

Hon. Lizzie Blandthorn MP
Minister for Planning
8 Nicholson Street,
East Melbourne, Victoria 3002

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26/10/2022

Dear Minister,

Dundonnell Wind Farm – Transmission Line (Planning Permit No. PL15/075) and Blue Gums Substation (Planning Permit No. PA170224)

Request for Amendment of Planning Permit No. PL15/075 Under Section 97I

Request for Endorsement of Revised Transmission Line Development Plans

Request for Endorsement of Revised Environmental Management Plan and Addendum

1 Introduction

AusNet Services make this request for endorsement of revised Development Plans (pursuant to Condition 1 of Planning Permit No. PL15/075 (the Transmission Line Permit)), endorsement of a revised Environmental Management Plan (pursuant to Condition 4, 9 and 10 of the Transmission Line Permit and Condition 16 of Planning Permit No. PA170224 (the Blue Gums Substation Permit)).

Additionally, we make this request to amend the Transmission Line Permit pursuant to Section 97I of the *Planning and Environment Act 1987*, to capture the Projects commitment to secure additional native vegetation offsets.

Development Plans

It is requested that the *Dundonnell Wind Farm, Transmission Line – Site Works and Native Vegetation Version D, 06/02/2020* plans are endorsed to replace their earlier version (sheets 2 to 59) which were endorsed on 31 October 2019.

Environmental Management Plan

It is requested that the following 'Appendix B – Project Map Series' are endorsed to replace their earlier version which were endorsed on 31 October 2019, including:

- Native Vegetation and Fauna Habitat – replace sheets 190 to 247 with, *Transmission Line – Native Vegetation and Fauna Habitat, Version D, dated 06/02/2020*
- Pre-Construction Targeted Survey Area – replace sheets 249 to 306 with, *Pre-Construction Targeted Survey Area, Version D, dated 06/02/2020*
- Waterways and CHMP No Go Zones – replace sheets 308 to 365 with, *Transmission Line – Waterways and CHMP No Go Zones, Version D, dated 06/02/2020*

No changes are requested to any other plan endorsed in accordance with the Transmission Line Permit.

Native Vegetation Offsets

It is requested that Condition 5 and 6 of Transmission Line Permit is amended to capture the Projects commitment to secure additional native vegetation offsets, including:

Condition 6, *an additional general offset which must:*

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- contribute gain of 0.066 general biodiversity equivalence units;
- be located within the Glenelg Hopkins Catchment Management Authority boundary or Moyne Shire; and
- have a strategy biodiversity score of at least 0.217.

Condition 7, an additional specific offset of:

- 0.099 specific biodiversity equivalence units suitable habitat for Derrinallum Billy-buttons determined by the habitat importance map for Derrinallum Billy-buttons; and
- 0.188 specific biodiversity equivalence units suitable habitat for Corangamite Water Skink determined by the habitat importance map for Corangamite Water Skink.

The following sections of this letter describe the changes (and the reasons for these changes) reflected on the revised Development Plans and Environmental Management Plan and provides an assessment of why these changes are compliant with the Permit.

This application is supported by:

- BIOR Reports
 - o Endorsed Plans – BIOR Report (12/08/2019)
 - o Revised Plans (All) – BIOR Report (30/01/2020)
 - o Revised Plans (Area outside of area shown on current endorsed Development Plans) – BIOR Report (31/08/2020)
- Ecological Assessments – Nature Advisory Assessments dated:
 - o 30 January 2020
 - o 14 May 2020
 - o 10 September 2020
- Comparison Map Series - Dundonnell Wind Farm Endorsed and Revised Vegetation, dated 08 May 2020

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This request is consistent with the discussions with the Department of Environment Land Water and Planning (DELWP), Planning and Environment Portfolios. We note that an application for endorsement of revised plans was originally submitted in early 2020 regarding this matter, however following continued consultation with DELWP this application was withdrawn in 2021 to allow for ongoing consultation with the DELWP and to enable the update of the application to include a request for amendment to the Transmission Line Permit to reflect the Projects commitment to secure additional native vegetation offsets. Consultation has continued since the withdrawal of the original application and we now trust that this application now meets the expectations of DELWP.

2 Environmental Non-Compliance

During the construction of the Dundonnell Wind Farm transmission line there was an environmental non-compliance observed. Specifically, the non-compliance occurred at Pole 51, located within the Castle-Carey Road reserve.

An investigation into the incident was undertaken, which found that flagging was incorrectly removed, and the work crews undertook work outside the permitted native vegetation impact area within the 'Native Vegetation No Go Zone'. As a consequence, there was a different area of disturbance / small increase in disturbance at this location.

Following the incident, immediate actions were taken, including:

- Entire crew (6 people) stood down pending investigation
- Crew undertook environmental re-training / induction
- Toolbox meeting was held following the prestart, with all Downer personnel and relevant subcontractors who are involved with the construction of the transmission line reiterating:

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- Importance of Environmental Compliance, Native Vegetation, CH & waterways
- No movement of no-go zone bunting
- If there is any uncertainty of no-go zone areas, then works must stop and consult with environmental advisor
- Use of site advisory sheets

Additionally, further investigations were initiated to check compliance at all locations within areas of sensitivity and found that disturbance at several other locations was not compliant with the endorsed Development Plans. It is believed that this disturbance occurred during construction of the pole foundations.

The investigation included a differential survey of disturbance areas¹, desktop review by ecologists and calculation of extent of native vegetation lost (including obtaining a new BIOR report).

The investigations found that the impact remains within extent defined within the planning permit, however in many locations' disturbance is not identical to that shown and endorsed as part of the Development Plans.

The attached figure 'Dundonnell Wind Farm Endorsed and Revised Vegetation, dated 08 May 2020' illustrates the changes to the extent of native vegetation impacted.

The table below provides a summary of the differences between requirements set out in Condition 6 and 7 of the Transmission Line Permit, the impact approved as part of the Development Plans endorsed 31 October 2019 (including written consent to vary the native vegetation offset requirements)², and the revised (actual) impact proposed on the revised Development Plans.

	Permit Requirements (EPBC Approval limits)	Endorsed Plans – BIOR Report (12/08/2019)	Revised Plans (actual disturbance) – BIOR Report (09/01/2020)	Compliance with Permit Requirements
Native Vegetation Removal Extent	4.321 hectares 2 scattered trees (incl 0.906 ha of NTGVVP and 2.057 ha of SHWTLP)	4.144 hectares 0 scattered trees (incl 0.462 ha of NTGVVP and 0.859 ha of SHWTLP)	3.849 hectares 0 scattered trees (incl. 0.288 ha of NTGVVP and 0.802 ha of SHWTLP)	0.473 hectares 2 scattered trees
General offset requirement	0.588 (0.290 SBS)	0.571 (0.281 SBS)	0.506 general (0.277 SBS)	0.082
Salt-lake Tussock Grass	1.606	1.386	1.245	0.361
Derrinallum Billy-buttons	0.501	0.507	0.498	0.003
Drunken Tussock Grass	0.068	0.061	0.061	0.007
Corangamite Water Skink	1.846	1.686	1.591	0.255

The revised BIOR report³ confirms that the proposed extent of native vegetation to be removed is less than the extent allowed by the Transmission Line Permit (0.296 ha less than the endorsed plans, and 0.473 ha less than

¹ It is noted that at the time of the survey, the majority of the remaining ground disturbance works are in areas outside of areas of sensitivity; however, there was 15 locations where foundations were yet to be poured and 3 locations where the pole needed to be erected within areas of sensitivity. These works have now been completed.

² Written consent was provided in letter dated 31 October 2019 (signed by Matt Cohen, Director, Development Approvals and Design), which provided the written consent 'to vary the native vegetation offset requirements in accordance with the submitted Biodiversity Impact and Offset Requirements (BIOR) report dated 12 August 2019. This consent superseded the written consent received 21 January 2019.

³ The BIOR was undertaken in accordance with DELWP 2013 guidelines to calculate offset requirements based on 0.53 ha of vegetation removal and 3.313 ha of prior removal.

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the limits defined in the Transmission Line Permit) and is consistent with the written consent to vary the native vegetation offsets requirements⁴.

The removal of vegetation located outside of the areas shown on the current endorsed Development Plans amounted to 0.53 ha (0.36ha in areas previously surveyed, and 0.17 ha in area not surveyed but considered to be representative of the other areas surveyed).

The below table presents the offset requirements associated with these areas (based on the attached BIOR Report dated 31 August 2020).

	Impact Outside of Endorsed Plans (within survey area)	Impact Outside of Endorsed Plans (outside of survey area)
General offset requirement	0.043 general units (0.231 SBS)	0.007 general units (0.165 SBS)
Salt-lake Tussock Grass	0.094	0.018
Derrinallum Billy-buttons	0.034	0.096
Drunken Tussock Grass		
Corangamite Water Skink	0.124	0.130

The ecology assessments which support the above analysis have been attached for your reference.

3 Commitment to Secure Additional Native Vegetation Offsets

In addition to requesting the endorsement of revised Development Plans and project map series in Appendix B of the Environmental Management Plan to retrospectively achieve compliance, AusNet Services (who has designed and built, and will continue to own and operate the transmission line) are proposing the secure additional native vegetation offsets in accordance with the discussions with DELWP 'Environment Portfolio'.

The proposed additional offsets have been calculated based on the BIOR – August 2020 less the offsets already secured but not used for the Project, and the surplus multiplied by a branch species other than Derrinallum Billy-buttons for which AusNet Services will purchase the remaining offsets currently available (0.099 SBEU). This is due to significant shortfall in supply of the Derrinallum Billy-buttons on the offset register.

	Surplus Credits Secured (between Permit and Endorsed Plans)	Revised Offset Requirements for 0.53ha (BIOR Report dated 31/08/2020)	Additional Offsets to be Secured
General offset requirement	0.017	0.05 (0.217 SBS)	0.066 (0.217 SBS)
Salt-lake Tussock Grass	0.220	0.112	0
Derrinallum Billy-buttons	0.000	0.130	0.099
Drunken Tussock Grass	0.007	0	0
Corangamite Water Skink	0.160	0.254	0.188

As such, this request includes a request to amend Condition 5 and Condition 6 of the Transmission Line Planning Permit to reflect:

Condition 6, *an additional general offset which must:*

⁴ All offsets have been secured and allocated to the Transmission Line Permit. Satisfaction of the Minister for Planning of these offsets was confirmed in the letter dated 25 February 2019 (signed by Stuart Menzies, Director State Planning Services).

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- contribute gain of 0.066 general biodiversity equivalence units;
- be located within the Glenelg Hopkins Catchment Management Authority boundary or Moyne Shire; and
- have a strategy biodiversity score of at least 0.217.

Condition 7, an additional specific offset of:

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- 0.188 specific biodiversity equivalence units suitable habitat for Corangamite Water Skink determined by the habitat importance map for Corangamite Water Skink.

4 Discrepancies in Ecology Data

Through the above mentioned review as a result of the non-compliance, it was identified that our ecologists (Nature Advisory, formally known as Brett Lane and Associates) had not been using the most accurate data (study area and confirmed presence of native vegetation) in their previous assessments and therefore what was shown on their and project mapping (including the endorsed Development Plans).

The difference in data emerged when they undertook the spring surveys in October/November 2018 at each pole location. In some instances, it is now known that their assessment found new presence of native vegetation, in other areas confirmed lack of native vegetation. This was not presented to the project, and therefore not presented to DELWP. We are extremely frustrated that the data that was used, which all parties trusted, was incorrect.

The attached figure 'Dundonnell Wind Farm Endorsed and Revised Vegetation, dated 6 February 2020' illustrates the differences in data.

Additionally, the accurate data has been taken into consideration as part of the review of all impacts (discussed in the section above) and is reflected on the revised Development Plans and project map series in Appendix B of the Environmental Management Plan.

5 Lessons Learned

AusNet and Tilt Renewables held a lessons learned workshop in on February 5 2020. A summary of the learnings to implement on future projects is as follows:

- External auditor scope

Development of an audit plan at the start of all construction projects that allows for field, spot and office-based compliance audits and must include survey of no-go flagging of areas of environmental and heritage sensitivity.

- Rights and obligations summary

Ensure that the delivery partner develops a document outlining key obligations as outlined the relevant permits and approvals (including requirements within management plans, e.g. Cultural Heritage Management Plan, Environmental Management Plan, etc.). The document should reference specific section details within approvals and plans, provide a summary of obligations and list a contact person within the delivery partner's organisation who is outside the project team who can provide support/advice.

- Project specific environmental and cultural heritage induction

Project inductions typically include high level information in relation to environmental and cultural heritage compliance (including project specific requirements). However, it is recommended that in addition to this, two separate and dedicated environmental and cultural heritage inductions will be requested of the delivery partner. These should be project specific and contain pertinent information that assists in field-based compliance. These should be formulated by the delivery partner and formally presented to all staff (training records maintained).

- Design assumptions during the development phase

Greater collaboration between planners, construction and design teams is required in developing the

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assumptions used to calculate disturbance areas (e.g. hardstands, hurdles, stringing and strain site locations) during the development phase of a project (both during the approval application process, and during the development of Development Plans. Early involvement and ownership is intended to ensure allowances are workable for constructability.

The outcomes of the lessons learned workshop were to be communicated to the broader AusNet and Tilt Renewables teams.

6 Conclusion

As previously communicated, we are extremely disappointed with this situation and have worked closely with Tilt (and Nature Advisory) to investigate, and to rectify through revised plans for endorsement (including additional commitments for rehabilitation).

It is considered that there are no reasons why this request for the endorsement of plans for the endorsement of revised Development Plans, Environmental Management Plan should not be supported.

If you or your team have any questions (or would like to arrange to meet) please do not hesitate to contact me per my details below.

We look forward to your consideration of our request.

Regards,

Tara Horsnell
Planning and Environment Manager
Western Renewables Link
AusNet Services

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