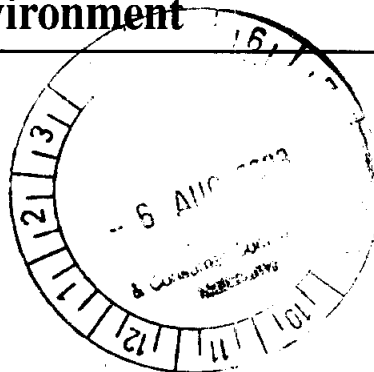




# Department of Sustainability and Environment



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31 July 2003

Mr. Owen Seadon  
Assistant Director Regulatory Affairs  
Electricity Australian Competition & Consumer Commission  
Level 35 The Tower  
360 Elizabeth St  
Melbourne  
Melbourne Vic 3000

Our Ref: ni-la/01/0005

FILE No:
DOC: D03/30019
MARS/PRISM:

Dear Mr. Seadon,

Thank you for the opportunity to meet on the 18 July 2003. The Department appreciated the opportunity to present information to you at that meeting. The Department had no record of your letter of the 31 March 2003 being received at our Mildura office, hence the delay in our response.

The purpose of this letter is to confirm key aspects in respect to the way in which the Department managed the process of providing approvals for the MurrayLink proposal. This response will cover three aspects:

- the decision of the Minister for Planning;
- the management of approvals process within the planning provisions of the Mildura Rural City Council, and
- the relevance of the *National Parks Act 1975*.

## Decision of the Minister for Planning

The Minister for Planning determined, on 7 February 2000, that an Environment Effects Statement was not required for the MurrayLink Project. The Minister was satisfied that an alternative Environment Report, not prepared under the formal provisions of the Act, would suffice.

The project could therefore be approved pursuant to Section 55 of the *Planning and Environment Act*, for which the Mildura Rural City Council was the Responsible Authority. The Department of Sustainability and Environment (then the Department of Natural Resources & Environment) was a Referral Authority for aspects of the proposal.

## Mildura Planning Provisions

The Department of Sustainability and Environment provided its response to planning permit A00/096 to the Mildura Rural City Council on 6 August 2001. A copy of the Department's



response is attached. Prior to submitting its application for planning approval, MurrayLink had developed an environmental management plan.

### **Approvals pursuant to the *National Parks Act 1975* (Victoria)**

The proposal by MurrayLink avoided the need to place infrastructure in a National Park. Had MurrayLink applied for permission to lay an underground powerline or overhead powerlines through the Murray-Sunset National Park, Sections 27 & 27a of the *National Parks Act 1975* would have applied. Gary Niewand has prepared a statement (attached) in respect to the way in which the Minister would address an application with respect to an application under these sections. As Gary points out the prime source of information would be Parks Victoria as the managing authority for National Parks.

By choosing to lay an underground powerline and by being prepared to lay this in the verge between the roadside and the Park's boundary MurrayLink did not have to seek approval pursuant to Section 27 or 27a of the *National Parks Act*. As such, we can only hypothesise as to how the Minister responsible for the *National Parks Act* would have responded to an application had that been made.

It is important to emphasise that infrastructure in National Parks is generally incompatible with the objectives and management of National Parks. National Parks in Victoria are established following an extensive public process and agreement by the Government of the day. A decision to create a National Park is not taken lightly.

The potential to avoid the use of overhead powerlines was also relevant to the Minister for Planning in making a decision on the need for an Environment Effects Statement.

### **Summary**

The laying of the underground power cable by MurrayLink has set the following precedents.

- The underground alternative to overhead powerlines is viable. This will be important for any future planning decisions in respect to proposals for overhead powerlines within Victoria, especially if the proposal was to involve a National Park.
- By working closely with local planning authorities and referral authorities MurrayLink were able to minimise the impact on the environment. This has set a new standard in reasonable environmental management for major projects undertaken by utilities.
- MurrayLink also developed the technology in conjunction with TIHA Pty Ltd to allow the cables to be laid in an easement of 3 metres or less. This is a substantial improvement to the existing standards of laying major infrastructure.
- Underground power cabling being flexible and requiring narrow easements means that this technology has much more potential to avoid areas of high conservation value than previous technologies.

- There is no route between Red Cliffs and the South Australian border through Victoria and outside of National Parks, of sufficient width to allow the installation of overhead lines. The only logical approach is to have underground power lines for at least part of the length.

Should you wish to discuss this please contact me.

Yours sincerely



**John Cooke**

Manager - Sunraysia

Department of Sustainability & Environment

Attachments sent in covering Email