

**Ian Burgwin** – General Manager - Electrical Safety and Technical Regulation  
**Nathan Bitsas** – Team Leader - Bushfire Mitigation

Energy Safe Victoria  
Level 5  
4 Riverside Quay  
Southbank VIC 3006

By email: [Ian.Burgwin@energysafe.vic.gov.au](mailto:Ian.Burgwin@energysafe.vic.gov.au)  
[Nathan.Bitsas@energysafe.vic.gov.au](mailto:Nathan.Bitsas@energysafe.vic.gov.au)

27 August 2021

Dear Ian & Nathan,

### **Energy Safe Victoria Direction – REFCL Cobden Zone**

I am writing following our meeting between yourselves, Charlie Perry and Thomas Ho on 5 May 2021. At our meeting we discussed the potential cost impacts on the Ferguson Wind Farm that would result from Powercor Australia Ltd (“**Powercor**”) permanently reconfiguring its supply network to comply with a proposed direction by Energy Safe Victoria (“**ESV**”). In this letter we outline the relevant background, Powercor’s cost estimate and request your support to arrive at an equitable outcome for all affected parties.

#### **BACKGROUND**

BayWa through its wholly owned subsidiary, Ferguson Wind Farm Pty Ltd, entered into non-negotiable connection contracts with Powercor on 5 March 2019, commenced construction on 17 February 2020 and in April 2021 successfully commissioned the Ferguson Wind Farm – a three-turbine project on Princetown Road near Simpson, in South-west Victoria (the “**Wind Farm**”). The Wind Farm is connected to the Cobden zone substation and produces the equivalent energy usage of approximately 8,000 households. On 23 December 2020, BayWa became aware of a direction issued by ESV which, on total fire ban days, required Powercor to configure its supply network to the Camperdown zone substation which has a Rapid Earth Fault Current Limiter (“**REFCL**”), unlike the Cobden zone substation (the “**Direction**”). The Direction, resulted in Powercor manually switching its supply network configuration for the Wind Farm from the Cobden zone substation to Camperdown zone substation on total fire ban days, with minimal impact on the Wind Farm and Powercor.

#### **CURRENT STATUS**

We are aware that the Direction has now expired, and may be replaced by a secondary, potentially permanent, direction. We understand that compliance by Powercor with a secondary direction may involve the permanent reconfiguration of the supply network to reinstate the REFCL coverage of the Camperdown substation. Powercor’s indicative costs to complete these works range between \$500,000 and \$1,000,000 with Powercor having indicated that it will look to recoup costs of compliance from the Wind Farm. This outcome would cause catastrophic financial damage to the completed Wind Farm and could render it financially and commercially unviable.

BayWa agrees, without any reservations with ESV’s overarching objective and actions it has and is taking to mitigate against the risk bush fires. However, our view is that any secondary

direction should not unfairly prejudice against one, small network user. Further to this it should be noted that BayWa acted in accordance with all of its contractual requirements with Powercor and at no point could it reasonably foresee the incurrence of such a significant additional cost. Lastly, the now expired direction adequately mitigated against the risk of bushfires while not adversely affecting any party.

Bearing this in mind, we put forward that the expired Direction, which does not adversely prejudice against any one party, be made permanent. Alternatively, should ESV elect to issue a direction which requires significant works to be completed, that any costs associated with that compliance be borne by Powercor as the network operator. We note in particular that grants were made available by DEWLP to high voltage customers via the High Voltage Network Assets Program and perhaps this source of funding could be extended to Powercor to complete any work associated with compliance with a secondary direction.

We would like to reiterate the following:

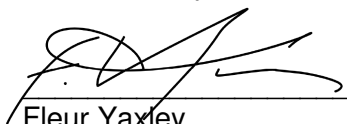
1. financial modelling of the Wind Farm did not take into account any unforeseen additional costs for accommodating compliance with any direction;
2. the decision to connect the Wind Farm to Cobden substation was made by Powercor based on Powercor's design and engineering and the Wind Farm had no input into this decision;
3. the change in law occurred after the Wind Farm was mechanically completed, together with the issuance of the Direction;
4. the expiry and substitution of the Direction with a secondary direction could cause the Wind Farm to incur significant cost and expense;
5. the imposition of these costs onto the Wind Farm would have significant implications on its viability and solvency; and
6. the interim manual switching process in place under the Direction is effective and a sufficient method of risk mitigation against bushfires.

In light of the foregoing, we respectfully submit that:

1. the current Direction, which is applicable only on total fire ban days, be made permanent under a secondary direction;
2. if that is not possible, then Powercor be funded by DEWLP, ESC or other government agencies for carrying out the work required to comply with a secondary direction; or
3. Powercor be prohibited from recouping any costs associated with complying with a secondary direction from the Wind Farm.

I look forward to discussing the concerns raised in this letter with you. Please call me to discuss if you prefer 0447 468 517.

Yours sincerely,



Fleur Yaxley  
Managing Director

Our Ref: CM-10597

15 November 2021

Fleur Yaxley  
Managing Director  
Ferguson Wind Farm Pty Ltd  
Level 2, 79-81 Coppin Street  
RICHMOND VIC 3121

**By post and email:** Fleur.Yaxley@baywa-re.com

Dear Ms Yaxley

## **POWERCOR DIRECTION IMPACTING FERGUSON WIND FARM**

Thank you for your letter dated 27 August 2021 regarding the method by which Powercor Australia Limited ACN 064 651 109 (**Powercor**) connected the Ferguson Wind Farm (**FWF**) to its supply network that resulted in **the relevant polyphase electric lines** (as defined in attachment 1) no longer having the *required capacity* (**REFCL protected**) and ESV's 23 December 2020 corresponding direction to Powercor.

ESV notes the impacts to FWF of the original direction and potential impacts of future directions that ESV may issue to Powercor as outlined in your letter. ESV has a duty as the energy safety regulator to ensure that energy networks within Victoria are safe, which includes the prevention and mitigation of bushfire that may arise from these networks.

It is not a function or responsibility of ESV to determine who must bear the costs associated with the directions issued by ESV or the cost for any long term solution regarding the FWF's connection to Powercor's supply network. However, it should be noted that the provision of electricity distribution services is a regulated essential service in Victoria and there *may* be rules relevant to this issue within the jurisdiction of other regulators such as the Essential Services Commission.

### **Direction – 2021/22 fire season**

As you are aware the 23 December 2020 direction required Powercor to reconfigure its network so that the relevant polyphase electric lines were REFCL protected on days that were declared by the Country Fire Authority (**CFA**) as total fire ban (**TFB**) days up to 30 June 2021, resulting in the generation capacity of the FWF being constrained at these times. That direction was issued to address the immediate safety concern of bushfires that may be ignited from faults arising from the relevant polyphase electric lines on high risk days throughout the 2020/21 fire season and allow for a longer term solution to be developed.

The 2021/2022 fire season is approaching and could be declared at any time for the municipalities of Corangamite and Colac Otway within which the relevant polyphase electric lines are located. The same safety concerns outlined above continue to apply in this fire season as Powercor is yet to implement a longer term solution. To ensure the powerline bushfire ignition risk to the community is again significantly reduced, ESV is satisfied that it is necessary to direct Powercor to reinstate REFCL protection to the relevant polyphase electric lines and provide that protection in accordance with its accepted Bushfire Mitigation Plan (**BMP**) on TFB days throughout the 2021/22 fire season. A copy of the direction is at Attachment 1 for your reference.

### **Implementing a longer term solution**

ESV remains concerned about the known bushfire risk in connection with the relevant polyphase electric lines and is considering issuing a subsequent direction to Powercor requiring it to REFCL protect the relevant polyphase electric lines **at all times** and to operate the lines in accordance with its accepted BMP. ESV is concerned that implementing REFCL protection on TFB days only will increase the risk of cross-country faults<sup>1</sup> over time and provide no bushfire risk reduction for other high risk days that have not been declared as TFB days.

A draft of the proposed subsequent direction is at Attachment 2.

### **Consultation**

ESV invites BayWa/FWF to make a submission on the proposed subsequent direction which ESV will consider before determining whether or not to give the direction.

A submission may be made by **5pm on 10 December 2021**. The submission should be emailed to Nathan Bitsas at [nathan.bitsas@energysafe.vic.gov.au](mailto:nathan.bitsas@energysafe.vic.gov.au). Matters you may wish to address in your submission include (but are not limited to):

- The remaining expected life of the FWF
- Details of any costs that BayWa/FWF may need to directly incur to ensure the FWF is compatible with REFCL protection (in addition to Powercor's network augmentations), in accordance with clause 4.2.2A of the Victorian Electricity Distribution Code<sup>2</sup>, including a detailed description of the work, a breakdown of costs and forecast time to complete. This should include a list of all inputs and underlying assumptions.
- The daily average projected revenue loss to FWF of not being able to supply electricity into Powercor's supply network
- Any other information that you would like ESV to consider.

Your submission will be treated as public unless we are advised that all or part of the submission is confidential.

---

<sup>1</sup> Cross-country faults are associated with REFCL-protected networks and are known to represent a fire ignition risk.

<sup>2</sup> The code is accessible here: <https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/electricity-distribution-code>

**Contact details**

Should you have any queries regarding this matter, please contact Nathan Bitsas on [nathan.bitsas@energysafe.vic.gov.au](mailto:nathan.bitsas@energysafe.vic.gov.au) or 9203 9793.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Burgwin', with a long, sweeping horizontal stroke extending to the right.

Ian Burgwin  
**GENERAL MANAGER**  
**ELECTRICAL SAFETY AND TECHNICAL REGULATION**

**Attachment 1: Direction – 2021/22 fire season**

# Electricity safety direction

## Direction from Chairperson of Energy Safe Victoria for the prevention and mitigation of bushfires

### DIRECTION PURSUANT TO SECTION 141(2) OF THE ELECTRICITY SAFETY ACT 1998

I, Marnie Williams, Chairperson of Energy Safe Victoria, consider that it is necessary for safety reasons to give the following direction to **POWERCOR AUSTRALIA LIMITED** (ACN 064 651 109) pursuant to section 141(2)(f) of the *Electricity Safety Act 1998* (Vic) for the prevention and mitigation of bushfires that may arise out of incidents involving electric lines:

#### Safety reasons

1. The safety reasons that make this direction necessary include:
  - a. safety risks to the community posed by bushfires which can be ignited by electrical faults occurring on polyphase electric lines; and
  - b. the serious consequences of a bushfire occurring in the area where the relevant polyphase electric lines are located.
2. The direction is necessary for these safety reasons for reasons including that:
  - a. polyphase electric lines operating at the required capacity can reduce the risk of electrical faults on polyphase electric lines from starting fires by between 48 and 60 per cent; and
  - b. the relevant polyphase electric lines have previously been demonstrated to have the required capacity meaning that there is an available and suitable way to mitigate this risk.

#### Direction

3. On any total fire ban day that applies to part or all of the area which the relevant polyphase electric lines are located, Powercor is directed to configure its supply network so that the relevant polyphase electric lines have the required capacity and operate the relevant polyphase electric lines in accordance with section 6.6.1 of Powercor's accepted bushfire mitigation plan.
4. The requirement in paragraph 3 of this direction applies between 12:00am and 11:59pm on each total fire ban day.
5. This direction is effective from the date of this notice and remains in effect until 30 June 2022 (or until revoked by the Chairperson of ESV giving notice of the revocation to Powercor in writing).

#### Review rights

6. Pursuant to section 69(3) of the Act, Powercor may apply to the Victorian Civil and Administrative Tribunal for a review of this direction if compliance with the direction would:
  - a. impose a significant financial burden on Powercor; or
  - b. prevent Powercor from complying with any obligations under a licence issued under Part 2 of the *Electricity Industry Act 2000* (Vic).
7. Section 69(5) of the Act specifies the time period within which such an application for review must be made.

## Definitions

8. In this direction:
- a. **accepted bushfire mitigation plan** means Powercor's bushfire mitigation plan (revision 8.2) dated 15 June 2020, which was accepted by Energy Safe Victoria on 18 June 2020 (or any replacement plan as accepted by ESV);
  - b. **Act** means the *Electricity Safety Act 1998 (Vic)*;
  - c. **ESV** means Energy Safe Victoria, a body corporate established under the *Energy Safe Victoria Act 2005 (Vic)*;
  - d. **Powercor** means Powercor Australia Limited (ACN 064 651 109);
  - e. **relevant polyphase electric lines** means all polyphase electric lines shown in blue line within the area bounded by a black line marked and shown on the map set out in (**Attachment 1**) to this direction; and
  - f. **total fire ban day** means a day that has been declared to be a day of total fire ban under section 40(1) of the *Country Fire Authority Act 1958 (Vic)*.
9. Terms used in this direction that are defined in the Act have the meanings given in the Act. This includes the terms polyphase electric line, required capacity and supply network.

## Penalties

10. Section 141(4) of the Act provides:
- (4) A person must comply with a direction under this section that applies to the person.
- Penalty:            In the case of a natural person, 300 penalty units;  
                          In the case of a body corporate, 1500 penalty units.



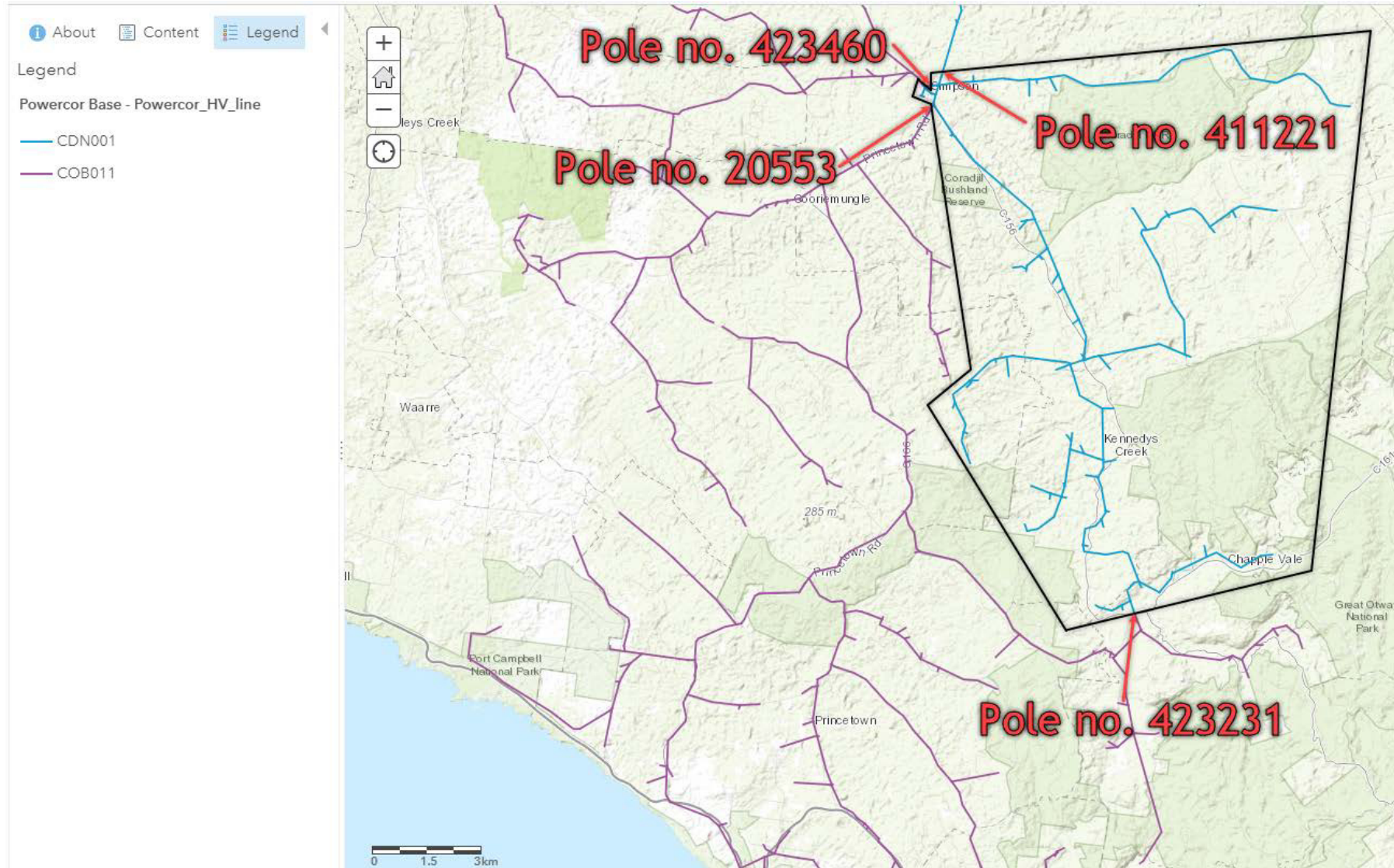
.....

**Marnie Williams**  
**Chairperson of Energy Safe Victoria**  
15 November 2021

ESV Ref: CM-10597



### Attachment 1—Relevant polyphase electric lines



**Attachment 2: Draft direction**

# Electricity safety direction

## Direction from Chairperson of Energy Safe Victoria for the prevention and mitigation of bushfires

### DRAFT FOR CONSULTATION

#### DIRECTION PURSUANT TO SECTION 141(2) OF THE ELECTRICITY SAFETY ACT 1998

I, Marnie Williams, Chairperson of Energy Safe Victoria, consider that it is necessary for safety reasons to give the following direction to **POWERCOR AUSTRALIA LIMITED** (ACN 064 651 109) pursuant to section 141(2)(f) of the *Electricity Safety Act 1998* (Vic) for the prevention and mitigation of bushfires that may arise out of incidents involving electric lines:

#### Safety reasons

1. The safety reasons that make this direction necessary include:
  - a. [subject to consultation]
2. The direction is necessary for these safety reasons for reasons including that:
  - a. [subject to consultation]

#### Direction

3. The relevant polyphase electric lines must have the required capacity and must operate at all times in accordance with section 6.6.1 of Powercor's accepted bushfire mitigation plan.
4. This direction is effective from [TBC] and remains in effect until revoked by the Chairperson of ESV giving notice of the revocation to Powercor in writing.
5. The Chairperson will revoke this direction when the Chairperson considers that it is no longer necessary for safety reasons.

#### Review rights

6. Pursuant to section 69(3) of the Act, Powercor may apply to the Victorian Civil and Administrative Tribunal for a review of this direction if compliance with the direction would:
  - a. impose a significant financial burden on Powercor; or
  - b. prevent Powercor from complying with any obligations under a licence issued under Part 2 of the *Electricity Industry Act 2000* (Vic).
7. Section 69(5) of the Act specifies the time period within which such an application for review must be made.

#### Definitions

8. In this direction:
  - a. **accepted bushfire mitigation plan** means Powercor's bushfire mitigation plan (revision 8.2) dated 15 June 2020, which was accepted by Energy Safe Victoria on 18 June 2020 (or any replacement plan as accepted by ESV);

- b. **Act** means the *Electricity Safety Act 1998 (Vic)*;
  - c. **ESV** means Energy Safe Victoria, a body corporate established under the *Energy Safe Victoria Act 2005 (Vic)*;
  - d. **Powercor** means Powercor Australia Limited (ACN 064 651 109); and
  - e. **relevant polyphase electric lines** means all polyphase electric lines shown in blue line within the area bounded by a black line marked and shown on the map set out in (**Attachment 1**) to this direction.
9. Terms used in this direction that are defined in the Act have the meanings given in the Act. This includes the terms polyphase electric line, required capacity and supply network.

## Penalties

10. Section 141(4) of the Act provides:

(4) A person must comply with a direction under this section that applies to the person.

Penalty:            In the case of a natural person, 300 penalty units;  
                          In the case of a body corporate, 1500 penalty units.

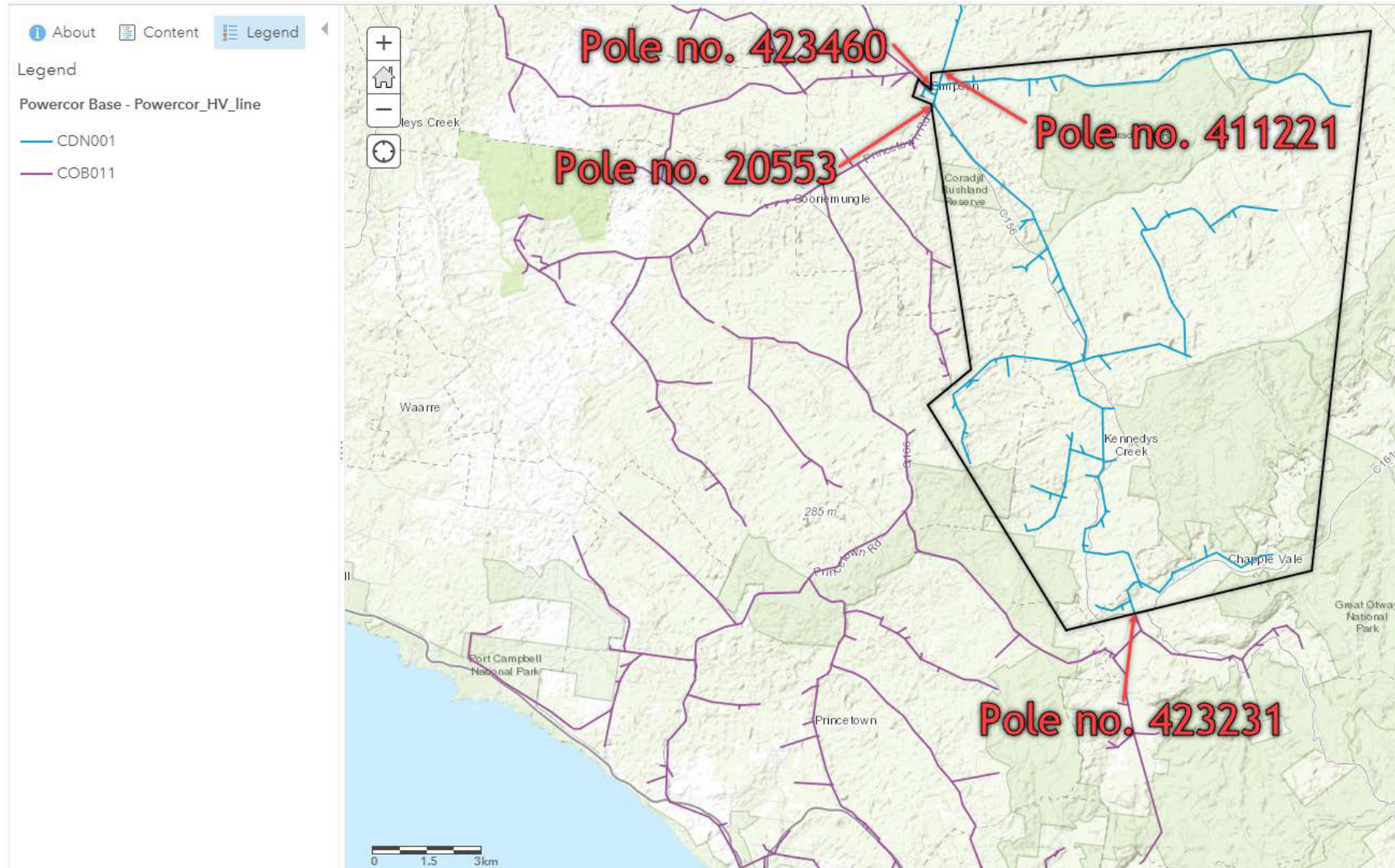
.....  
**Marnie Williams**

**Chairperson of Energy Safe Victoria**

## December 2021

ESV Ref: CM-10597

### Attachment 1—Relevant polyphase electric lines



**Ian Burgwin** – General Manager - Electrical Safety and Technical Regulation  
**Nathan Bitsas** – Team Leader - Bushfire Mitigation

Energy Safe Victoria  
Level 5  
4 Riverside Quay  
Southbank VIC 3006

By email: [Ian.Burgwin@energysafe.vic.gov.au](mailto:Ian.Burgwin@energysafe.vic.gov.au)  
[Nathan.Bitsas@energysafe.vic.gov.au](mailto:Nathan.Bitsas@energysafe.vic.gov.au)

10 December 2021

**CONFIDENTIAL**

Dear Ian & Nathan,

We refer to your letter dated 15 November 2021 (Reference: CM-10597), thank you for your response and provide the following in response:

***Remaining Expected Life***

The Ferguson Wind Farm (FWF) achieved Commercial Operation on 6 July 2020 which was also the commencement of the Warranty, Operation and Maintenance (WOM) contract. The term of the WOM contract is 25 years so it will expire 5 July 2045. However, wind farm O&M contracts and therefore the life of the underlying asset are commonly extended beyond their original term and BayWa are forecasting an expected life of 30 years in our own financial modelling and forecasting.

***BayWa Costs for REFCL Compliance (Capital Works Solution)***

A preliminary forecast of the likely direct costs include system augmentation by Powercor, supporting power systems consulting associated with revised connection requirements and implementation costs of our turbine supplier. A summary of the estimate of these costs is provided in the table below:

<b>Item</b>	<b>Estimate</b>
System augmentation by Powercor (costs borne by BayWa)	\$ 735,000
Power systems engineering by BayWa	\$ 310,000
Implementation of revised settings by BayWa's Turbine Supplier	\$ 30,000
<b>Total</b>	<b>\$ 1,075,000</b>

Assumptions regarding the above include:

- The system augmentation cost to be borne solely by FWF is the estimate of Powercor costs that would be borne by BayWa provided by Powercor in our meeting with them on 20 April 2021 (\$500k) plus a \$235k allowance for the items excluded from that estimate (i.e. AEMO or Powercor grid modelling due diligence consultant fees). This \$235k allowance is benchmarked against similar fees incurred for the recently completed due diligence process on FWF;
- The power systems engineering estimate is for BayWa's own consultant fees associated with developing, negotiating, simulating and testing the generator performance standards and benchmarked against the recently completed process for FWF;
- FWF/BayWa Internal staff wages/salaries are not included in the above costs;
- The implementation costs are software and settings upgrades (and associated design and testing) only and based on a similar change implemented undertaken recently at another BayWa project (Diapur Wind Farm). It assumes no capital works are required on the FWF site;
- The revised connection requirements are negotiated and agreed between BayWa and Powercor with no requirement for AEMO involvement; and
- The costing above assumes no outages required during the course of the capital works (the financial impact of these would be in the order of the Daily Average Projected Revenue loss but highly dependent on spot market rates at the time of the outage).

The details of the works involved in the System Augmentation are permanent reconfiguration of the supply network to reinstate the REFCL coverage of the Camperdown substation. This includes the construction of approximately 1km of new overhead 22kV conductor in Simpson and the requisite connections at either end. It is estimated that this work would take approximately 9-12 months including scoping, negotiation, design, construction and testing.

### ***Daily Average Projected Revenue Loss***

When a TFB day occurs such that no generation is permitted from FWF the daily average revenue loss is \$9438. This is based on BayWa internal financial revenue forecast and includes revenue from both Large-scale Generation Certificates (LGC's) and Electricity<sup>1</sup>.

### ***Other Information***

The estimated financial impact of the current direction remaining in place is in the order of \$60,000 per annum (2022 estimate). This represents revenue loss for FWF only and so excludes any costs that would be incurred by Powercor. As per the above estimate this is based on BayWa internal financial revenue forecast and includes revenue from both Large-scale Generation Certificates (LGC's) and Electricity<sup>1</sup>. We bring this to ESV's attention to note

---

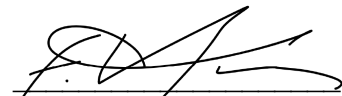
1. BayWa internal revenue forecast relies upon Q3, 2021 forecasts of:  
a. electricity price from Baringa power market projections; and  
b. LGC forward pricing from Mercari.

that this asset is already impaired by the current direction. However, the costs associated with Capital Works Solution leave the asset significantly worse off so we reiterate the emphasis of our previous letter and respectfully submit that:

1. the current Direction, which is applicable only on total fire ban days, be made permanent under a secondary direction;
2. if that is not possible, then Powercor be funded by DEWLP, ESC or other government agencies for carrying out the work required to comply with a secondary direction; or
3. Powercor be prohibited from recouping any costs associated with complying with a secondary direction from the Wind Farm.

I look forward to discussing the concerns raised in this letter with you. Please call me to discuss if you prefer 0447 468 517.

Yours sincerely,



Fleur Yaxley  
Managing Director



Our Ref: CM-10597

22 February 2022

Fleur Yaxley  
Managing Director  
Ferguson Wind Farm Pty Ltd  
Level 2, 79-81 Coppin Street  
RICHMOND VIC 3121

**By email:** Fleur.Yaxley@baywa-re.com

Dear Ms Yaxley

## **POWERCOR DIRECTION IMPACTING FERGUSON WIND FARM**

Thank you for your submission dated 10 December 2021, in response to Energy Safe Victoria's (**ESV**) proposed direction to Powercor Australia Limited ACN 064 651 109 (**Powercor**), regarding the ongoing connection of the Ferguson Wind Farm (**FWF**) to its supply network and REFCL protection of part of the Camperdown network.

We have carefully considered your submission and the financial modelling contained therein. In response to the issues raised in the conclusion of your submissions (at points 2 and 3), we note that ESV has no power to determine financial responsibility for the costs associated with complying with a direction issued under the *Electricity Safety Act Vic* (1998), as between interested parties.

Having regard to all of the available information, the Chairperson of ESV has determined that it is necessary for safety reasons, to direct Powercor to reinstate REFCL protection to the relevant polyphase electric lines and provide that protection in accordance with its accepted Bushfire Mitigation Plan:

- on total fire ban (**TFB**) days from 1 July 2022 to 30 November 2022; and
- at all times from 1 December 2022 and until revoked by the Chairperson of ESV giving notice of the revocation to Powercor in writing.

A copy of the direction is attached for your reference.

In practical terms this means that by 1 December 2022, Powercor must have completed the capital works solution and in the interim it must enable REFCL protection of the relevant polyphase electric lines on any TFB days, which we understand will temporarily constrain the generation capacity of the FWF.

Should you have any queries regarding this matter, please contact Nathan Bitsas, Acting Head of Electrical Network Infrastructure at [nathan.bitsas@energysafe.vic.gov.au](mailto:nathan.bitsas@energysafe.vic.gov.au) or 9203 9793.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Burgwin', with a long, sweeping horizontal stroke extending to the right.

Ian Burgwin  
**GENERAL MANAGER**  
**ELECTRICAL SAFETY AND TECHNICAL REGULATION**

**Attachment: Direction**

# Electricity safety direction

## Direction from Chairperson of Energy Safe Victoria for the prevention and mitigation of bushfires

### DIRECTION PURSUANT TO SECTION 141(2) OF THE ELECTRICITY SAFETY ACT 1998

I, Marnie Williams, Chairperson of Energy Safe Victoria, consider that it is necessary for safety reasons to give the following direction to **POWERCOR AUSTRALIA LIMITED** (ACN 064 651 109) pursuant to section 141(2)(f) of the *Electricity Safety Act 1998* (Vic) for the prevention and mitigation of bushfires that may arise out of incidents involving electric lines:

#### Safety reasons

1. The direction is necessary for safety reasons, including:
  - a. safety risks to the community posed by bushfires which can be ignited by electrical faults occurring on polyphase electric lines; and
  - b. the serious consequences of a bushfire occurring in the area where the relevant polyphase electric lines are located.
  - c. polyphase electric lines that have the required capacity can reduce the risk of electrical faults on polyphase electric lines from starting fires by between 48 and 60 per cent; and
  - d. the relevant polyphase electric lines have previously been demonstrated to have the required capacity meaning that there is an available and suitable way to mitigate this risk.

#### Direction

2. From 1 July 2022 to 30 November 2022 inclusive, or until revoked by the Chairperson of ESV giving notice of the revocation to Powercor in writing:
  - a. On any total fire ban day that applies to part or all of the area which the relevant polyphase electric lines are located, Powercor is directed to configure its supply network so that the relevant polyphase electric lines have the required capacity and to operate the relevant polyphase electric lines in accordance with Powercor's accepted bushfire mitigation plan.
  - b. The requirement in paragraph [2.a] of this direction applies between 12:00am and 11:59pm on each total fire ban day.
3. From 1 December 2022 and until revoked by the Chairperson of ESV giving notice of the revocation to Powercor in writing, Powercor is directed to configure its supply network at all times so that the relevant polyphase electric lines have the required capacity and to operate the relevant polyphase electric lines in accordance with Powercor's accepted bushfire mitigation plan.

#### Review rights

4. Pursuant to section 69(3) of the Act, Powercor may apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for a review of this direction if compliance with the direction would:
  - a. impose a significant financial burden on Powercor; or
  - b. prevent Powercor from complying with any obligations under a licence issued under Part 2 of the *Electricity Industry Act 2000* (Vic).

5. Pursuant to s 69(5) of the Act, an application to the VCAT for review must be made within 7 days after the later of:
  - a. the day on which the direction is received by the person making the application; or
  - b. if, under section 45 of the *Victorian Civil and Administrative Tribunal Act 1998*, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

## Definitions

6. In this direction:
  - a. **accepted bushfire mitigation plan** means Powercor's bushfire mitigation plan (revision 9.2) dated 12 November 2021, which was provisionally accepted by ESV on 23 December 2021;
  - b. **Act** means the *Electricity Safety Act 1998 (Vic)*;
  - c. **ESV** means Energy Safe Victoria, a body corporate established under the *Energy Safe Victoria Act 2005 (Vic)*;
  - d. **Powercor** means Powercor Australia Limited (ACN 064 651 109); and
  - e. **relevant polyphase electric lines** means all polyphase electric lines shown in blue line within the area bounded by a black line marked and shown on the map set out in (**Attachment 1**) to this direction.
7. Terms used in this direction that are defined in the Act have the meanings given in the Act. This includes the terms polyphase electric line, required capacity and supply network.

## Penalties

8. Section 141(4) of the Act provides:
  - (4) A person must comply with a direction under this section that applies to the person.  
Penalty:            In the case of a natural person, 300 penalty units;  
                          In the case of a body corporate, 1500 penalty units.



.....

**Marnie Williams**

**Chairperson of Energy Safe Victoria**

17 February 2022

ESV Ref: CM-10597

### Attachment 1—Relevant polyphase electric lines

