



DELWP Planning – Renewables Team
8 Nicholson Street
EAST MELBOURNE
VICTORIA 3002

27 October 2020

Reference: 0105123

To whom it may concern,

Subject: Planning Permit Application to Remove Native Vegetation – Ryan Corner and Hawkesdale Wind Farms External Transmission Line

Environmental Resources Management Australia Pty Ltd (ERM) continues to act on behalf of Ryan Corner Development Pty Ltd C/- Global Power Generation Australia Pty Ltd (GPG) in relation to the above matter.

We hereby lodge a planning permit application for the removal of native vegetation pursuant to the Moyne Planning Scheme (Planning Scheme). The proposal will facilitate the development of a 132kV transmission line to connect Ryan Corner and Hawkesdale Wind Farms to the Tarrone Terminal Station.

By way of background, Permit No. 2006/0222 was issued on 21 August 2008 for the use and development of a wind energy facility (Ryan Corner Wind Farm). Permit No. 2006/0221 was issued on 21 August 2008 for the use and development of a wind energy facility (Hawkesdale Wind Farm). Neither of these permits include approvals for native vegetation removal associated with the external transmission line.

A similar application (PA1800360) was lodged with DELWP in 2018 to obtain approvals for native vegetation removal associated with the transmission line. However, this application was withdrawn in April 2020 due to incomplete information. Further details of this previous application are provided at Section 2 of this submission.

This particular application is based on a realistic construction and operational footprint in the assessment of the proposed native vegetation removal.

In addition to the planning assessment provided below, the following documentation is submitted in relation to the application:

- An indicative site layout map (F-1) providing context of the alignment with respect to the wind farms and the terminal station;
- A Flora and Fauna Impact Assessment prepared by Nature Advisory;
- Copies of the titles comprising the subject site; and
- Plan that shows land parcels that contain native vegetation identified for removal.

The relevant fee has not been provided. As per the email from Michael Juttner sent on 29 April 2020 (see Attachment A), the fee associated with a new application for the vegetation removal would be waived if an application was lodged within a year of the withdrawal of Application No.PA180036.

1. THE PROPOSAL

It is proposed to remove native vegetation to accommodate the external transmission line which will connect Ryan Corner and Hawkesdale Wind Farms to the national electricity grid via the Tarrone Terminal Station.

The subject site investigated in the assessment prepared by Nature Advisory comprises a 30-metre-wide easement along the proposed 37km long external transmission line route (study area).

Patches amounting to 22 hectares of native vegetation were identified within this study area. The current proposed footprint to accommodate the external transmission line for both construction and operational purposes will result in a total loss of 3.458 hectares of native vegetation. For certainty, this calculation is based on a conservative construction footprint including:

- Underneath Power Line - 6m wide access track, with all vegetation cut to a minimum of 100mm ANGL, and topped with a crusher run 100-150mm deep when water is apparent and vehicles are in danger of getting bogged down. All native vegetation within the 6m wide track is considered removed with the exception of:
 - Habitat Zones CP, CN, CO, CR, CS & CT (impacts on these zones will trigger a species offset for Basalt Leek Orchid); and
 - Habitat Zones BM, BN & BQ (these zones qualify as GEVVVP);
- The laydown area will be within the 6m track under the power line;
- A working and laydown area of 15m X 15m has been assumed for pole installation, i.e. a further incursion on native vegetation (4.5m beyond the 6m wide access track at each pole location). As per the 6m wide access track, all native vegetation within this additional area is deemed removed; and
 - The 15m x 15m working laydown area is an area at each pole position where the vegetation will be cut to 100mm AGL (if there just grass, no cutting will be required). The area will be used to lay down the transmission line steel pole sections and other hardware required for construction. Once the foundation is cast and the topsoil replaced (only the 'cap' of the foundation will be visible) all hardware like conductors and insulators will be installed. The laydown area will then be vacated and construction materials removed.

In order to comply with the Electricity Safety (Electric Line Clearance) Regulations 2010 for a 132kV transmission line, where the transmission line passes over native woody vegetation taller than five metres, all vegetation within these patches is considered removed. This affects habitat zones BR, BS, BT, BU, BV, BW, BX, BY, BZ, CJ, CK, DA, DB & DE (figures 1-15 of the Flora and Fauna Assessment). The vehicles that will be used for maintenance of the transmission line after installation will include:

- Cherry Picker – diesel driven or truck mounted
- 4 x 4 vehicles

The vehicles will be used for repairs which is considered to be rare as well as localised inspections.

Based on the estimated locations of the transmission poles and for the purpose of this application it is proposed to remove 3.458 hectares of native vegetation, the location and extent of which are clearly illustrated in Figures 1-15 of the Flora and Fauna Impact Assessment (Attachment D).

A list of titles and the subsequent title documents of the sites that will be impacted by the proposal are provided at Attachment B.

However, the proposed amount is considered to represent a conservative footprint and worst case scenario, and in reality it is expected that less native vegetation will be removed as a result of the works.

To this end, further site investigations will be held in October and December 2020 to endeavour to further reduce the number of transmission pole placements and thus impacts on native vegetation. It is also expected to refine the required access and access routes from main roads to avoid impacts on native vegetation. If required, this information can be provided to DELWP in due course.

Further, a follow up native vegetation assessment can be undertaken once the powerline works are completed to map the actual native vegetation removal.

Notwithstanding, for certainty a total removal of 3.458ha of native vegetation is being sought and we wish for the application to proceed on that basis.

The avoid, minimise and offset approach has been used in determining the proposed 3.458ha of native vegetation removal. Initially a wider access track was proposed but due to the high amount of native vegetation impacted, it was decided to reduce the width to avoid and minimise impact on native vegetation.

It is noted that this application does not include the removal of any native vegetation associated with extension works to the existing Tarrone Terminal Station required to accommodate the connection of the wind farms to the national electricity grid. A separate application regarding such works and any associated native vegetation removal will be submitted to DELWP in due course.

2. PREVIOUS APPLICATION

On 23 May 2018, an application was lodged with DELWP for the removal of native vegetation associated with the external transmission line route (PA1800360).

On 22 June 2018, Moyne Shire issued a formal submission to DELWP regarding the planning permit application which raised some concerns.

On 3 July 2018, DELWP issued a RFI letter requesting further information to be submitted. The letter did not include an expiry date. The request was never responded to.

On 3 May 2020, PA1800360 was formally withdrawn at the request of DELWP. This particular application is identical to what was submitted to DELWP in 2018 in terms of the alignment of the 30-metre-wide easement to accommodate the proposed 37km long external transmission line.

For completion this application addresses the concerns and requirements outlined in the Moyne Shire and DELWP letters associated with PA1800360. For reference, these letters are attached at Attachment C. See section 5.3 of this report for further discussion.

3. MOYNE PLANNING SCHEME

The following clauses of the Moyne Planning Scheme are particularly relevant to this application.

3.1 Clause 12.01-2 'Native Vegetation Management'

This clause seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Strategies include applying the three step approach of the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (the *Guidelines*) when making decisions about proposals that involve activity that will impact native vegetation. Strategies also include:

- Avoiding the abovementioned activities that will impact on native vegetation;
- Minimise impacts on native vegetation when the abovementioned activities cannot be avoided; and
- Provide an offset to compensate for the biodiversity impact from the above-mentioned activities.

3.2 Clause 52.17 'Native Vegetation'

Clause 52.17 'Native Vegetation' of the Moyne Planning Scheme relates to the removal of native vegetation. The following parts of this Clause are relevant:

3.2.1 Permit Requirement

In accordance with Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation including dead native vegetation.

3.2.2 Application Requirement

In accordance with Clause 52.17-2, an application to remove, destroy or lop native vegetation must comply with the application requirements specified in the *Guidelines*.

3.2.3 Offset Requirement

The biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the *Guidelines*.

3.3 Clause 66.02 'Use and Development Referrals'

This Clause sets out referral authorities in relation to particular applications.

For an application to remove, destroy or lop native vegetation the Department of Environment, Land, Water and Planning (DELWP) is a recommending referral authority in the following circumstances (amongst others):

- *The removal, destruction or lopping of native vegetation is in the Detailed Assessment Pathway as defined in the Guidelines;*
- *A property vegetation plan applies to the site; or*
- *The native vegetation is on Crown land which is occupied or managed by the responsible authority.*

3.4 Clause 67.02 'Notice Requirements'

In accordance with Section 52(1)(c), notice provisions do not apply to an application to remove, destroy or lop native vegetation under Clause 52.17 of the Moyne Planning Scheme.

4. TRANSMISSION LINE

The 132kV transmission line does not require a planning permit for its use and development pursuant to the Farming Zone and Road Zone Category 1 Zone (Penhurst-Warrnambool Road, Spencer Road and the Hamilton-Port Fairy Road) of the Moyne Planning Scheme.

Pursuant to Clause 62.02-1 of the Moyne Planning Scheme, a planning permit is not required for power lines and electrical sub-stations associated with an energy generation facility or

geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment VC1157. The Amendment was gazetted on 15 March 2019.

Furthermore, pursuant to Clause 62.02-1 of the Moyne Planning Scheme, a planning permit is not required for buildings and works associated with a minor utility installation.

Pursuant to Clause 73.03 of the Moyne Planning Scheme, a minor utility installation is defined as land used for a utility installation comprising any of the following:

Power lines designed to operate at less than 220,000 volts but excluding any power lines directly associated with an energy generation facility or geothermal energy extraction.

As the permit for the use and development of the Wind Farm was issued prior to the gazettal date and the transmission line is designed to operate at less than 220,000 volts, no permit is required for the power lines.

Notwithstanding, for information purposes details of the proposed infrastructure are provided below.

The transmission line connecting both wind farms will extend for a total of approximately 37km, much of which is on land where easements have been created pursuant to agreements with the respective landowners (refer to copies of Titles and the site layout map accompanying this submission).

The transmission line will be constructed as a steel monopole type with a single tube-like pole which will have one foundation which minimises the area and vegetation affected.

The top of the foundation, called the "cap" would be 1.5m x 1.5m and the only visible portion of the foundation protruding above ground. The minimum working area required around a structure position is 15 m x 15 m.

Foundations will be mechanically excavated where access to the pole position is readily available. The same applies to the pouring of concrete required for the setting of the foundations. Prior to erecting the poles and filling of the foundations, the excavated foundations will be covered in order to safeguard unsuspecting animals and people from injury. All foundations are back filled, stabilised through compaction, and capped with concrete at ground level.

The development will comprise of steel poles of natural, matte concrete finish colour and a maximum height of approximately 39m (average height at approximately 34m).

The transmission lines will therefore be in keeping with existing infrastructure in the area resulting in minimal visual intrusion. Consideration has been given to the design of the alignment to reduce the number of poles to not only reduce impact on native vegetation (as discussed below), but to also minimise visual intrusion.

5. DISCUSSION

The Flora and Fauna Assessment details the implications of the proposed removal of 3.458ha under the *Guidelines*, and highlights the efforts to avoid and minimise impacts on native vegetation. Of most relevance is that the final impact on native vegetation was determined after native vegetation mapping was provided to the proponent who amended the location of poles to avoid patches of native vegetation where possible.

The assessment pathway is determined by the location category and the extent of native vegetation as detailed for the study area as follows:

- Location Category: Location 2

- Extent of native vegetation: A total of 3.458 of native vegetation (including no large trees)

Based on these details, the Guidelines stipulate that the proposal is to be assessed under the **Detailed** assessment pathway.

The proposal will trigger a referral to DELWP based on the criteria specified in Section 3.2.3.

The offsets required to compensate for the proposed removal of native vegetation from the study area is 1.706 general habitat units. This must include the following offset attribute requirements:

- Minimum strategic biodiversity value (SBV) of 0.451; and
- Occur within the Glenelg Hopkins CMA boundary or the Moyne municipal district.

5.1.1 Avoid and Minimise Statement

In accordance with the Guidelines, all applications to remove native vegetation must provide an avoid and minimise statement which details any efforts undertaken to avoid the removal of, and minimise the impacts on biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value. Efforts to avoid and minimise impacts to native vegetation in the current application are presented as follows:

- Strategic level planning – the overall route was designed to avoid and minimise native vegetation by avoiding impacts on mapped wetlands and maintaining a route surveyed prior to 2012 that sought to avoid native vegetation;
- Site level planning – Every effort will be made to avoid and minimise impacts on native vegetation. Transmission poles have been located to avoid patches of native vegetation where possible, particularly on areas that will trigger a species offset for Basalt Leek-orchid, or areas that qualified, or have the potential to qualify as the EPBC Act listed communities GEVVVP and SHWTLP. However, given that the current Covid-19 travel restrictions, it is not currently possible to demonstrate fine-scale avoidance of native vegetation and instead a worst-case scenario of native vegetation removal has been proposed; and
- Furthermore, given the length of the transmission line, there are limited feasible opportunities to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

5.2 Response to Previous Moyne Shire and DELWP Letters

This section of the report will respond to the concerns outlined in the Moyne Shire and DELWP letters associated with planning permit application PA1800360.

5.2.1 Moyne Shire

On 22 June 2018, Moyne Shire issued a letter to DELWP regarding the application raising concerns (refer to Attachment C). A response to the key concerns raised in this letter is outlined below:

- Nature Advisory is comfortable with the treatment of the Golden Sun Moth species. It is unlikely that the species will occur in the study area and therefore requires no further consideration.

- As discussed throughout this submission the amount of native vegetation to be removed has been revised to reflect a worst case scenario and is more realistic by taking into consideration construction requirements.
- Further information has been provided within the Flora and Fauna Assessment prepared by Nature Advisory (see Attachment D) which identifies key locations that have been avoided.
- No planning permit is required for the transmission line infrastructure and the proposal also limits the positioning of poles within the relevant local road reserves.

5.2.2 DELWP

On 3 July 2018, DELWP issued a RFI letter requesting further information to be submitted. A response to these requirements is outlined below:

Requirement	Comment
<p>1. Clarification of the Construction Footprint</p> <p>Further information is requested to understand how a credible worst-case construction and access footprint has informed the extent of native vegetation removal, as the current proposal appears conservative and implausible. Information is required regarding how the pole sites will be accessed, what activities will occur within native vegetation patches, as well as ongoing maintenance requirements. This must include comment on the type and range of machinery and equipment required to construct the powerline, operational access, and equipment and materials storage requirements -particularly in existing, mapped patches of native vegetation.</p>	<p>The proposal includes a more realistic native vegetation removal based on the worst-case construction and access footprint scenario.</p> <p>The current proposal has considered the construction method and a more realistic removal of 3.458ha of native vegetation is sought.</p> <p>As discussed in Section 4 of this submission, the transmission line will be constructed as a steel monopole type with a single tube-like pole which will have one foundation which minimises the area and vegetation affected.</p> <p>The top of the foundation, called the “cap” would be 1.5m x 1.5m and the only visible portion of the foundation protruding above ground. The minimum working area required around a structure position is 15 m x 15 m.</p> <p>Foundations will be mechanically excavated where access to the pole position is readily available. The same applies to the pouring of concrete required for the setting of the foundations. Prior to erecting the poles and filling of the foundations, the excavated foundations will be covered in order to safeguard unsuspecting animals and people from injury. All foundations are back filled, stabilised through compaction, and capped with concrete at ground level.</p>
<p>2. Clarify the Approach to Vertical Clearance and 'Managing' Native Vegetation</p>	<p>See section 7.4 of the Flora and Fauna Assessment.</p>

<p>Further information is requested about the native vegetation to be 'managed' (e.g. type, level and nature of management, heights, and percentage of overall vegetation 'managed'). A better understanding of what this means in practice is needed, in terms of whether these activities are plausible or whether they will result in the removal of native vegetation.</p>	
<p>3. Wetland EVC Identification</p> <p>Further information is requested in terms of a rationale for the timing of field surveys of wetland EVCs being in Autumn 2018. The capacity and suitability of an autumn survey to detect and record remnant patches of wetland EVCs and seasonally inundated vegetation types (such as Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains) is questionable, and additional surveys are likely to be required.</p>	<p>October and December targeted surveys will be held for this listed wetland community and the results will be provided to DELWP.</p> <p>It is noted that any potential impacts would be relevant pursuant to the <i>EPBC Act 1999</i>.</p>
<p>4. Native Vegetation Removal Associated with the Wind Farms</p> <p>Further information is requested in terms of documentation confirming the extent of native vegetation removal that has already been approved and offset (including mapping files), such as within the wind farm boundaries. It is noted that all impacts associated with the current proposal (i.e. pole installation, access, vertical clearance etc.) must be accounted for.</p>	<p>Native vegetation removal that has already been approved and offset includes:</p> <ul style="list-style-type: none"> ■ 3.637ha of native vegetation for Ryan Corner Wind Farm (approved as part of Permit 2006/0222); and ■ 0.872ha of native vegetation for Hawkesdale Wind Farm (approved as part of Permit 2006/0221). <p>As previously discussed all impacts associated with the pole installation, access, vertical clearance etc have been considered in this application.</p>
<p>5. Impacts to Golden Sun Moth</p> <p>Further information is requested in terms of a rationale for discounting the presence of Golden Sun Moth on the site, as the proposed removal of native vegetation may impact on its habitat. This species has been recorded within about 15km of the study area and key host plants (<i>Rytidosperma</i></p>	<p>As previously mentioned, Nature Advisory is comfortable with the treatment of this species. It is unlikely that the species will occur in the study area and therefore requires no further consideration.</p>

<p>spp.) were recorded in EVCs encompassed by the project footprint.</p>	
<p>6. EPBC Act Targeted Surveys</p> <p>Further information is requested in relation to the need to complete targeted surveys for six EPBC Act listed flora species that are potentially present on the site. It is suggested that these surveys will need to be completed prior to a determination on the current application.</p>	<p>October and December targeted surveys will be held for this listed wetland community. If required, separate referrals/ approvals pursuant to the <i>EPBC Act 1999</i> would be sought from the Australian Government Department of the Environment.</p>

6. CONCLUSION

This planning permit application seeks approval for the removal of 3.458 hectares of native vegetation to facilitate the development of a 132kV external transmission line to connect the approved Ryan Corner and Hawkesdale Wind Farms to the Tarrone Terminal Station.

In accordance with relevant legislation the impact on native vegetation has been minimised through the choice of alignment of the transmission line as well as pole locations. The offset requirement is 1.706 general habitat units which is able to be achieved in accordance with the requirements set out above.

We trust that this submission is to your satisfaction but please do not hesitate to contact the undersigned on 9696 8011 or fiona.koutsivos@erm.com

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Planner

ATTACHMENT A EMAIL FROM DELWP PLANNING

ATTACHMENT B LIST OF TITLES AND TITLE DOCUMENTS

ATTACHMENT C MOYNE SHIRE AND DELWP LETTERS

ATTACHMENT D FLORA AND FAUNA ASSESSMENT

ATTACHMENT E INDICATIVE SITE LAYOUT PLAN