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Hon. Richard Wynne MP
Minister for Planning
8 Nicholson Street,
East Melbourne, Victoria 3002

ADVERTISED PLAN

17/01/2019

Dear Minister,

Dundonnell Wind Farm – Blue Gums Substation – Planning Permit Application for Subdivision Connewarren Lane, Mortlake (Crown Allotment 3, Section 10, Parish of Connewarren)

Introduction

Tilt Renewables Australia Pty Ltd (Tilt Renewables) make this request for a planning permit to subdivide Crown Allotment 3, Section 10, Parish of Connewarren (the subject site) into two lots, pursuant to Clause 35.07, Clause 44.06, and Clause 52.02 of the Moyne Planning Scheme.

The Dundonnell Wind Farm (DDWF) is currently being constructed within the Moyne Shire, approximately 23km north east of Mortlake, by Dundonnell Wind Farm Pty Ltd (a wholly owned subsidiary of Tilt Renewables).

The DDWF will be connected to the National Electricity Market via a 220kV overhead transmission line from the wind energy facility site into a new 220/33kV substation (known as the Blue Gums Substation), and a small section of 500kV transmission line adjacent to the Mortlake Power Station (MOPS) terminal station.

Planning Permit No. PA170224 (the BGS Permit) was issued by the Minister for Planning on 23 June 2017 (and corrected on 2 August 2018) for the use and development of the Blue Gums Substation ('Utility Installation') on the subject site. Development Plans were endorsed pursuant to condition 1 of the BGS Permit on 21 January 2019.

Dundonnell Wind Farm Pty Ltd have entered into a commercial arrangement with AusNet Services to design, build and operate the transmission connection (including the Blue Gums Substation). This includes transferring the land on which the Blue Gums Substation is located into their ownership¹.

The following section of this letter provides an assessment against the relevant Moyne Planning Scheme. In support of this request please find enclosed:

- Application Form (Attachment 1)
- Certificate of Title (Attachment 2)
- Endorsed Development Plans (Attachment 3)

¹ Note, the Certificate of Title describes the registered proprietor as Trustpower Australia Holdings Pty Ltd. This entity is now Tilt Renewables Australia Pty Ltd. The transfer of the ACN occurred on 27 August 2016.

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- Scaled and dimensioned site plan showing the proposed subdivision (Attachment 4)
- Bushfire Assessment (Attachment 5)

The payment of the relevant application fee will be made separately to this letter.

Subject Site and Surrounds

The subject site is located to the east of the MOPS, approximately 11 kilometres west of Mortlake in south-west Victoria.

The Blue Gums Substation located within the north-west corner of the site, with the remaining part of the site vacant. Topographically, the land is relatively flat with a slight depression located within the centre of the plantation. This area supports an ephemeral wetland area, with a waterbody to the east of this area.

Vehicular access to the site is gained from Connewarren Lane to the south of the site. A new access point has been created associated with the Blue Gums Substation (consistent with the access shown on the endorsed Blue Gums Substation Development Plans) in the south west corner of the site, whilst an existing access point is located within the center of the site's southern frontage.

The land is formally described as Crown Allotment 3, Section 10, Parish of Connewarren. There are no easements or restrictive covenants detailed on Title (Attachment 2).

The surrounding area comprises generally agricultural land with the exception of MOPS located to the west of the site.

The land to the immediate north and east comprises of blue gum plantation. Intersecting the site is an existing 500KV transmission line and Dundonnell Wind Farm 220kV overhead transmission line. The land to the west of the site is occupied by MOPS. The land to the south, and broader area, comprise large agricultural landholdings.

A flora and fauna assessment was undertaken to accompany the planning permit application associated with the BGS Permit. The siting of the Blue Gums Substation was carefully located to avoid areas of particular environmental significance, including the ephemeral wetland area to the center of the subject site, which contains remnant vegetation.

Planning Assessment

Clause 72.01-1 (Minister is the responsible authority) sets out that the Minister for Planning is the responsible authority for the application, as the proposed subdivision (development) is associated with a Utility Installation used to transmit electricity generated by a Wind Energy Facility.

The subject site is located within the Farming Zone and is covered by a Bushfire Management Overlay and Environmental Significance Overlay – Schedule 3 'Mortlake Power Station Environs'.

Clause 35.07 (Farming Zone) specifies that a planning permit is required to subdivide land. It species that the minimum lot size within the Farming Zone is 40 hectares, however allows a permit to be granted for a smaller lot if the "*subdivision is by a public authority or utility service provider to create a lot for a utility installation*" (Clause 35.07-3)².

The purpose of the subdivision is to create a lot for the Blue Gums Substation (a Utility Installation) and to transfer this land to a public authority (AusNet Services).

² The proposed subdivision does not meet the class of applications to be assessed as a VicSmart application.

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Clause 44.06 (Bushfire Management Overlay)³ and Clause 52.02 (Easements, Restrictions and Reserves) requires a planning permit to subdivide land. A planning permit is not triggered pursuant to Clause 42.01 (Environmental Significance Overlay – Schedule 3).

Clause 53.02 (Bushfire Planning) applies to this application. Clause 53.02-4.4 sets out bushfire protection objectives associated with subdivision, including to provide lots that are capable of being developed in accordance with the objectives of Clause 53.02. A bushfire assessment has been prepared to support this subdivision application which provides a detailed response to all relevant bushfire planning provisions set out in the Moyne Planning Scheme (see Attachment 5). A summary of the assessment against the relevant approved measures is provided in Table 1 below.

Table 1 – Summary Assessment against relevant Approved Measures

Measure	Requirement	Requirement
Approved measures		
AM 5.1	An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting: <ul style="list-style-type: none"> - The defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5. - The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3. 	Can be achieved. The proposed subdivision is capable of providing the required defendable space requirements set out in Table 2 and Table 6 to Clause 53.02-5. The proposed subdivision is capable of meeting the approved measures in Clause 53.02-4.1 and Clause 53.02-4.3. Refer to the Bushfire Assessment provided in Attachment 5 for further details.
AM 5.2	An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows: <ul style="list-style-type: none"> - Each lot satisfies the approved measure in AM 2.1. - A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with: <ul style="list-style-type: none"> o Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or o Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots. - The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope. - Defendable space wholly contained within the boundaries of the proposed subdivision. Defendable space may be shared between lots within the subdivision. - Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space. 	Not applicable.

³ Moyne Shire Council confirmed in email from Michelle Grainger dated Tuesday 17 September 2019 that is no schedule.

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Measure	Requirement	Requirement
	<ul style="list-style-type: none"> - Vegetation management requirements in accordance with Table 6 to implement and maintain the defensible space required under this approved measure. - Water supply and vehicle access that complies with AM 4.1. 	
AM 5.3	An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.	Not applicable.
AM 5.4	A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.	<p>Can be achieved. The proposed subdivision is capable of appropriately managing the bushfire risk from proposed landscaping. No existing landscaping, public open space or communal areas are located in proximity to the BGS site.</p> <p>Landscape planting is proposed around the BGS, in accordance with the endorsed development plans. The landscape planting is approximately 8 m wide and offset 15 m from the BGS site to reduce the risk of bushfire hazard. In addition, the endorsed <i>Wildfire Prevention and Emergency Response Management Plan</i> and suite of bushfire-related management plans prepared by AusNet set out detailed measures to be implemented during construction and operations phases to minimise fire risk emanating from the BGS site and to minimise the risk from bushfire to life and property at the BGS.</p> <p>Refer to the Bushfire Assessment provided in Attachment 5 for further details.</p>

Before deciding on an application to use or subdivide land, the responsible authority must consider, as appropriate the decision guidelines set out in Clause 35.07, Clause 44.06, Clause 52.02 and Clause 65.02 (Approval of an Application to Subdivide Land). An assessment against the relevant decision guidelines is provided in the below table.

Table 2 – Assessment Against the Decision Guidelines

Decision Guidelines	Assessment
Clause 35.07-6 (Farming Zone)	
General Issues	
The Municipal Planning Strategy and the Planning Policy Framework.	<p>The proposed subdivision is consistent with the Municipal Planning Strategy and the Planning Policy Framework. Specifically, the objective of Clause 14.01-1S (Protection of agricultural land) is to protect the state's agricultural base by preserving productive farmland.</p> <p>It is policy that a proposal to subdivide agricultural land, consider the:</p>

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Decision Guidelines	Assessment
	<ul style="list-style-type: none"> - Desirability and impacts of removing the land from primary production, given its agricultural productivity. - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production. - Compatibility between the proposed or likely development and the existing use of the surrounding land. - Land capability. - Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land. <p>The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agricultural purposes, and therefore will not result in removal of any agricultural land.</p> <p>The subdivision will not create an additional lot for a dwelling, nor will intensify the development of the area.</p>
Any Regional Catchment Strategy and associated plan applying to the land.	The Glenelg Hopkins Regional Catchment Strategy 2013-2019 applies to the area. The subdivision is not inconsistent with the strategy as the subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agricultural purposes and will not intensify the development of the area.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	<p>Planning Permit No. PA170224 was issued for the use and development of the Blue Gums Substation in 2017, following consideration of the site's suitability for the use and development of a 'Utility Installation'.</p> <p>The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agricultural purposes.</p> <p>The subdivision will not create an additional lot for a dwelling, nor will intensify the development of the area.</p>
How the use or development relates to sustainable land management.	
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses	
How the use and development makes use of existing infrastructure and services.	
Agricultural issues and the impacts from non-agricultural uses	
Whether the use or development will support and enhance agricultural production.	The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agriculture.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	<p>It will not adversely affect soil quality or permanently remove land from agriculture production not already permitted for removal (e.g. land permitted to be used by the Blue Gums Substation), nor will it limit the operation and expansion of adjoining and nearby agricultural uses.</p>
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	

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Decision Guidelines	Assessment
The capacity of the site to sustain the agricultural use.	
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	
Any integrated land management plan prepared for the site.	Not applicable
Dwelling issues	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	<p>Not relevant.</p> <p>The subdivision is not for the purpose of the use or development of a dwelling.</p> <p>The subdivision will not create an additional lot for a dwelling, nor will it intensify the development of the area.</p>
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	
Environmental issues	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	<p>The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agriculture.</p> <p>It will not adversely affect the natural physical features and resource of the area, including soil and water quality.</p>
The impact of the use or development on the flora and fauna on the site and its surrounds.	
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	<p>The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agriculture.</p> <p>The subdivision will not adversely affect the biodiversity of the area.</p> <p>A flora and fauna assessment was undertaken to accompany the planning permit application associated with the BGS Permit. The siting of the Blue Gums Substation was carefully located to avoid areas of particular environmental significance, including the ephemeral wetland area to the center of the subject site, which contains remnant vegetation.</p>
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	
Design and siting issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	<p>The application is for the subdivision of land and does not relate to the design or siting of buildings.</p> <p>The subdivision (including carriageway easement) is consistent with the endorsed Blue Gums Substation Development Plans.</p> <p>Lot 1 will be accessed via a carriageway easement which is consistent with the access shown on the endorsed Blue</p>
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	

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Decision Guidelines	Assessment
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	Gums Substation Development Plans, whilst Lot 2 can be accessed via an existing access point. The subdivision will not require traffic management measures.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	
Whether the use and development will require traffic management measures	
Clause 44.06-8 (Bushfire Management Overlay)	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposed subdivision is consistent with the Municipal Planning Strategy and the Planning Policy Framework. Specifically, the objective of Clause 13.02-1S (Bushfire planning) is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The proposed subdivision does not create an additional lot for a dwelling, and therefore will not increase bushfire risk to existing or future residents, property and community infrastructure. The CFA were consulted as part of the development of the Environmental Management Plan, including Wildfire Prevention and Emergency Response Plan. This document includes bushfire protection measures which applies to the use and development of the Blue Gums Substation. It is demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented. Refer to Bushfire Assessment in Attachment 5 for further details.
Any other matters specified in a schedule to this overlay	Not applicable – no schedule applies to this overlay.
Clause 52.02 Easements, Restrictions and Reserves	
Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.	There are no easements or restrictive covenants detailed on the Certificate of Title (Attachment 2).
Clause 53.02 Bushfire Planning	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposed subdivision responds appropriately to relevant bushfire planning policies and provisions. See detailed response in the attached Bushfire Assessment (Attachment 5).
The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement are set out in the attached Bushfire Assessment (Attachment 5).
The impact of any State, regional or local bushfire management and prevention actions occurring around the	No known State, regional or local bushfire management and prevention actions occur around the BGS site.

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Decision Guidelines	Assessment
site and in the wider area on the bushfire hazard and the level of risk to the proposed development.	
Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.	The proposed subdivision meets the relevant bushfire protection objectives and approved measures. See detailed response in the attached Bushfire Assessment (Attachment 5).
Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	All relevant approved measures can be practically implemented and maintained in conjunction with the ongoing use of the land. See detailed response in the attached Bushfire Assessment (Attachment 5).
Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented	Not applicable, as no alternative measures are proposed.
If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding	All relevant objectives and approved measures for the BGS subdivision application can be achieved. See detailed response in the attached Bushfire Assessment (Attachment 5).
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	The BGS site is located within a Type 2 landscape area that is generally considered to be a lower risk from bushfire attack. See detailed response in the attached Bushfire Assessment (Attachment 5).
Clause 65.02 Approval of an Application to Subdivide Land	
The suitability of the land for subdivision.	Planning Permit No. PA170224 was issued for the use and development of the Blue Gums Substation in 2017, following consideration of the site's suitability for the use and development of a 'Utility Installation'. The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agricultural purposes.
The existing use and possible future development of the land and nearby land.	
The availability of subdivided land in the locality, and the need for the creation of further lots.	Not applicable, the proposed subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agriculture.
The effect of development on the use or development of other land which has a common means of drainage.	Not applicable, there is no common drainage.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The subdivision (including carriageway easement) is consistent with the endorsed Blue Gums Substation Development Plans. A flora and fauna assessment was undertaken to accompany the planning permit application associated with the BGS Permit. The siting of the Blue Gums Substation was carefully located to avoid areas of particular environmental significance, including the ephemeral wetland area to the

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Decision Guidelines	Assessment
	center of the subject site, which contains remnant vegetation.
The density of the proposed development.	The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agricultural purposes.
The area and dimensions of each lot in the subdivision.	See attached scaled and dimensioned site plan showing the proposed subdivision (Attachment 4)
The layout of roads having regard to their function and relationship to existing roads.	Lot 1 will be accessed via a carriageway easement which is consistent with the access shown on the endorsed Blue Gums Substation Development Plans, whilst Lot 2 can be accessed via an existing access point.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	
The provision and location of reserves for public open space and other community facilities.	No provision of reserves for public open space or other community facilities has been made.
The staging of the subdivision.	Not applicable, the subdivision is not proposed to be staged.
The design and siting of buildings having regard to safety and the risk of spread of fire.	<p>The BGS is appropriately designed and sited with regard to safety and the risk of spread of fire.</p> <p>The BGS has been generally located towards the middle of the proposed Lot 1, which provides appropriate separation from the nearest classified vegetation located to the north and east of the BGS site.</p> <p>Refer to Bushfire Assessment in Attachment 5 for further details.</p>
The provision of off-street parking.	<p>The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agricultural purposes.</p> <p>The subdivision is consistent with the endorsed Blue Gums Substation Development Plans. The development shown on these plans make adequate allowance for vehicle parking.</p>
The provision and location of common property.	No provision has been made for common property.
The functions of any body corporate.	Not applicable.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	The subdivision will allow the land adjoining the permitted Blue Gums Substation to be used for agricultural purposes.
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sillage within the boundaries of each lot.	The subdivision is consistent with the endorsed Blue Gums Substation Development Plans.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	A flora and fauna assessment was undertaken to accompany the planning permit application associated with the BGS Permit. The siting of the Blue Gums Substation was carefully located to avoid areas of particular environmental significance, including the ephemeral wetland area to the center of the subject site, which contains remnant vegetation.

The following referrals are considered to be required:

- AusNet Services, as the Relevant Electricity Transmission Authority (as a determining referral authority) – As

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the application to subdivide land is within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement. (Clause 66.01 (Subdivision Referrals))

- Country Fire Authority (as a recommending referral authority) – As the application is to subdivide land within a BMO. (Clause 66.03 (Referral of Permit Applications Under Other State Standard Provisions))

Conclusion

For the reasons set out in this letter, it is considered that there are no reasons why this request for a planning permit to subdivide Crown Allotment 3, Section 10, Parish of Connewarren.

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,

A handwritten signature in black ink, appearing to read "Cara Layton", with a long horizontal stroke extending to the right.

Cara Layton

Stakeholder and Environment Manager

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Attachment 1 – Application Form



Attachment 2 – Certificate of Title



Attachment 3 – Endorsed Development Plans (Planning Permit No. PA170224)



Attachment 4 – Plan of Proposed Subdivision



Attachment 5 – Bushfire Assessment