURPOSE

To facilitate the use and development of the Project Land for the purposes of a Hydrogen Liquefaction and Loading Terminal (the Project).

4.0 THIS DOCUMENT ALLOWS:

The use and development of the Project Land for the Project that includes, but is not limited to:

- The use and development of the land for Industry (pilot Hydrogen Liquefaction and Loading Terminal) and associated amenities, landscaping and hardstand areas and the connection of utilities and services.
- Buildings and works associated with the bulk storage of flammable products.
- Buildings and works associated with the construction of ventilation stacks and pipeline structures associated with the use of the existing jetty.
- The use and development of land to facilitate the transfer of liquefied hydrogen to a ship.
- Ancillary activities to the use and development of Project Land for the purposes of, or related to, the Project, including, but not limited to:
 - Removing, destroying and lopping trees and vegetation, including native vegetation.
 - Alteration and upgrade of access from Bayview Road (Road Zone – Category 2) to facilitate the Project.
 - Any use, development, activity, buildings or works that the Minister for Planning confirms in writing is for the purposes of Project.
 - Constructing and using temporary site workshops and storage, administration and amenities buildings.
 - Storage and assembly of materials required for the Project.
 - Roadworks and constructing and using temporary access roads, diversion roads and vehicle parking areas.
 - Constructing and carrying out works to install, alter or relocate, drainage infrastructure, utility installations and services.

- Other preparatory works as listed Condition 5.5.

5.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

- 5.1 Prior to the commencement of development (excluding preparatory buildings and works under Condition 5.5) the following plans and reports must be submitted to and be to the satisfaction of the Minister for Planning.

The plans and reports must be prepared in consultation with the Mornington Peninsula Shire Council.

- a) Design Plans, drawn to scale, and showing the following:
 - Site boundaries and setbacks.
 - Adjoining roads.
 - The location, size and purpose of buildings.
 - Site levels and any earthworks.
 - Accessways, vehicle parking areas, loading and unloading areas, and waste treatment and disposal areas.
 - Retaining walls (as necessary)
 - Elevations that include building heights, existing slopes and future levels.
 - A schedule of colours and materials. The materials should be non-reflective and natural-looking (where possible), and the colours should be subdued and should complement the surrounding environment.
 - Details of site fencing and signage proposed for new buildings/structures.
- b) A Construction Environmental Management Plan specifying the measures proposed to ensure that the impact of construction activity on surrounding areas, including (but not limited to) waterways, soil erosion and tree protection areas, is minimized to the extent practicable.
- c) A Human Health and Safety Report providing details of the following:
 - Identification of the potential sources of risk.
 - The pathway by which the identified risk might impact on a receptor.
 - Identification of the receptors.
 - The likelihood and consequence of the risk giving rise to the risk rating.
 - Normal risk mitigation steps to address the source and/ or pathway of each risk; and
 - Additional risk mitigation steps in the event of upset conditions.
- d) A Traffic Impact Assessment providing details on:
 - The location, layout, construction details, management arrangements and maintenance measures for all vehicle parking areas, loading and unloading areas within the site, driveways and other accessways within and abutting the site (i.e off Bayview Road).
 - Heavy, light, emergency vehicle and pedestrian access points at the property boundaries.
 - Any improvements or upgrades on the Road Zone, Category 2.

Details must be prepared in consultation with the relevant road authority.
- e) A Native Vegetation Management Plan if a permit would be required pursuant to Clause 52.17 (Native Vegetation) of the planning scheme but for this incorporated document. The plan must be prepared in accordance with the "Guidelines for the

removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)" (or its successor) (Guidelines) to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP), except as otherwise agreed by the Secretary of DELWP.

Any native vegetation offsets required must be provided in accordance with the Guidelines, except as otherwise agreed by the Secretary of DELWP.

- f) A Noise Assessment (quantitative), demonstrating how the proposed development can comply with the following EPA Policy and Guidelines during construction and operation of the project. The assessment must demonstrate that the use complies with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N – 1 and include consideration of:

- Identification of all potential noise sources at the premises (plant and vehicle activity).
- Determination of effective noise limits for the proposal; and,
- Proposed actions and recommendations including noise attenuation works (as necessary).

- g) A Bushfire Management Plan if a permit would be required pursuant to Clause 44.06 of the planning scheme but for this incorporated document.

The plan must contain appropriate bushfire protection measures, and must be prepared in consultation with and to the satisfaction of the relevant fire authority.

The Plan should include (but not be limited to):

- Defendable space - The provision of appropriate separation distances between buildings and vegetation or other flammable objects.
- Emergency Management Plan - An Emergency Management Plan that details what will happen during the bushfire danger period
- Water supply - The provision of an appropriate water supply (static or hydrant) for fire fighting purposes (only).
- Access - Maintained vehicle access to meet the needs of emergency services.

- h) A Utility Services Plan detailing the existing services and proposed connections to utility infrastructure, in consultation with the relevant utility authorities.

- i) Wastewater Management advice detailing how the wastewater will be treated and disposed in consultation with and to the satisfaction of the relevant authority. This requirement may be waived or reduced by the relevant authority (i.e where the wastewater is being collected and trucked off-site).

- j) A Stormwater Management Plan showing the stormwater works to the nominated point(s) of discharge.

The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc).

5.2 The plans specified in Condition 5.1 may be prepared and approved in stages to the satisfaction of the Minister for Planning but plans must be approved before the commencement of development (excluding preparatory works) for that stage.

5.3 The use and development must be carried out in accordance with the plans approved under Condition 5.1.

5.4 The plans specified in Condition 5.1 may be amended to the satisfaction of the Minister for Planning.

5.5 The following buildings and works may be undertaken before the plans referred to in Condition 5.1 are approved:

- a. Preparatory works for the Project including, but not limited to:
- Works including vegetation removal, where, but for this incorporated document a planning permit would not be required under the provisions of the planning scheme.
 - Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
 - Creation of construction access points and working platforms.
 - Site establishment works, including temporary site fencing and hoarding, site office, hardstand and laydown areas.
 - Establishing temporary car parking sites.
 - Construction, protection, modification, removal or relocation of existing utility services.
 - Establishment of environment and traffic controls.
 - Demolition to the minimum extent necessary to enable preparatory works.
- b. The removal, destruction or lopping of native vegetation to the minimum extent necessary to enable preparatory works, to the satisfaction of the Minister for Planning.

Any native vegetation removal to enable preparatory works forms part of the total extent of native vegetation removal necessary for the construction of the Project and native vegetation offsets must be provided in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)*" (or its successor) (**Guidelines**) except as otherwise agreed by the Secretary to DELWP.

5.6 If a Cultural Heritage Management Plan is required under the *Aboriginal Heritage Act 2006* for the development of the project land no development under this Incorporated Document can commence until the Cultural Heritage Management Plan is prepared and is approved.

6 EXPIRY

6.1 Notwithstanding other provisions of the Scheme or these conditions, the specific controls contained in this document will expire if one of the following circumstances applies:

- The development allowed by the controls is not started and completed by 31 July 2021.
- The use allowed by the controls is not started by 31 July 2022.

6.2 The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within three months afterwards.

