

**To:** mike.farr@transenergie.com.au  
**cc:** John Cooke/NRE@NRE, Joan Phillips/NRE@NRE, John Burley/NRE@NRE,  
Sturmaine@parks.vic.gov.au, pgoudy@parks.vic.gov.au, Dducket@parks.vic.gov.au  
**Subject:** RE: Invitation to Workshop

Dear Mike/Sandra

I'm not sure that I can contribute enough to the Murraylink workshop on monday to warrant my attendance. Therefore please accept the following in lieu of my attendance on the day.

As discussed yesterday morning, the establishment of utilities infrastructure in parks is dealt with under sections 27 and 27A of the **National Parks Act 1975** (Vic.).

**Section 27 relates to any applications for new infrastructure.** Section 27(1) allows the Secretary to consent to works by a public authority (as defined in section 3(2) of the Act) provided that the Minister has first determined that there will not be a substantial effect on the park. Parks Victoria manages section 27 consents on behalf of the Secretary. Parks Victoria has a guideline on the consent process for infrastructure proponents wishing to consider accessing parks. Parks Victoria also has a standard consent document which is tailored to each particular case. Infrastructure in parks is generally incompatible with the objects of parks and parks management. Therefore any decisions in relation to the establishment of infrastructure in parks will not only be based on whether effects will be substantial but also within the broad context of a consideration of alternatives. The question as to whether an effect is likely to be determined to be substantial is difficult to define given the huge variations in both proposals and the natural and cultural values within specific parks. It is possible that a relatively minor proposal can have a major impact (especially where rare and threatened species are concerned). Cultural or social impacts are also considered - especially landscape impacts. Strict conditions will be applied to any consent to ensure that impacts are minimised. For example, in some cases proponents have only gained access to parks on the proviso that minimum impact installation technologies be used. In others very onerous rehabilitation standards have been set. While in still others, proponents have been required to significantly modify proposals or adopt less than optimal (in a fiscal or operational sense) alternatives.

In some cases consent may be given despite a substantial effect on the park if the Governor in Council determines that the benefits of the public authority activity outweigh the benefits derived from the park. This has only occurred once or twice - with one example being the installation of the Dunkeld town water storage in the Grampians National Park. The water storage area is 10 ha and there were not really any viable alternatives at the time of installation.

In regard to the hypothetical establishment of an overhead power line through Murray Sunset National Park:

Any public authority or utilities provider is free to make application to establish the infrastructure;  
Every application would be considered on merit.

Success of any application will be dependent on there not being a substantial affect on the park or viable 'outside park' alternatives.

The establishment of an overhead line through the park that includes a significant easement and requires on-going under-line vegetation management would almost definitely involve a substantial effect on the park.

As the effect is likely to be determined by the Minister to be substantial, the proposal would have to be referred to the Governor in Council to determine if consent should be given.

Given the availability of alternatives (routes and technologies) so far as the hypothetical case is concerned, it is difficult to envisage that the Governor in Council would determine that consent should be issued.

Essentially, the outcome of all of this is that all proponents of utilities infrastructure wishing to access parks must prove that there will not be a substantial effect on the park before consent would be granted. In some cases there is obviously more than 'one way of skinning a cat'. However, it is difficult to envisage that the effects of an over-head proposition could be mitigated to the extent that it would not have a substantial effect on the park. Therefore such a proposition would not be considered to be one of the ways of 'skinning the cat'.

**Section 27A allows the formalisation of existing infrastructure** (e.g. that infrastructure that is in place at the time of a park's creation). That is, it may be used in cases where the use has been established. Section 27A has no bearing on the hypothetical case.

Parks Victoria contacts wrt this issue are Peter Goudy, Dennis Duckett and Steve Turmaine. All of these guys can be contacted via 13 1963.

The **National Parks Act 1975** can be accessed via the Victorian Govt website.

I would be pleased to discuss further should you require it.

Regards

Gary Niewand  
Senior Policy Officer  
9637 8658

Please respond to [mike.farr@transenergie.com.au](mailto:mike.farr@transenergie.com.au)

To: Gary.Niewand@dse.vic.gov.au  
cc:  
Subject: RE: Invitation to Workshop

Gary

The attachment was in PDF format. I will resend in plain text format and hopefully that will fix it.

regards

Mike Farr

-----Original Message-----

From: Gary.Niewand@dse.vic.gov.au [mailto:Gary.Niewand@dse.vic.gov.au]  
Sent: Wednesday, 18 June 2003 12:21 PM  
To: [mike.farr@transenergie.com.au](mailto:mike.farr@transenergie.com.au)  
Subject: Re: Invitation to Workshop

Hi Michael

If attachment = winmail.dat, I can't open it.

Please send as word.doc or pdf etc.

Thanks

Gary Niewand

mike.farr@transenergie.com.au on 18/06/2003 11:05:58 AM

Please respond to mike.farr@transenergie.com.au

To: gary.niewand@nre.vic.gov.au  
cc:  
Subject: Invitation to Workshop

Dear Gary

As discussed earlier today, please find attached an invitation from Murraylink Transmission Company to participate in a workshop to help us examine the environmental and planning issues and impact mitigation measures that might be necessary to construct a hypothetical power line from Mildura to Berri.

We would very much appreciate your attendance from 10:30 onwards. Many thanks

Regards

Michael Farr  
Project Director

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- Invitation to Gary Niewand.PDF