

# Development licence

Environment Protection Act 2017



<b>Licence number</b>	DL000300015
<b>Issue date</b>	11 August 2022
<b>Last amended</b>	-
<b>Expiry date</b>	30 September 2024
<b>Licence holder</b>	ESSO AUSTRALIA PTY LTD
<b>ACN</b>	000018566
<b>Registered address</b>	Level 9, 664 COLLINS ST, DOCKLANDS, VIC, 3008, AU
<b>Activity site</b>	11 Bayview Road, Hastings, Victoria, 3915, Australia
<b>Prescribed permission activities</b>	L01 (General emissions to air) K01 (Power generation)

Issued under section 69(1)(a) of the *Environment Protection Act 2017* (the Act).

A handwritten signature in blue ink, appearing to read 'Stephen Adamthwaite'.

Stephen Adamthwaite  
Manager, Permissioning  
Delegate of Environment Protection Authority Victoria (EPA)

# Development licence

Environment Protection Act 2017

## Context

Environment Protection Authority Victoria (EPA) is Victoria's environmental regulator acting in accordance with the *Environment Protection Act 2017* (the Act). Our regulatory role is to work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

## Why we issue development licences

A range of development activity types are prescribed in the Environment Protection Regulations 2021 (the Regulations) because they give rise to risks of harm to human health or the environment. We issue development licences so applicants can lawfully undertake prescribed development activities. Section 44 of the Act provides that a person must not engage in a prescribed development activity except as authorised by a development licence in respect of that activity.

## When we issue development licences

EPA can issue a development licence under section 69(1) of the Act. When issuing a development licence, EPA takes into account a number of factors, including the measures an applicant has taken or proposes to take in order to comply with the Act when engaging in the prescribed permission activity.

EPA can amend, suspend or revoke a licence for a range of reasons. This can include in response to changes in activities, risks or licence holder performance. All development licence details are publicly accessible via the EPA Public Register.

## Key information and obligations

### Interpretation

For the purposes of this development licence "You" means the "licence holder" identified on the first page. Unless a contrary intention appears, words or terms used in the conditions of your licence have the same meaning as in the Act, and in any regulations made pursuant to the Act.

### Compliance

Your licence is subject to conditions. These conditions confer legal obligations on you as the licence holder. Some of these are general in nature, while others require you to do (or not to do) specific things. The requirements of these conditions do not detract from each other in any way, nor do they affect any other duties or obligations with which you are required to comply

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

by law. You must fulfil all duties and perform all obligations set out in this licence or otherwise required by law.

Strict penalties apply for non-compliance with any part of your development licence.

You must comply with the Act and regulations administered by EPA. This includes, but is not limited to, compliance with the general environmental duty (GED).

### **Duties under the Act**

Under the Act, you have legal obligations in relation to your prescribed and non-prescribed activities. These legal obligations exist to minimise risks of harm to human health and the environment from pollution and waste.

You may be committing an offence and be liable to a penalty under the Act if your actions or omissions constitute a breach of these legal obligations.

### **General environmental duty**

The Act places the onus on you to understand the risks associated with your operation or activity and requires you to minimise the risk of harm. This is called the general environmental duty (GED).

Sections 6 and 25 of the Act provide the legal basis for the GED. These sections state that a person engaging in an activity which may give rise to risks of harm to human health or the environment from pollution or waste must eliminate or minimise those risks, as far as reasonably practicable.

### **Duty to notify EPA of notifiable incidents**

A notifiable incident is a pollution incident that causes or threatens to cause material harm to human health or the environment or is a prescribed notifiable incident. Under section 32 of the Act, you have an obligation to notify EPA of a notifiable incident as soon as practicable after you become aware of the incident.

### **Duty to take action to respond to harm caused by pollution incident**

Under section 31 of the Act, if a pollution incident has occurred as a result of an activity (whether by act or omission) and the pollution incident causes or is likely to cause harm to human health or the environment, a person who is engaging in that activity must, so far as reasonably practicable, restore the affected area to the state it was in before the pollution incident occurred.

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

### **Duty to notify of contaminated land**

Under section 40(1) of the Act, a person in management or control of land must notify EPA if the land has been contaminated by notifiable contamination as soon as practicable after the person becomes aware of the notifiable contamination.

Notifiable contamination means contamination which is prescribed in the Regulations, or contamination for which the cost of action to remediate the land is likely to exceed \$50,000, or any other prescribed amount.

### **Duties relating to industrial waste, priority wastes and reportable priority wastes**

Under parts 6.4 and 6.5 of the Act, a person has obligations in relation to the generation, receiving, recording, managing, transporting, and disposal of industrial, priority wastes and reportable priority wastes. These duties include:

- Duties of persons depositing industrial waste.
- Duties of persons receiving industrial waste.
- Duty of persons involved in transporting industrial waste.
- Duties of persons managing priority waste.
- Duty to investigate alternatives to waste disposal.
- Duty to notify of transaction in reportable priority waste.
- Duty of persons transporting reportable priority waste.

For further information on waste classifications see schedule 5 of the Regulations.

### **Further information and resources**

To aid compliance with the Act and the Regulations, Environment Reference Standards (ERS), Compliance Codes, Position Statements and Guidelines have been developed to address a range of environmental objectives, permitted and non-permitted activities and risks.

You should understand how the Victorian environment protection framework applies to you and your activity, operation or business by making yourself familiar with the Act, Regulations, Compliance Codes and other relevant guidance material.

To assist you with understanding your obligations refer to [www.epa.vic.gov.au](http://www.epa.vic.gov.au).

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

### Amendment

You can apply at any time to EPA for an amendment to your licence under section 57 of the Act. EPA may also decide to amend a licence under its own initiative according to section 58 of the Act.

### Transfer

A person may apply to EPA for the transfer of this licence to a new licence holder pursuant to section 56 of the Act.

### Duration of licence and renewal

This development licence is subject to the expiry date identified on the first page of this licence. It will remain in force until that time unless it is first surrendered by the licence holder (with consent from EPA), or it is suspended or revoked by EPA. EPA may decide to extend the term of the licence under section 72 of the Act. Note that an application for a development licence renewal must be submitted to EPA before the licence expiry date

### Development licence structure

Your development licence has multiple parts:

- Conditions
- Appendix 1 – locality plan
- Appendix 2 – activity plan
- Appendix 3 – contour plan
- Appendix 4 – waste acceptance table
- Appendix 5 – air discharge table
- Appendix 6 – water discharge table
- Appendix 7 – landfill cell table
- Table 1 - List of application documents and information

Licence number: DL000300015

# Development licence

Environment Protection Act 2017

## Conditions

### General conditions

DL_G1	A copy of this licence must be kept at the site and be easily accessible to persons who are engaging in an activity conducted at the site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.
DL_G2	The development activity involving installation of 3 Solar Titan 130 generators works must be engaged in accordance with the approved plans and documents referenced in TABLE 1. In the event of any inconsistency between the approved documents and the conditions of this permission, the conditions of this permission shall prevail.
DL_G3	Subject to the following conditions, this development licence allows you to: in accordance with the application, construct and commission 3 Solar Titan 130 generators.
DL_G4	This permission does not take effect until a copy of any planning permit or amendment to a planning scheme required under the Planning and Environment Act 1987 (Vic) and related planning schemes has been provided to the Authority by the applicant.
DL_G5	This permission expires: (a) on the issue or amendment of an operating licence or permit relating to all activities covered by this permission; (b) when the Authority advises in writing that all activities covered by this permission have been satisfactorily completed and the issue or amendment of an operating licence or permit is not required; or (c) on the expiry date listed on the front page of this permission.
DL_G7	You must: (a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority; (b) provide the decommissioning plan to the Authority upon request; (c) supply to the Authority an updated detailed decommissioning plan 60 business days prior to commencement of decommissioning, if you propose to divest a section of the licensed site, cease part or all of the licensed activity or reduce the basis upon which the licence was granted to a point where licensing is no longer required; and (d) decommission the licensed site in accordance with the detailed decommissioning plan, to the satisfaction of the Authority and within any reasonable timeframe which may be specified by the Authority.

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

### Standard conditions

DL_C1	Commissioning activities must be undertaken in accordance with the commissioning plan approved by the Authority.
DL_C2	You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of: a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment; b) A malfunction, breakdown or failure of risk control measures at the site which could reasonably be expected to give rise to actual or potential harm to human health or the environment; or c) Any breach of the licence.
DL_C5	1. You must develop a risk management and monitoring program for your activities which: (a) identifies all the risks of harm to human health and the environment which may arise from the activities you are engaging in at your activity site; (b) clearly defines your environmental performance objectives; (c) clearly defines your risk control performance objectives; (d) describes how the environmental and risk control performance objectives are being achieved; (e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable; and (f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity. 2. The risk management and monitoring program must be: (a) documented in writing; (b) signed by a duly authorised officer of the licensed entity (c) made available to the Authority on request.
DL_C6	Within 30 days of the expiry of this permission, you must provide to EPA a report detailing the results of the commissioning monitoring program.
DL_C7	Within 30 days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes: a commissioning report that summarises the results of all commissioning activities.
DL_W3	You must notify the Authority when the construction associated with the development activities covered by this approval has been completed.

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

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DL_W4	You must not commission or use the operating components of the development activities without the written approval of the Authority.
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Licence number: DL000300015



## Development licence

Environment Protection Act 2017

### Specific conditions

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DL_C3	Development activities and commissioning must not cause or result in any breach of any permission issued by the Authority for the permission activity, except where authorised by a condition of this licence.
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DL_R1	<p>At least 20 business days before the commencement of any commissioning, you must provide to the Authority 1) an operational noise management plan, 2) a detailed commissioning plan and 3) an emergency management plan, for approval by the authority, that include(s):</p> <p>1) Operational noise management plan:</p> <p>a) Inspection, maintenance and testing programs to prevent the emission of unreasonable noise (as defined in section 3 of the Environment Protection Act 2017, and the prescriptions under Division 3 and Part 5.3 of the Regulations);</p> <p>b) Program for the implementation of contingency measures, wherever necessary;</p> <p>c) Procedures to investigate and respond to noise complaints, including measures to be taken to address the cause of valid complaints; and</p> <p>d) Implementation of continual improvement, to ensure the risk of harm from noise to human health and the environment is minimised so far as reasonably practicable, through across the whole life of the project.</p> <p>2) A detailed commissioning plan including monitoring program to determine plant performance in accordance with the application and specifically a measurement program to ensure acoustic objectives of the project are satisfied at the onset of operation; and</p> <p>3) An emergency management plan that includes (as a minimum):</p> <p>a) Consideration of off-site impact to the Esso Long Island Point facility as part of the risk management processes; and</p> <p>b) The requirements of AS 3745- 2010: Planning for emergencies in facilities and the Dangerous Goods (Storage and Handling) Regulations 2012 (as appropriate).</p>
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DL_R4	<p>At least 15 business days before the commencement of any construction, you must provide to the Authority an updated noise report, supported by evidence, that include(s):</p> <p>1) A review of the noise sensitive areas (NSA) that will be affected by</p>
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Licence number: DL000300015

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the project and identification of existing commercial, industrial and trade premises emitting noise that may contribute to the effective noise level at these NSA;

2) Verification that the noise limits set by Division 3 of Part 5.3 of the Environment Protection Regulations 2021 (the Regulations) will not be exceeded. This verification must be conducted in accordance with the publication 1826 and consistent with the provisions of EPA publication 1997 and include:

a) Identification of key NSA and/or alternative assessment locations that represent the noise exposure within all NSA that will be affected by the project;

b) Measurement of existing industry noise levels, expressed as effective noise levels for the cumulative noise including contributions from all current commercial, industrial and trade premises impacting noise sensitive areas that will be affected by the project;

c) Definition of Project Noise Criteria determined within the key NSA to ensure that the cumulative noise, including noise from the project and all contributions from pre-existing commercial, industrial and trade premises, will not exceed the noise limits of the Regulations in any NSA;

d) Determination of the noise limits and/or alternative assessment criteria that will apply at the key NSA, based on measurements of the background levels that are not influenced by noise from any commercial, industrial and trade premises;

e) Assessment of the noise due to the project against the Project Noise Criteria, that considers measurement/calculation uncertainty; and

f) Details of contingency measures to be implemented to address, as necessary, the risk of exceedance of the Project Noise Criteria or of the noise limits of the Regulations, supported by evidence of their effectiveness.

3) A characterisation of the current noise environment including measurements consistent with the verification assessment in DL\_R4 (2) of:

a) Background levels at the NSA or equivalent background locations; and

b) Existing industry noise levels at the NSA.

4) Assessment of tonal character at any frequency from the development activity supported by an inventory of all the noise sources associated with the development activity that includes verifiable one-third octave band data, and narrow band data where relevant;

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Licence number: DL000300015

## Development licence

Environment Protection Act 2017

- 5) Identification of any additional available and suitable controls to minimise the risk of high acoustic energy in the low frequency range, including a review of the proposed equipment and proposed installation consistent with EPA publication 1996. This assessment must be supported by an inventory of all the noise sources associated with the project, including for each source, its noise levels and frequency spectrum supported by verifiable data, and the effectiveness of the controls;
- 6) Steps followed to ensure iterative consideration through all the planning and design phases of the project, and eventual adoption of all opportunities to minimise the risk of harm from noise to human health and environment so far as reasonably practicable, consistent with the General Environmental Duty (GED);
- 7) The final noise mitigation measures to be implemented at source, and their itemised acoustic performance, including controls to mitigate low frequency noise and address potential noise character; and
- 8) Assessment of the risk associated with low frequency noise emitted from all noise sources associated with the project, consistent with the provisions of EPA publication 1996, including details of measures to be implemented to address, as necessary, the risk of unreasonable noise associated with the emission of low frequency noise, supported by evidence of their effectiveness.

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DL_W1	<p>15 business days prior to commencing construction of the following components of the development activity, you must provide to the Authority for approval:</p> <ol style="list-style-type: none"><li>1) Fire Management System:<ol style="list-style-type: none"><li>a) Fire hydrant system consistent with the requirements for Open Yard Protection as per Section 3.3 of Australian Standard (AS) 2419.1-2005: Fire hydrant installations (area of yard &gt;9000m<sup>2</sup> to &lt;27,000m<sup>2</sup>);</li><li>b) A report supporting that fire service infrastructure:<ol style="list-style-type: none"><li>i) Can operate simultaneously across the LIP and the area covered by this development licence; and</li><li>ii) That meets specified minimum demand requirements at both facilities.</li></ol></li><li>c) A bushfire management plan, endorsed in writing from Country Fire Authority, that includes (as a minimum):<ol style="list-style-type: none"><li>i) The activities, roles and responsibilities for managing fire risk at the facility (including acquisition of any required permits during the Fire</li></ol></li></ol></li></ol>
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Licence number: DL000300015

## Development licence

Environment Protection Act 2017

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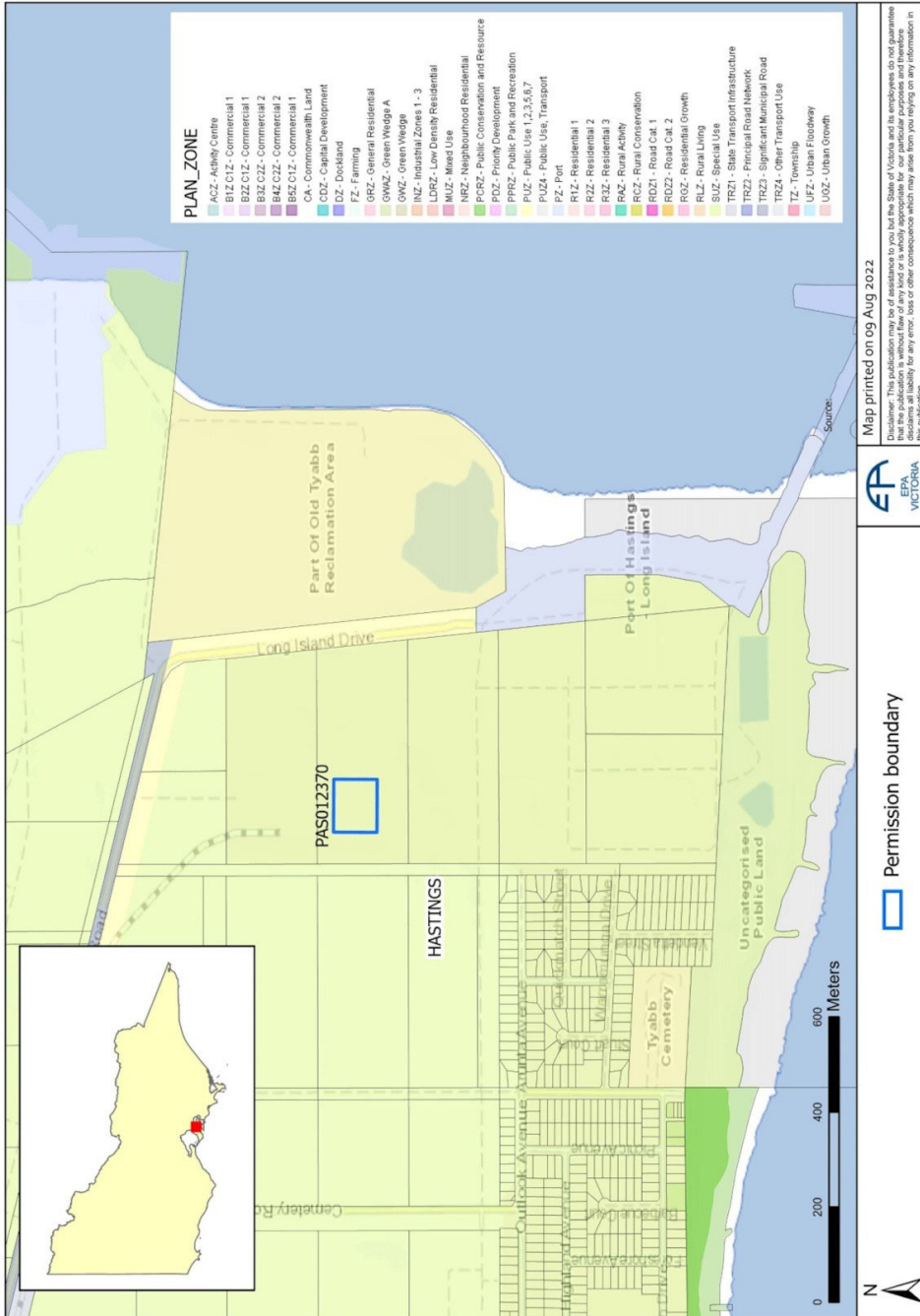
	<p>Danger Period, management of vegetation, inspection and maintenance of plant and equipment, and dangerous goods storage and handling);</p> <p>ii) Regular housekeeping activities prior and during the Fire Danger Period that ensure the removal of any extraneous flammable or combustible materials around the plant and buildings, clearance of vehicle access points to the facility, and access to, and serviceability of fire protection systems and equipment, and</p> <p>iii) Bushfire monitoring, preparedness, and emergency response.</p> <p>2) Civil works: an updated construction environmental management plan (CEMP) including as a minimum, details of further investigations to be undertaken relating to contaminated land.</p>	
DL_W2	You must notify the Authority in writing when the development activity authorised by this permission has commenced.	
DL_W8	You must install	<ol style="list-style-type: none"><li>1) A continuous emissions monitoring system, in each stack, capable of measuring temperature, stack gas flow, pressure, carbon monoxide and oxides of nitrogen;</li><li>2) A dry low NOx system in each power generation unit; and</li><li>3) All fire service infrastructure identified as being required in the Fire Management System required under condition DL_W1.</li></ol>
DL_W9	You must install all exhaust stacks so that provisions for sampling are included in accordance with "A Guide to the Sampling and Analysis of Air Emissions and Air Quality" (EPA Publication 440.1, released December 2002).	

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Licence number: DL000300015

## Appendices

### Appendix 1 – locality plan



Licence number: DL000300015

## Development licence

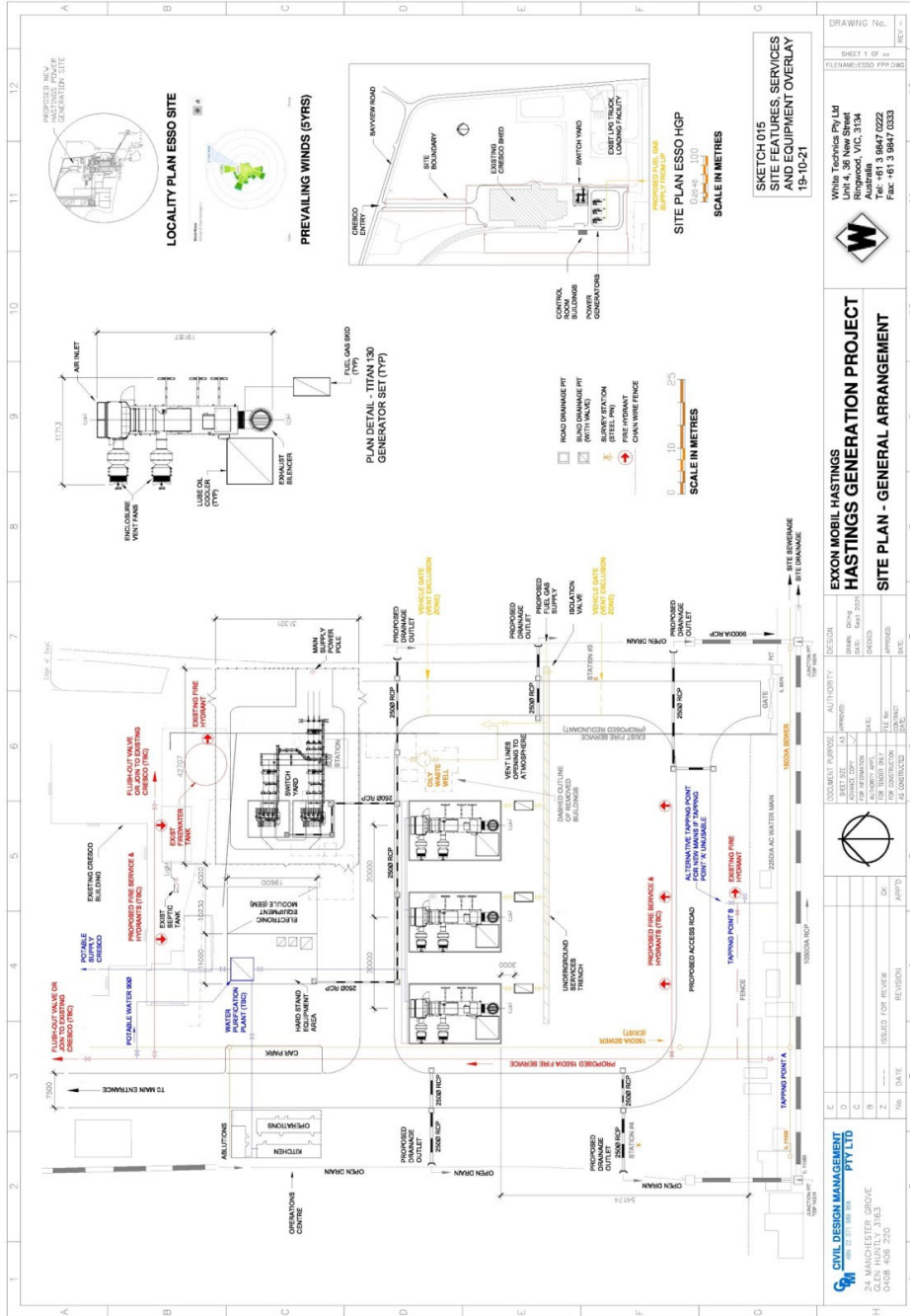
Environment Protection Act 2017

<b>Development licence number</b>	DL000300015
<b>Company name</b>	ESSO AUSTRALIA PTY LTD
<b>ACN</b>	000018566
<b>Activity site</b>	11 Bayview Road, Hastings, Victoria, 3915, Australia
<b>Issued</b>	11 August 2022

Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

Licence number: DL000300015

Appendix 2 – activity plan



Licence number: DL000300015



## Development licence

Environment Protection Act 2017

<b>Development licence number</b>	DL000300015
<b>Company name</b>	ESSO AUSTRALIA PTY LTD
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<b>Activity site</b>	Hastings, Victoria, , Australia
<b>Issued</b>	11 August 2022

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Licence number: DL000300015



## Development licence

Environment Protection Act 2017

### Appendix 3 – contour plan

*There is no contour plan for this licence.*

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

### Appendix 4 - waste acceptance table

*There is no waste acceptance for this licence.*

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

### Appendix 5 – air discharge table

*There are no air discharge points for this licence.*

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

### Appendix 6 –water discharge table

*There are no water discharge points for this licence.*

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

### Appendix 7 – landfill cells

*There are no landfill cells for this licence.*

Licence number: DL000300015

**Table 1 List of application documents and information**

<b>Subject</b>	<b>Document or Plan Title</b>	<b>Date</b>
Main application	APP009563 - Application Details HG Project - F1017 - Fit and Proper Person Questionnaire HG Project - F1018 - Prohibited Persons Questionnaire F1017_Supporting_Information ESSO AUSTRALIA PTY LTD Hastings Generation Project Development License Application Attachment 1A - Site Sketch 015 Attachment 1B - Site Sketch 016 Attachment 1C - Site Sketch 017 Attachment 2 - Figures and Maps Attachment 2a - Geological and Geomorphologic Figures Attachment 2b - Site Vegetation Attachment 3 - Project Alternatives Attachment 4 - Greenhouse Gas Assessment Attachment 5 - Environmental Management Plan Attachment 6 - Air Quality Assessment Attachment 7- Environmental Noise Impact Assessment Attachment 8 - Cultural Heritage Assessment Attachment 9 - Threatened Flora and Fauna Likely to Occur in Project Area Attachment 10 - Victorian Heritage Register Attachment 11 - Environment and Human Health Risk Assessment Attachment 12 - Decommissioning Plan Attachment 13 - Stakeholder Engagement Plan VOC emissions supplementary Information GTG 3D Model Picture Supplementary information - Principles of Environment Protection and comparative Greenhouse Gas Emissions Supplementary Information 16 Feb 2022	17/2/2022
Responses to RF1001982	Response to questions raised during public consultation Attachment 1 - Esso generators good for the environment, Frankston Times 29 March 2022 Attachment 1 Western Port News 22nd September 2021 page 14 Attachment 1 - Western Port News 23rd March 2022 page 12	5/5/2022
Responses to RF1002141	Esso response to EPA Request for Further Information Attachment A - Hastings Environmental Noise Impact Assessment Rev 2	15/6/2022

Licence number: DL000300015

## Development licence

Environment Protection Act 2017

	Attachment B - Hastings Noise Control Addendum Attachment C - Hastings Infrasound Addendum Ambient Air Screening Report 2019	
Update to Attachment 6 - Air Quality Assessment	Appendix C – Time varying background concentrations	2/8/2022

Licence number: DL000300015