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Subject: MVC response to Tasnetworks submission to TPC Direction 28 June 2019

Hi Luke & Odin

Please find attached MVC's comments in regard to the Tasnetworks submission.

Regards

Jo

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working together

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DRAFT MEANDER VALLEY LOCAL PROVISIONS SCHEDULE – TPC HEARING DIRECTIONS TO TASNETWORKS

MEANDER VALLEY COUNCIL RESPONSE

Meander Valley Council makes the following comments in response to the information provided by TasNetworks dated 6 June 2019, subsequent to TPC directions:

28.5.19 Directions to TasNetworks – Hearing 23 May 2019

1. TasNetworks is to provide to the Commission and planning authority a submission on:

(a) the extent of use or development and works for electricity infrastructure, that would be exempt from requiring assessment under the Meander Valley draft LPS due to the operation of the Electricity Supply Industry Act 1996 and regulations;

TasNetworks have provided a table listing exemptions under the ESI Act/Regulations by Asset type.

Comment:

Section 8 of the ESI Act Regulations describes 'Work of minor environmental impact', which is exempt from the operation of LUPAA via section 57 of the ESI Act.

Substations:

Section 8(f) of the regulations appears all encompassing for the "installation and erection of **any** substation or transformer associated with the distribution or supply of electricity".

Why are new substations not exempt under this provision? The proviso is that it is "associated with the distribution or supply of electricity" ... aren't all substations necessary for the distribution or supply of electricity?

Is there some prior decision in RMPAT/Court jurisdiction that establishes new substations are not exempt?

Powerlines (Transmission Lines and distribution lines):

Section 8(c) of the regulations and the Interpretation definitions of the ESI Act refers to 'powerlines' collectively and includes the terms 'transmission' and 'distribution'. The Act defines transmission of electricity as "the carrying of electricity between different points using a transmission system". It defines distribution as "the carrying of electricity between different points using a distribution network". It defines powerline as: "(a) a set of cables for the transmission or distribution of electricity and their supporting or protective structures; and

(b) associated equipment for the transmission or distribution of electricity".

Despite the distinctions for transmission and distribution in the National Electricity Rules, the definition of powerline clearly captures both. Section 8(c) of the regulations is also all encompassing for "the installation or erection of **powerlines** along any public street, road or highway and on public land for the distribution or supply of electricity".

Why are new powerlines (of any type) not exempt on a public street, road or highway or on public land (public land includes Crown land, or agency land under the State Service Act i.e. state reserves, STT State Forest)?

Is there some prior decision in RMPAT/Court jurisdiction or clarification in the Act, Regs or the 1618 pages of National Electricity Rules that describes how new powerlines on roads and public land are not exempt?

New powerlines on private land are not exempt, unless they are underground.

(Note: Interim Planning Schemes contain a limited exemption for lines that connect individual properties. This has been removed from the SPP's.)

Communications Infrastructure:

The tables states that there are no exemptions for communications sites other than veg clearance.

Whilst technically correct, the infrastructure is also subject to the exemptions afforded under the Telecommunications Act 1997 . 'Low Impact Facilities' as defined in the Telecommunications (Low Impact

Facilities) Determination 1997 are exempt from the requirement to obtain a permit under LUPAA, which, in rural and industrial areas, includes one-off extensions to towers of 5 metres, ancillary buildings and solar panels limited to defined sizes. (Refer to comments under Direction 1(b) below). As noted, Section 4.2.6 of the SPP's also includes a list of exempt 'minor communications infrastructure'.

1. TasNetworks is to provide to the Commission and planning authority a submission on:

(b) the extent of use or development and works for electricity infrastructure that would not be exempt from requiring assessment under the Meander Valley draft LPS, Landscape Conservation Zone and Travellers Rest Specific Area Plan.

Comment:

The submission doesn't adequately describe the nature of the works and buildings that TasNetworks need to establish/modify to justify the need for Utilities zoning, as discussed in the hearing. An example discussed is the typical or anticipated upgrades of ancillary structures/equipment buildings that would need to accompany a communications tower and why this isn't covered by the 'above ground housing' provision included in the *Telecommunications (Low Impact Facilities) Determination 1997*.

Similarly, what would need to be developed at existing communications towers in the World Heritage Area (Environmental Management Zone) or Rural Zone that are particularly disadvantaged by the existing proposed zones, noting that comms towers in all zones are discretionary for visual impact with a height standard of 30 metres.

Travellers Rest – proposed SAP modifications

Comment:

Council is generally comfortable with the proposal to enable development for electricity infrastructure within the mapped corridor as a permitted use and the proposed criteria to consider infrastructure that is likely to be associated with the existing high voltage transmission powerline, but may need to locate outside of the existing corridor e.g. a fourth line adjacent to the existing.

Some suggested edits to the proposed standard are shown below:

18.7.1 Electricity Transmission Development

Objective	To: a) facilitate provide for use and development of electricity transmission infrastructure within the electricity transmission corridor ; and b) provide for future opportunities for electricity transmission infrastructure.	
Acceptable Solution		Performance Criteria
A1 Buildings and works Utilities for electricity infrastructure must be located within the electricity transmission corridor .		P1 Development not located within the electricity transmission corridor , must not cause an unreasonable loss of visual amenity, having regard to: (a) the need to locate the development outside of the existing Electricity Transmission Corridor; (b) the siting and design the development; (c) best practice methods to reduce the visual impact of the development; (d) the need to minimise clearing of vegetation; and (e) functional and safety requirements to establish, operate and maintain the development.