

From: [Cara Layton](#)
To: [Sam D Mason \(DELWP\)](#)
Cc: [Michael Juttner \(DELWP\)](#); [Matt Stafford](#)
Subject: FW: PA2000772 - Dundonnell Wind Farm - Blue Gums Substation - Subdivision - ESO3
Date: Thursday, 19 March 2020 8:33:14 AM
Attachments: [image002.png](#)
[image001.png](#)

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Hi Sam,

Thanks again for your query. We have reviewed and agree that a planning permit is triggered for subdivision under the ESO3. Apologies for this oversight.

Please find clarification below, including assessment against the Decision Guidelines.

Background

As described in the application documentation, it is proposed to subdivide the existing lot (formally described as Crown Allotment 3, Section 10, Parish of Connewarren) into two separate lots, as follows:

- Proposed Lot 1 will wholly contain the Blue Gums Substation (BGS) that is currently under construction, and has an area of 4.16ha. The BGS is defined as a Utility installation.
- Proposed Lot 2 is anticipated to remain under its existing agricultural use consistent with the Farming Zone, and has an area of 60.6 ha.

Fundamentally, the proposed subdivision to create two new lots is required to enable the transfer of ownership of Lot 1 and the BGS infrastructure to AusNet Services.

The existing lot (SPI: 3~10\PP2425) subject to this subdivision application is affected by the following zones and overlays:

- Farming Zone (FZ)
- Environmental Significance Overlay – Schedule 3 (ESO3)
- Bushfire Management Overlay (BMO)

A response to the provisions of the Farming Zone and the Bushfire Management Overlay are set out in the original application. A response to the provisions of ESO3 are provided below.

Response to the provisions of the Environmental Significance Overlay (ESO)

A planning permit is required to subdivide land for the BGS under the provisions of the ESO3.

Permit triggers under the ESO

- Under Clause 42.01-2 (Permit requirement) of the ESO a permit is required to subdivide land, unless the schedule specifically states otherwise. Schedule 3 to ESO (ESO3) does not specifically state that a permit is not required to subdivide land.
- The purpose of the ESO3 is to *ensure that the development and use of the Mortlake Power Station is not constrained by the establishment of potentially conflicting accommodation uses and developments nearby* (emphasis added).
- ESO3 specifies that a permit is required for buildings and works associated with Accommodation (including Dwelling) land uses.
- The proposed Lot 1 (with an easement established across proposed Lot 2 for vehicular

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access from Connewarren Road) will wholly contain the BGS. The BGS (defined as Utility Installation) provides an electrical connection to the existing terminal station at the Mortlake Power Station and will not constrain the use and development of the Mortlake Power Station. It is noted that buildings and works associated with the BGS did not trigger a requirement for a planning permit under the ESO3 as it was not associated with Accommodation.

- In the event that an Accommodation land use (which includes a Dwelling) is proposed on Lot 2 in the future, a planning permit for associated buildings and works would be required under the ESO3 (in addition to use and buildings and works under the Farming Zone).
- The proposed subdivision does not pose a risk to the operation of the Mortlake Power Station, and is consistent with the purposes of the ESO3.

Decision Guidelines of the ESO

- The Decision Guidelines set out under the ESO3 require, amongst other things, that the responsible authority consider the views of the EPA and the manager of the Mortlake Power Station wherever appropriate.
- As the proposed subdivision seeks to create a separate lot for the BGS (defined as a Utility installation), does not intend to establish Accommodation land uses on either of the newly created lots, and is consistent with the purposes of the ESO3, it is considered that the views of the EPA and manager of the Mortlake Power Station are not warranted as part of this subdivision permit application.
- In the event that an Accommodation land use (which includes Dwelling) is proposed on Lot 2 in the future, a planning permit for associated buildings and works would be required under the ESO3, and in such case it would be appropriate for the responsible authority to consider the comments of the EPA and manager of the Mortlake Power Station due to the potential noise and amenity impacts and risks posed to the operation of the Mortlake Power Station.
- An assessment of the proposed subdivision against the Decision Guidelines set out under the ESO3 is provided in the table below.

ecision guidelines	Project Response
<i>Before deciding on an application the responsible authority must consider, as appropriate:</i>	
The comments of the Environment Protection Authority	The proposed subdivision seeks to create a new Lot 1 for the BGS (defined as a Utility installation) and a new Lot 2 which is anticipated to remain under its current agricultural use consistent with the Farming Zone. Land use and development for Accommodation purposes is not proposed on the new lots to be created. Therefore it is considered that the views of the EPA are not warranted as part of this subdivision permit application.
The comments of the manager of the Mortlake Power Station in relation to the likely acoustic impact of the power station on the	The proposed subdivision seeks to create a new Lot 1 for the BGS (defined as a Utility installation) and a new Lot 2 which is

development.	anticipated to remain under its current agricultural use consistent with the Farming Zone. Land use and development for Accommodation purposes is not proposed on the new lots to be created. Therefore it is considered that the views of the manager of the Mortlake Power Station are not warranted as part of this subdivision permit application.
Proposed sound attenuation measures to be used in construction of the development, and the effectiveness of such measures.	Land use and development for Accommodation purposes is not proposed on the new lots to be created as part of this subdivision permit application. Therefore a consideration of sound attenuation measures is not warranted as part of this subdivision permit application.
The likely amenity of the proposed development.	Land use and development for Accommodation purposes is not proposed on the new lots to be created as part of this subdivision permit application. Therefore a consideration of likely amenity of the proposed new lots is not warranted as part of this subdivision permit application.
The potential impact of the development upon the continued use of the Mortlake Power Station, Connewarren Lane, Mortlake.	The proposed subdivision will not adversely impact the continued use of the Mortlake Power Station. The proposed subdivision seeks to create a new Lot 1 for the BGS (defined as a Utility installation) and a new Lot 2 which is anticipated to remain under its current agricultural use consistent with the Farming Zone. Land use and development for Accommodation purposes is not proposed on the new lots to be created as part of this subdivision permit application.
The possibility of locating the development in a location less affected by the Mortlake Power Station.	The BGS is appropriately located to provide an electrical connection for the Dundonnell Wind Farm to the Mortlake Power Station. The location of the BGS (and the proposed subdivision of existing lot) is in accordance with the Planning Permit No. PA170224 was granted for the use and development of the BGS and endorsed development plans for the BGS.

Conclusion

A planning permit is required for subdivision under the ESO3. The proposed subdivision of the existing lot (formally described as Crown Allotment 3, Section 10, Parish of Connewarren) into two separate lots has been assessed against the provisions of the ESO3.

The key conclusions of the assessment are:

- The proposed subdivision seeks to create a new Lot 1 that will wholly contain the BGS (defined as a Utility installation) and a new Lot 2 which is anticipated to remain under its current agricultural use consistent with the Farming Zone.
- Land use and development for Accommodation purposes is not proposed on the new lots to be created. Therefore the proposed subdivision will not adversely impact the land use and development of the Mortlake Power Station, nor does it need to consider potential noise or amenity impacts associated with the Mortlake Power Station.
- The views of the EPA and manager of the Mortlake Power Station are not warranted as part of this subdivision permit application.
- The proposed subdivision is consistent with the purpose and decision guidelines of the ESO3.
- The proposed subdivision was assessed as being consistent with the relevant provisions of the Farming Zone and Bushfire Management Overlay in the planning permit application documentation lodged with DELWP in January 2020.

In light of the above considerations, the subdivision permit application should therefore be supported.

If you require any further information please do not hesitate to let us know.

Kind Regards,

Cara

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From: Sam D Mason (DELWP) <sam.mason@delwp.vic.gov.au>

Sent: Friday, 6 March 2020 4:51 PM

To: Cara Layton <Cara.Layton@tiltrenewables.com>

Cc: Michael Juttner (DELWP) <michael.juttner@delwp.vic.gov.au>

Subject: PA2000772 - Dundonnell Wind Farm - Blue Gums Substation - Subdivision - ESO3

Hi Cara,

In relation to the above application, the submitted cover letter states that a permit is not triggered under the ESO3 for the proposed subdivision.

However, I believe a permit is triggered under the ESO3. Could you please explain the exemption? Or, if you agree that a permit is required, could you please provide a written assessment of the proposal against the ESO3.

Please let me know if you have any questions.

Thanks,

**Sam Mason | Planner - Renewables | Development Approvals and Design
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I acknowledge the traditional Aboriginal owners of country throughout Australia and pay my respect to them, their culture and their Elders, past and present

As you will be aware the local international response to COVID-19 continues to be fluid. As a result of this we are proactively encouraging our team to work remotely. It will continue to be business-as-usual for our clients, stakeholders and communities that we deal with but it may look a little different. Like many other we are looking at using technology to replace in person meetings, we thank you in advance for your support of this change. We are still building and moving forward with our projects with two active construction sites currently on the go. When we created Tilt Renewables we deliberately designed our systems so that any of our team could work remotely and we are confident we have the capacity to continue to deliver our business needs whilst looking after the health and safety of the Gen Tilt team.