

13 February 2013

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

**ADDITIONAL MATERIAL; INQUIRY INTO THE EPBC AMMENDMENT
(RETAINING FEDERAL APPROVAL POWERS) BILL 2012**

Thank you for the opportunity to participate in the inquiry into the EPBC Amendment (Retaining Federal Approval Powers) Bill 2012. I have provided the following additional material in response to a question taken on notice at the public hearing on 8 February 2013.

On 4 June 2012 Latrobe City Council received the Environment Effects Statement (EES) documents for the proposed TRUenergy Yallourn Combined Cycle Gas Turbine Power Station Project from TRUenergy. This EES had been deemed by the Victorian State Government to adequately address the scoping requirements (which include effects on flora and fauna) and any other relevant issues to enable informed responses by the public and agencies. In this EES, however, an EPBC listed ecological community was both mis-described and mis-assessed, the outcome being that it was recorded as absent from the site and required no further consideration. In this particular example, the quality and accuracy of the assessment was inadequate to enable an informed response.

The details of this example can be found in section 5 'Flora and Fauna' of Latrobe City Council's EES Submission attached. The EES documents can be viewed and downloaded from the EnergyAustralia (previously TRUenergy) website: <http://www.energyaustralia.com.au/about-us/what-we-do/projects/yallourn-ccgt>.

Yours sincerely

JANE LLOYD
Coordinator Environment Sustainability

Our Ref: 799769
EV:DG

29 June 2012

Yallourn Gas Power Station Project
Planning Panels Victoria
Level 1, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Sir/Madam

**TRUENERGY YALLOURN COMBINED CYCLE GAS TURBINE POWER
STATION PROJECT ENVIRONMENT EFFECT STATEMENT SUBMISSION**

On 4 June 2012 Latrobe City Council received the Environment Effects Statement documents for the proposed TRUenergy Yallourn Combined Cycle Gas Turbine (CCGT) Power Station Project from TRUenergy.

Latrobe City Council understand that this proposal involves the construction and operation of a CCGT power station with cooling towers, control room, workshops, gas receiving station and car park; a 6.5 km gas pipeline in a 30 metre easement; a 10 km transmission line in a 60 metre easement; and a switchyard with substation, generators, transformers and switchgear.

Due to time constraints, Latrobe City Council received approval from Planning Panels Victoria to make a late submission allowing for Council to endorse its submission at its 16 July 2012 Ordinary Council Meeting.

This project is consistent with Latrobe City Council's "*Positioning Latrobe City for a Low carbon Emission Future*" policy (2010). Latrobe City Council support investment in new technologies and more sustainable forms of power generation. We wish to capture opportunities that build on the regions strengths, as we believe this CCGT project does.

Latrobe City Council supports the co-location of this proposed facility with the Yallourn W Power Station, allowing maximum opportunities for investors to access a skilled labour force, strong road and rail transport links, and established electricity transmission and generation infrastructure. This co-location also minimises the impact on the environment by utilising a 'brown field' site.

Latrobe City Council officers have considered the Environment Effects Statement documents provided and wish to provide the attached submission. Please note that not all sections of the Environment Effects Statement were reviewed; only those for which Latrobe City Council had officers with relevant expertise. Officer comments have been collated and are presented below.

Thank you for the opportunity to make a submission as part of the Environment Effects Statement process.

If you require further information please contact Deirdre Griepsma, Manager Natural Environment Sustainability on (03) 5128 5735 or via email Deirdre.Griepsma@latrobe.vic.gov.au

Yours sincerely

CR ED VERMEULEN
Mayor

Encl

TRUenergy Yallourn Combined Cycle Gas Turbine Power Station Project Environment Effect Statement Submission - Latrobe City Council

1. Planning and land use

Latrobe City Council has no specific comments in relation to these sections of the impact assessment. While sections of the proposed CCGT power station, gas pipeline and transmission lines will be in proximity to Lake Narracan and the Yallourn North Township, areas that could be considered for potential commercial or residential expansion are unlikely to be affected.

2. Air quality

Latrobe City Council has no specific comments in relation to these sections of the impact assessment. They appear thorough, identify the pertinent issues and consider how they may be addressed.

The key air pollutant of interest is nitrogen dioxide (NO₂) and the assessment indicates that the operation of the proposed CCGT power station will contribute a negligible increase to the concentrations of nitrogen dioxide at ground level.

Latrobe City Council encourages the proposed CCGT power station to undertake reporting with the Latrobe Valley Air Monitoring Network, as currently occurs with Yallourn W Power Station.

3. Greenhouse gas emissions

Latrobe City Council has no specific comments in relation to these sections of the impact assessment. They appear thorough, identify the pertinent issues and consider how they may be addressed.

The Greenhouse Gas Intensity detailed in the assessment is slightly better than best practice for CCGT power stations as determined by the Department of Environment and Heritage, and the proposed full fuel cycle Greenhouse Gas Intensity is better than all other Australian fossil fuelled power stations.

4. Surface and groundwater

Latrobe City Council notes that overall the assessment is detailed, and that management plans have been used to mitigate risk and address likelihood and consequence of any adverse environmental impact.

5. Flora and fauna

Part 9.2.3 on page 326 refers to an Environment Protection and Biodiversity Conservation Act 1999 listed threatened ecological community as Gippsland Red Gum (*Eucalyptus tereticornis subsp. mediana*) and states that no Gippsland Red Gums were observed. This should be amended to the critically endangered ecological community of Gippsland Red Gum Grassy Woodland and the Associated Native Grassland. The fact that no Gippsland Red Gums were observed is not a true indication that this community is absent. It is important to note that this ecological community occurs in two structural forms, these being Grassy woodland, which includes trees, and Grassland, which does not necessarily include trees. The community is referred to again in part 10.2.3.1 on page 378.

While Latrobe City Council anticipate that any remnants of this community are unlikely due to the sites history of disturbance, its absence cannot be assumed, and the process for determining this needs to be described. A re-assessment for this community is desirable, particularly in the area of the gas pipeline where its probability of existence is greatest.

Two dams containing poor to moderate habitat for Growling Grass Frog were observed along the gas pipeline alignment; however, species specific surveys were not undertaken as it is proposed that the dam habitat be avoided. Avoiding the dam habitat may not be enough to avoid impacting the species, as Growling Grass Frog is known to travel between dams and other water sources. Further consideration should be given to protecting habitat in the area surrounding the dams and also protecting the habitat that links them with other water sources. The need for species specific surveys should be discussed with the Department of Sustainability and Environment.

In total, it is estimated that the disturbance area for the gas pipeline will be approximately 0.001 habitat hectares (Hha) or 200 m² of Ecological Vegetation Class 16 Lowland Forest of Least Concern within the Gippsland Plain bioregion. The bioregion in question needs to be clarified and statement amended accordingly, as Lowland Forest is considered Vulnerable within the Gippsland Plain bioregion, and Least Concern within the Highlands – Southern Fall bioregion. This will also impact the quantity of offsets required.

Part 9.2.5 on page 328 suggests that the number of scattered trees requiring removal for the gas pipeline will be dependent upon final construction techniques so cannot be quantified at this point. While Latrobe City Council commends any action to avoid removal of native vegetation, it would be desirable to provide some indication of the potential number of scattered trees to be removed, in line with the information already provided on the potential removal of scattered trees for the transmission line corridor. Clarification is also desired on the proposal to lop some scattered trees rather than removing them. Any lopping of scattered trees will remain subject to planning approval, as the exemption for pruning under Clause 52.17-6 of the Latrobe Planning Scheme is only relevant for maintenance of existing utilities.

Up to 1.04 Habitat Hectares of remnant native vegetation will be removed for the transmission line corridor. Ecological Vegetation Classes, Conservation Significance and calculations of the offsets required for native vegetation removal should be listed upfront and together to enable accurate checking, rather than in separate sections and appendices.

Further clarity is required with regards to systems used by TRUenergy for securing their offsets in line with the Victorias Native Vegetation Management: A Framework for Action. Latrobe City Council has a preference for third-party offsets to be obtained unless on-title security arrangements are put in place for the proposed offsets. There are also significant opportunities in the area surrounding the gas pipeline alignment, particularly east of Lake Narracan, for using offsets to create biolinks or wildlife corridors between remnant patches of native vegetation. This would be of particular benefit to rare species of fauna that are known to occur within the vicinity of the proposed project, such as the endangered Spot-tailed Quoll (*Dasyurus maculatus maculatus*).

Accurate maps showing the location of the remnant patches of vegetation proposed for removal, or the scattered trees that have the potential to be removed, do not appear to have been included in the Environment Effects Statement. Lack of accurate location information for native vegetation makes reviewing the proposal challenging.

6. Contaminated land

Latrobe City Council has no specific comments in relation to this assessment. It appears thorough and identifies and considers all the pertinent issues relating to use of a brown field site and how they can be addressed.

7. Traffic and transport

Latrobe City Council notes that impacts on Latrobe City Council managed roads are likely to be minor, with the exception of the potential for some short term road closures which may be of significance to residents in the area. These should be minimised where possible and kept to periods of less than one day, with adequate notice provided beforehand.

Impacts due to additional traffic associated with the proposed project will mainly be on the arterial road network managed by VicRoads.

The Environment Effects Statement proposes that traffic management plans be developed compliant with Latrobe City Council requirements to manage works on or adjacent to Latrobe City Council roads. Should any road closures be required, it is proposed that the Department of Transport and VicRoads would be advised in regard to notifications for school bus and emergency service access. It is advisable that Latrobe City Council also be informed in advance for notification of the public via general notices in the media, and this should be included in any traffic management plan.

For all works on roads for which Latrobe City Council is the relevant road authority, notifications, conduct of the works, approvals and permits for the use of the roads must comply with the requirements of the Road Management Act and the regulations and codes of practice under this act.

8. Social and socio-economic

Overall the assessment appears to have been thorough; however, it seems unlikely that all social and socio-economic concerns should be considered low risk. Of particular note are Table 8-33; “Impacts on business that service coal fired generators has been assessed as possible, consequences low and risk low” and Table 9-10 and 10-15; “Temporary severance for persons living on or using affected roads has been assessed as possible, consequences low and risk low”.

The impact assessment indicates that consultation has occurred with the owners of the land through which the pipeline and transmission lines will be built. However, conversations between Latrobe City Council officers and residents local to the area have noted that there has been no direct consultation with owners of land directly adjacent to where the pipeline or transmission lines will be built. Latrobe City Council recommends that direct consultation is undertaken with property owners and residents that live within a reasonable proximity to the proposed pipeline or transmission lines, regardless of whether the lines are to pass directly through their property. Consideration should also be given to the most appropriate way of engaging with this group, including the amount of advance notice required, and the suitability of the person or organisation that undertakes the engagement.

For accuracy and thoroughness to the document the following suggestions are made:

- Part 8.10.4 on page 269 and 270 should include Latrobe Community Health Services as a large provider and employer, and clarify the statement “In the wider community, the recent debate about climate change has had particular relevance” by explaining why or if this is any different to community of the Latrobe Valley.
- Table 8-32 on page 273 and part 8.11.2 on page 275 should consider the need to establish a central point of contact within each council that can be advised if particular community issues arise, and to ensure consistency in communications.
- Part 8.11.5 on page 280 should provide evidence to support assumptions that construction workers will spend money locally causing growth in retail activity, and provide consideration to both the short and long term affects on retail activity, as well as the impacts of a fly-in fly-out style work force.

- Table 8-34 on page 282 should include reference to major education providers in the region including GippsTAFE, Monash University Gippsland, Gippsland Education Precinct and Apprenticeships Group Australia.
- Part 9.5.6 on page 353 should consider mitigating strategies to deal with any short term losses of connectivity for users of certain roads.
- Part 9.6.1 on page 355 should include a proposal for working with local real estate agents to find suitable temporary housing when needed, rather than solely relying on Councils to facilitate the process.
- Part 10.4.6 on page 409 and part 10.4.7 on page 410 should provide more detail on engagement process with farmers to ensure there is awareness of what restrictions will be placed on land use under transmission lines, what rights the farmer has, compensation for lost land and lost production capacity, and what “full reinstatement in a timely fashion” means in practice.
- In general, when using the term ‘Latrobe’ it is necessary to provide greater clarity as to whether this refers to the local government Latrobe City Council area or to the Latrobe Valley and the three local government areas (Latrobe City, Wellington Shire, Baw Baw Shire).

9. Solid and liquid waste

Latrobe City Council notes that overall the assessment is detailed, and management plans have been used to mitigate risk and address likelihood and consequence of any adverse environmental impact from solid and liquid waste materials.

Consideration of solid and liquid waste management must have regard to the legislative and regulatory guidelines as it relates to *the Environment Protection Act 1970* (Victoria) and the *State Environment Protection Policy*. This is evident within the Environment Effect Statement documents.

Latrobe City Council supports and encourages efforts for diversion of waste materials from landfill during construction, commissioning and operational phases; taking up options to avoid, reuse, and recycle, as outlined in the documents. Due to the limited availability of waste facilities in the Gippsland Region which are licensed to accept contaminated soil and prescribed industrial wastes, it is recommended that facilities are identified within the document. A strong preference is also expressed for in-principle arrangements to be entered into with organisations critical in liquid waste management for both the Saline Waste Outfall Pipeline and the Latrobe/Morwell River discharge, such as Gippsland Water and International Power.

There is an assumption within the Environment Effects Statement and the Works Approval that the existing Yallourn W Power Station arrangement for water allocation and waste discharge will extend to the proposed CCGT power station.

This should not lessen the responsibility of TRUenergy to mitigate risk, measure and manage the impacts and effect to protect the environment within this project. This is particularly relevant as the proposed lifetime of the CCGT power station is beyond that proposed for the Yallourn W Power Station.

There are a number of statements that indicate impacts will be small or minor '*in comparison*' to the rest of the Yallourn power generation site, thus down playing the effect from the proposed project.

Risk mitigation actions should, and do, have regard to relevant legislation, and Latrobe City Council defer assessment against the relevant legislation to the responsible agency (i.e. EPA Victoria).