



# Newstead Solar Farm

## Planning Permit Application for Native Vegetation Removal

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## Document Control

CONTROL	DETAILS
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## 1. Background and Proposal Description

This report has been prepared to support a planning permit application for the removal of native vegetation on Captains Gully Road, Newstead Victoria.

This planning permit application is accompanied by the following documentation:

- Vegetation Removal Plan (Drawing no. FP-PCA101) (plan of proposal)
- Native Vegetation Assessment report prepared by Living Rural (October, 2023).

The proposed native vegetation removal is to enable the construction and operation of a 22kV overhead power line which is a previously approved utility installation associated with an approved solar energy facility (Newstead Solar Farm development, PA2000883-3). The Newstead Solar Farm development is a 3MW solar farm with a battery energy storage system (BESS) and associated infrastructure. This development was originally approved by the Minister for Planning in September 2021, and was last amended in August 2022.

The 22kV overhead line connects the Newstead Solar Farm development in parcel PC 373222M to the existing electrical distribution network running along Pyrenees Highway, via the road reserve of Captains Gully Road. The line will be owned and constructed by Powercor who is the distribution network service provider.

The indicative route for the 22kV line was shown on the following plan endorsed on 25/05.2023 under Condition 1 of PA2000883-3 (Newstead Solar Farm development).

- Dimensions and Overlay Plan – Newstead Solar Farm, Rev C, prepared by Flow Power, dated 10 January 2023 (Condition 1).

The indicative route for the 22kV line did not require removal of native vegetation and therefore approval for native vegetation removal was not previously sought. The indicative route did not require removal of native vegetation because it entered the site at a more northern location, north of the majority of road vegetation, which was enabled by the line being underground as it entered the site, avoiding clashes with solar farm infrastructure and fire breaks which would otherwise occur with an overhead line.

Following detailed design of the 22kV line by Powercor, the route was refined to meet Powercor's electrical, safety and ownership standards. To meet these standards, the line could no longer enter the site underground, and therefore could not follow the original indicative route. The refined route must enter the site overhead and further south, which requires the removal of some native vegetation located in the road reserve of Captains Gully Road. The vegetation requiring removal provides a tree/branch-free buffer either side of the 22kV line for electrical and bushfire safety.

Further discussion on alternatives considered is provided in the Native Vegetation Assessment (Living Rural, 2023).

In total 5 native trees and 1 native sapling require removal, and 1 tree requires trimming (refer Vegetation Removal Plan (Drawing no. FP-PCA101) (plan of proposal). The tree requiring trimming is considered exempt from the need for a permit as it meets the definition of Planted vegetation in Clauses 52.17-7 of the Planning Scheme.

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## 2. Key details

A summary of key application details is provided in Table 1.

*Table 1 Key application details*

<b>Applicant</b>	Newstead Energy Project Pty Ltd (ACN 662 919 833) as trustee for the Newstead Energy Project Trust ABN: 42 702 705 086
<b>Proposal</b>	Removal of Native Vegetation to enable the construction of a previously approved 22kV overhead electricity line associated with a Solar energy facility (PA2000883-3).
<b>Responsible Authority</b>	Minister for Planning (Department of Transport and Planning)
<b>Address</b>	Road reserve of Captains Gully Road, Newstead Victoria.
<b>Existing land use</b>	Road verge
<b>Regional Plan</b>	Not applicable
<b>Local Government</b>	Mount Alexander Shire Council
<b>Planning Scheme</b>	Mount Alexander Planning Scheme
<b>Zoning</b>	Farming Zone (FZ)
<b>Overlays</b>	None
<b>Within an area of Aboriginal Cultural Heritage Sensitivity?</b>	Yes
<b>Bushfire Prone Area?</b>	Yes

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### 3. Planning Provisions

#### 3.1. Permit Trigger - Clause 52.17 Native Vegetation

Clause 52.17 (Native Vegetation) of the Mount Alexander Planning Scheme outlines provisions relating native vegetation removal. A planning permit is required to remove, destroy or lop native vegetation under Clause 52.17-1.

The objectives of Clause 52.17 (Native Vegetation) are to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, and to minimise land and water degradation.

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.

Clause 52.17-7 outlines exemptions for the requirement to obtain a permit. Consideration of these exemptions has determined that none of the exemptions apply to the proposed native vegetation removal, with the exemption of the proposed trimming of one planted tree. Specifically, the following exemptions for Utility installations do not apply:

<p><b>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</b></p> <p><b>to maintain the safe and efficient function of a Minor utility installation.</b></p>	<p>The construction of the 22kV overhead line requiring the native vegetation removal does not meet the definition of a Minor utility installation under Clause 73.03 because it is associated with an Energy generation facility.</p> <p>The 22kV line is defined as a Utility installation.</p>
<p><b>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</b></p> <p><b>by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).</b></p>	<p>The native vegetation is being removed by a utility service provider (Powercor) to construct a utility installation, however there is no written agreement from the Secretary of the Department of Energy, Environment and Climate Action that applies in this case.</p>

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### 3.2. The Responsible Authority

The Responsible Authority for this permit application is the Minister for Planning as the native vegetation removal is associated with the solar energy facility (PA2000883-3) for which the Minister for Planning is the Responsible Authority.

### 3.3. Overlays

As shown in Figure 1, the native vegetation proposed to be removed, which is confined to the road reserve of Captain Gully Road, does not intersect any overlays under the Mount Alexander Planning Scheme.

### 3.4. Cultural Heritage

As shown in Figure 1, some of the proposed native vegetation removal intersects an area of Cultural Heritage Sensitivity.

The construction of the 22kV line within the Captains Gully Road reserve has already been captured and assessed in the approved Cultural Heritage Management Plan prepared by Tech Duinn Pty Ltd for the Newstead Solar Farm project (CHMP 18456) (Complex Assessment Level) approved on 19 July 2022. The road reserve of Captains Gully Road was included in the Activity Area to allow for the construction of powerlines to connect the solar farm with the existing electricity grid.

As per the CHMP, no Aboriginal Cultural Places were identified at the locations of the proposed native vegetation removal.

Some of the proposed native vegetation removal is immediately south of a circular buffer with a 50m radius established as part of the CHMP for a located low-density artefact scatter (VAHR 7723-0366 Captains Gully Road 002 - A Low-Density Artefact Scatter (LDAD)). This artefact scatter was salvaged prior to the commencement of construction of the Newstead Solar Farm early works in September 2022.

Ongoing cultural heritage management recommendations of the approved CHMP, such as cultural heritage inductions and protocols for the discovery of cultural heritage during works, will be implemented during the removal of native vegetation and construction of the 22kV line in Captains Gully road reserve.

### 3.5. Bushfire Management

The site of the proposed native vegetation removal is within a Bushfire Prone Area. A Risk Management Plan, Fire Safety Study, Fire Management Plan and Emergency Management Plan have been developed and approved for the Newstead Solar Farm project, inclusive of the 22kV line in Captains Gully Road reserve. The management measures in those plans will be implemented for the native vegetation removal works.

### 3.6. Impacts to flora and fauna

A Native Vegetation Assessment report has been prepared by Living Rural (October, 2023) which details the implications of the proposed vegetation removal in accordance with the *Guidelines for the removal, lopping or destruction of native vegetation* (DEECA,2017) and the *Flora and Fauna Guarantee Act 1998*.

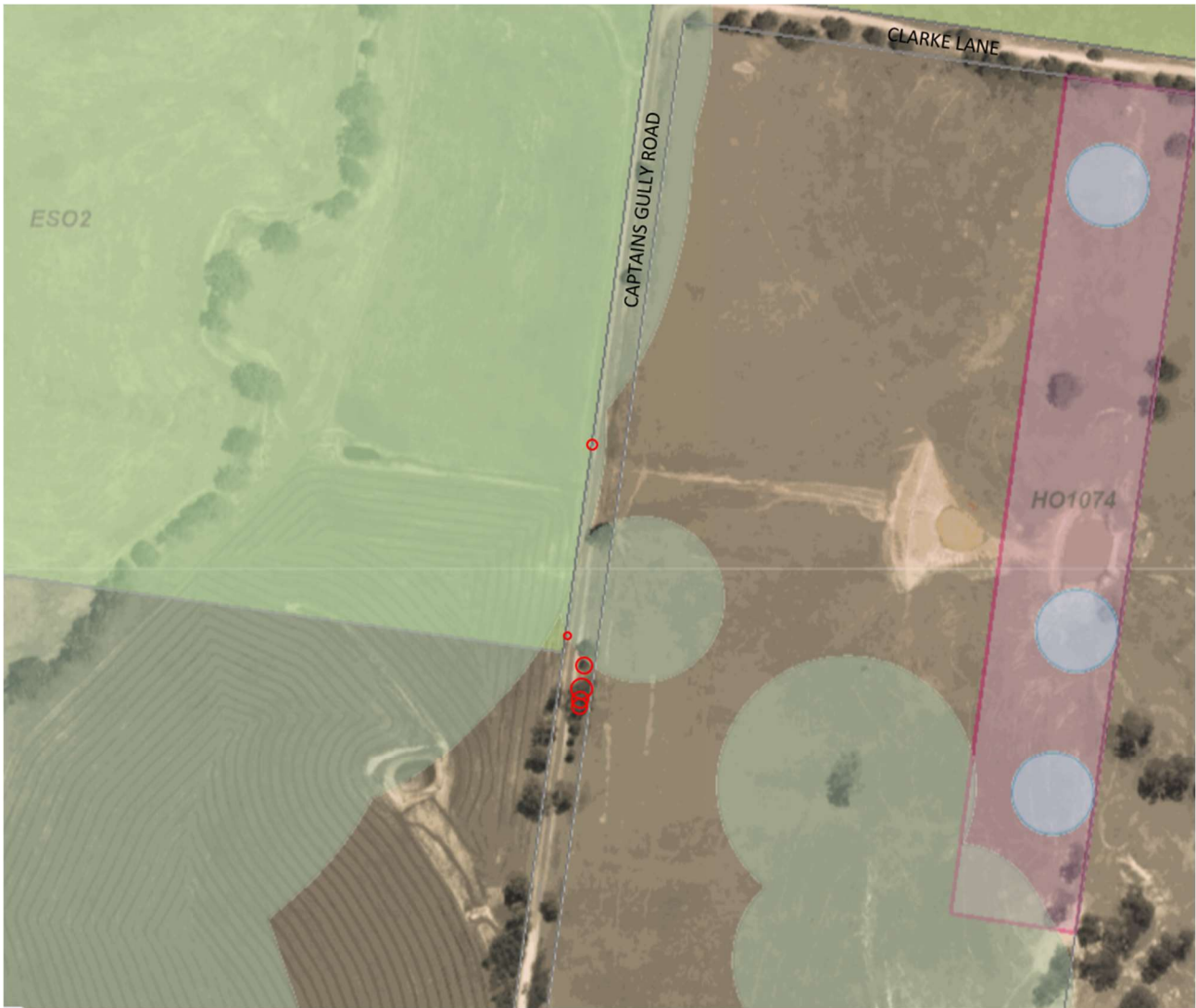


Figure 1 Overlays in relation to the vegetation removal. Red circle = tree removal requiring permit. Light green overlay = Environmental Significance Overlay (ES02). Dark green overlay = Cultural Heritage Sensitivity. (Source: VicPlan, 10/10/23)

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