

**2009 VICTORIAN BUSHFIRES ROYAL COMMISSION**  
**Letters Patent issued 16 February 2009**

**SUBMISSIONS ON THE BEECHWORTH FIRE**

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**Introduction**

1. These submissions are made on behalf of the State of Victoria (**the State**) in response to the submissions of Counsel Assisting the Commission dated 22 December 2009.

**Overview**

2. The Beechworth fire started at approximately 18:00, three kilometres south of Beechworth on public land near Buckland Gap Road. It began burning in eucalypt forest and private property in a south-easterly direction under the influence of a strong north-west wind. Mr Leith McKenzie, Planning Manager, Land and Fire for the Ovens District and Location Manger for the Department of Sustainability (**DSE**) Beechworth office (who was the Incident Controller on 7 February 2009) gave evidence that the initial fire was in an area of high fuel load for approximately 200 metres. It then went into cleared farmland and it then went into the 2003 bushfire area.<sup>1</sup> Mr Shaun Lawlor, District Manager for the Ovens District (who assumed the role of Operations Officer on 8 February 2009 for the Beechworth fire and had been in the role of Air Attack Supervisor on 7 February 2009) described the fire as going through three phases.
3. In the first phase the fire mainly burnt in areas affected by the 2003 bushfires and subsequent fuel reduction burns.<sup>2</sup> In this phase, the fire behaviour was moderate, in the sense that there was little to no crowning. There was short distance spotting (less than one kilometre) and flame height was approximately ten

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<sup>1</sup> McKenzie T7219.

<sup>2</sup> Pine plantations to the east of the fuel reduction area were also affected in the first phase. Lawlor T6923.

metres. The fire burned in these fuel reduced areas until about 21:30 – 22:00 and travelled a distance of around eight kilometres, making the average rate of spread of the fire approximately two kilometres an hour.<sup>3</sup>

4. In the second phase, the fire emerged from the fuel reduction burn areas. At this time a large crown fire developed along with long distance spotting of up to nine kilometres. The fire travelled 24 kilometres in five hours, making the average rate of spread around five kilometres per hour. In this second phase the fire remained largely in forested public land, although it did extend into some private property and private pine plantations.<sup>4</sup>
5. The third phase began at around midnight on 7 February 2009 when the south west wind change came through and turned the northern flank of the fire (which was approximately 32 kilometres long) into the main fire front. At this time the fire began heading in a north-easterly direction toward cleared agricultural land intermixed with mountainous forest. In the early hours of Sunday 8 February 2009 conditions moderated and fire behaviour consequently moderated as well. However, around midday the wind began to increase in strength from the south-west and the fire commenced significant runs between Mudgegonga and Bruarong in the north and Rosewhite and Running Creek in the east. As the fire approached Running Creek it spotted for several kilometres (from a non-fuel reduced area) across the Kiewa Valley into heavily forested remote terrain (somewhere between 17:00 and 18:00). The spot fires across the valley were in an area that had been fuel reduced in the autumn of 2007, which significantly moderated fire behaviour. Shortly after this time, the northern run of the main fire was controlled largely by tankers in cleared paddocks. The weather conditions then moderated allowing the implementation of a controlled strategy that focused on using tankers and graders in the cleared agricultural land and bulldozers and backburning in the forested areas.<sup>5</sup>
6. The fire was formally declared as contained at 10:30 on 16 February 2009. The containment of the fire on private and grassland was conducted by direct attack from Country Fire Authority (CFA) strike teams. The containment of the fire on

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<sup>3</sup> Lawlor T6915-T6918; Lawlor Ex 249, WIT.3024.002.0187, [22]. (It is to be noted that the correct document number of the statement identified by Lawlor is WIT.3024.002.0187. The document number at T7255 WIT.3010.003.0157 refers to Lawlor's police statement).

<sup>4</sup> Lawlor T6915 and T6918-T6919.

<sup>5</sup> Lawlor T6915 and T6920-T6921; Lawlor Ex 249, WIT.3024.002.0187, [51].

public land was almost exclusively conducted by constructing containment lines and backburning by DSE in or directly adjacent to fuel reduced areas.<sup>6</sup>

7. The evidence established that:
- 7.1 there had been excellent preparation in the Ovens district in the lead up to 7 February 2009;<sup>7</sup>
  - 7.2 local knowledge was an important consideration in responding to this fire;<sup>8</sup>
  - 7.3 there was good cooperation between DSE, its NEO partners, CFA and other emergency services in respect of this fire;<sup>9</sup>
  - 7.4 notwithstanding a loss of power, the lack of an available generator for some time<sup>10</sup> (which DSE recognise will need to be rectified by the next fire season by the provision of additional generators), and the difficult resulting circumstances, the Incident Management Team (**IMT**) was able to cope<sup>11</sup> and the Incident Controller was able to issue urgent threat messages over the mobile phone;<sup>12</sup>
  - 7.5 fuel reduction burns proved critical in minimising the spread of the fire and assisting in respect of the containment of the fire.<sup>13</sup>

## Fuel Reduction

### Key findings proposed by Counsel Assisting

'10.10 The experience of firefighters on 7 and 8 February 2009 was that because the fire burned through previously burned areas (burned in wildfires or planned burns) it was, at critical stages, reduced in intensity. Reduced intensity meant that the fire was contained from causing much greater damage than it might have caused. A reduced fuel load slowed the run of the fire prior to the south-westerly wind

<sup>6</sup> Lawlor Ex 249, WIT.3024.002.0187, [52].

<sup>7</sup> McKenzie T7214-T7215; Lawlor T7275.

<sup>8</sup> McKenzie T7227; McKenzie Ex 245, WIT.3024.002.0144, [58].

<sup>9</sup> McKenzie Ex 245, WIT.3024.002.0144, [58], [21], [22]; Lawlor Ex 249, WIT.3024.002.0187, [52].

<sup>10</sup> The generator in the Ovens Valley had been sent to Kilmore.

<sup>11</sup> McKenzie Ex 245, WIT.3024.002.0144, [19], [20], [57]; McKenzie T7228.

<sup>12</sup> McKenzie Ex 245, WIT.3024.002.0144, [30]; McKenzie T7222-T7223; It is to be noted that although the Easterbrooks felt that the approach to personal warnings was random and haphazard, the Easterbrooks did hear warnings about Mudgegonga on the ABC radio; Easterbrook Ex 244, WIT.085.001.0001, [24]; In the chronology of warnings prepared by Counsel Assisting, it is suggested that the first DSE warning about Carrols Road was at 23:42, however urgent threat message 7 released at 22:45 mentions Carrols Road residents; *Chronology of Warnings*, Submissions of Counsel Assisting (Appendix A), SUBM.202.011.0031, [21]. As to paragraph [26] of the chronology of warnings, the 0015 hours urgent threat message 8 referred to the fire having crossed the Myrtleford-Yackandandah Road; see *Fire Information Release - Urgent Threat Message - Beechworth-Myrtleford - Release No. 8*, Farrell (Annexure 21) Ex 254, DSE.0018.0116.0346. Paragraph [27] of the chronology of warnings is illogical. Insofar as the chronology of warnings appears to suggest that CFA and DSE urgent threat messages were prepared independently, this is not correct.

<sup>13</sup> See submissions below under the heading 'fuel reduction'.

change. Based on observed fire behaviour on the day, fire fighters considered that, if not for the fuel reduction, it was highly probable that the entire Ovens Valley between Myrtleford and Bright would have been directly impacted with a significant potential for loss of life and damage to infrastructure and assets.'

### **Response of the State**

The State supports proposed key finding [10.10].

8. Mr Lawlor gave evidence as to the impact that previous bushfires and planned fuel reduction burns had on fire behaviour and what that meant in terms of fighting the fire.
9. Mr Lawlor gave evidence that if this same fire had been in a non-fuel reduced area on a day of such extreme weather conditions, the fire would have developed a much greater intensity, travelled faster and spotted far further in the initial two hours (or more) than he observed on 7 February 2009.<sup>14</sup> If the areas in the vicinity of where the fire commenced had not been fuel reduced, it is highly probable that the entire Ovens valley between the towns of Myrtleford and Bright would have been directly impacted. It would have been further compounded on 8 February 2009 when the wind changed direction to the south-west as the north-east fire flank would have been much longer and would therefore have created a much larger front which in turn would have impacted on a much wider area.<sup>15</sup> If the fire had not moderated as it entered into a 2008 fuel reduced area on the afternoon of 8 February 2009, it is likely that the fire would have burnt through the Kiewa Valley and spotted into forested areas on the eastern side of the Kiewa Valley on a much greater front. If this had occurred, the fire would have been extremely difficult to bring under control as these areas are remote and the terrain makes fire fighting very difficult.<sup>16</sup> The 2007 fuel reduction burns were critical in preventing further spread of the fire into forested areas after it had spotted across the Kiewa Valley into heavily forested area in the Running Creek and Eskdale Spur areas.<sup>17</sup>

<sup>14</sup> Lawlor Ex 249, WIT.3024.002.0187, [27].

<sup>15</sup> Lawlor Ex 249, WIT.3024.002.0187, [28]; Lawlor T6922; T7270-7271.

<sup>16</sup> Lawlor Ex 249, WIT.3024.002.0187, [47]; Lawlor T7270.

<sup>17</sup> Lawlor Ex 249, WIT.3024.002.0187, [48]; Lawlor T7270.

10. Mr Lawlor gave evidence that when the fire came out of the fuel reduced areas, the fire more than doubled its rate of spread and the spotting distances increased by a factor of almost 20.<sup>18</sup>
11. Mr Lawlor produced photographs<sup>19</sup> so as to illustrate:
- 11.1 how bark on trees will not be available for spotting in a fire if the bark has been burned previously and it remains charred and blackened;<sup>20</sup>
  - 11.2 how canopies had remained green where the fire had gone through an area that had been subjected to a fuel reduction burn in autumn 2008 thereby reducing the fire intensity, rate of spread and flame height;<sup>21</sup> and
  - 11.3 how the fire behaviour increased dramatically after emerging from fuel reduction burn areas so as to almost completely remove the crowns of the trees.<sup>22</sup>
12. Mr Lawlor also gave evidence that the fuel reduced areas were used as a basis for a strategy to contain the fire and he produced a photograph depicting how a fuel reduced boundary can be used as a fire control line.<sup>23</sup>
13. Mr Lawlor explained certain limitations in respect of fuel reduced areas. He indicated that it may provide, should conditions allow, for an opportunity to safely put crews in advance of the fire, build containment and control lines and give time for the commencement and implementation of a back burn. However, fuel reduction is not always about immediately being able to stop the fire.<sup>24</sup> Mr McKenzie spoke of fuel reduction burns in the context of them slowing the fire down so as to 'buy time' to give warnings to the community, get resources to the site and to enable the formulation of strategies for controlling the fire'.<sup>25</sup>

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<sup>18</sup> Lawlor T6918.

<sup>19</sup> Lawlor T6916-T6917 and T7271-7274; *Untitled photographs*, Lawlor (Annexure 6) Ex 249, WIT.3024.002.0212.

<sup>20</sup> Lawlor T6916.

<sup>21</sup> Lawlor T6916.

<sup>22</sup> Lawlor T6916-T6917.

<sup>23</sup> Lawlor Ex 249, WIT.3024.002.0187, [49].

<sup>24</sup> Lawlor T7276.

<sup>25</sup> McKenzie T7234.

## Resources

### Key findings proposed by Counsel Assisting

- '10.5 When the Beechworth fire commenced DSE's resources in the North East region were significantly depleted because of commitments to the Murrindindi, Kilmore East and Nariel Ski hut fires.
- 10.6 Depletion of resources did not compromise first strike capability. Pre-planning by DSE that accounted for a lack of resources ensured that first attack capability by ground crew was sufficiently resourced.
- 10.7 Depletion of resources did cause an unquantifiable delay in getting additional resources to the fire. The unavailability of a back-up generator (because of deployment elsewhere) caused significant difficulty to the Incident Management Team.
- 10.8 DSE had insufficient resources to establish a Level 3 ICC. There is no evidence, however, that the absence of a Level 3 ICC adversely affected the management of the fire.'

### Response of the State

The State supports proposed key findings [10.5] to [10.8].

14. Resources for the Beechworth fire were depleted due to other fire starts around the State on and leading up to 7 February 2009, including a fire at the Nariel Ski Hut, the Kilmore East fire and the Murrindindi Mill fire.<sup>26</sup> Resource issues also meant that there was not an IMT in the Ovens area ready to operate at a level 3 Incident Control Centre (**ICC**).<sup>27</sup> However, this did not compromise first attack at the Beechworth fire.<sup>28</sup>

## First Attack and Air attack

### Key findings proposed by Counsel Assisting

- '10.2 The importance of first attack in extreme weather conditions was well understood by Incident Controller Brian McKenzie, who dispatched crews to the fire within minutes of it being reported.
- 10.3 Despite the fire being detected and reported when it was only a few metres in perimeter, and crews arriving within about 15 minutes of the fire start, containing the fire by first attack was not possible, including because weather conditions did not permit placing crews in the front of the fire.
- 10.4 Air attack reached the fire some 90 minutes after it started but while it was still relatively small. While it was not possible to explore in detail the role of aircraft in

<sup>26</sup> Farrell Ex 254, WIT.3024.002.0219, [30], [45], [51], [57]; Farrell T7292.

<sup>27</sup> Farrell T7288-T7290.

<sup>28</sup> Farrell T7293.

first attack in the context of the hearings into the Beechworth fire, the evidence of Mr Lawlor that under conditions on the day, without the support of ground crews, aircraft would not have put the fire out even if immediately available, should be accepted.'

### **Response of the State**

The State supports proposed key findings [10.2], [10.3] and [10.4].

15. DSE set itself up to ensure that it had sufficient resources for first attack at all 20 first attack work centres, in accordance with the North East Area Readiness and Response Plan. As there were insufficient resources to pre-position a level 3 IMT at each level 3 ICC, the strategy was, whilst first attack was being initiated, to form an IMT to come in behind.<sup>29</sup> Mr McKenzie's evidence makes it clear that this is what, in fact, happened.<sup>30</sup> Mr McKenzie said that DSE was informed of the Beechworth fire at approximately 18:05 and dispatched resources at 18:06.<sup>31</sup>
16. In respect of the response by CFA, the Beechworth Urban Fire Brigade received its first pager message from Emergency Services Telecommunications Authority (**ESTA**) at 18:16. Beechworth Tanker 1 responded via radio to ESTA at 18:22 that it was travelling to the fire and Beechworth Tanker 2 responded at 18:26.<sup>32</sup>
17. CFA was also able to immediately deploy resources to the Beechworth ICC to form part of the IMT. Mr King states that at about 18:15 he sent Fire Officer Adrian Gutsche, Group Officer Colin Coyle and Fire Fighter Glen Ryan to the Beechworth ICC to form part of the IMT.<sup>33</sup>
18. Even if there had been more resources available it would not have assisted 'first attack'. By the time the first resources got there the fire was already in a mine sluiced area which could not be accessed by tankers or slip on units.<sup>34</sup>
19. Further, the fire was burning underneath powerlines at this early stage. The Readiness and Response Plan provides for total constraint in approaching power

<sup>29</sup> Farrell T7288-T7289; Note that the submissions of refer to Farrell deploying Miller as Planning Officer; Submissions of Counsel Assisting SUBM.202.011.0001, [7.19]. This should read Tom Sloan rather than Miller; Farrell Ex 254, WIT.3024.002.0219, [55].

<sup>30</sup> McKenzie Ex 245, WIT.3024.002.0144, [18] to [24].

<sup>31</sup> McKenzie Ex 245, WIT.3024.002.0144, [18].

<sup>32</sup> King Ex 671, WIT.3004.017.0264, [15].

<sup>33</sup> King Ex 671, WIT.3004.017.0264, [14].

<sup>34</sup> McKenzie T7218.

lines or applying water to a fire that is burning in close proximity to powerlines that appear to be insecure.<sup>35</sup>

20. Air attack at the very commencement of the fire could not have occurred due to the fact that aircraft do not operate in the immediate vicinity electrical lines while they are dropping water, retardant or foam.<sup>36</sup>
21. Air attack generally also has its limitations. The way in which aircraft are primarily used in fighting a fire is to support ground crews by buying time at a fire or reducing the intensity of a fire to allow ground crews to safely work in a particular area.<sup>37</sup> In the absence of ground crews to support the work of aircraft, there will be bits and pieces along the drop zone that remain alight and, without attention from ground crews, will reignite within a short period of time and become part of the fire again.<sup>38</sup> Other limitations are that it can take time for aircraft to reach the fire and it takes time to re-load. Weather conditions, such as those prevailing on 7 February 2009, have an impact by reducing the capacity of the aircraft and can also cause retardant and foam to blow away before reaching the tree canopy and ground.<sup>39</sup>
22. Even if there had been more resources available when the fire moved from the mine sluiced area and from underneath the power lines, there could not have been direct attack on the fire due to the 10 metre flame height (which is well in excess of any intensity so as to be able to safely put in ground crews) and the weather conditions that were prevailing at that time.<sup>40</sup> The Incident Controller said that, with the reports he was getting back from the field, even if he had had more resources, he would not have put any resources in front of the fire.<sup>41</sup>
23. In respect of other issues impacting on the capacity of DSE to respond, Mr McKenzie gave evidence that he did not believe that loss of power interfered with their first attack capability at all at the Beechworth fire.<sup>42</sup> The necessity to manually raise the doors of the DSE depot at Beechworth did not prevent first

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<sup>35</sup> Lawlor T7274; McKenzie T7218 and T7220.

<sup>36</sup> Lawlor T7280.

<sup>37</sup> Lawlor T7277.

<sup>38</sup> Lawlor T7281.

<sup>39</sup> Lawlor T7277-T7280.

<sup>40</sup> Lawlor T7260-T7262.

<sup>41</sup> McKenzie T7229 – T7230.

<sup>42</sup> McKenzie T7216.

attack units and operations people being at the incident within a few minutes of the fire being notified to DSE.<sup>43</sup>

## Warnings

### Key finding proposed by Counsel Assisting

'10.9 The ICC managed to issue timely warnings despite the difficulties caused by the power outage and lack of a generator.'

### Response of the State

The State supports proposed key finding [10.9].

## Cause of Fire

### Key finding proposed by Counsel Assisting

'10.11 The fire was caused as a result of a 27 metre tall tree falling on a 22kV power line on the Buckland Gap Road about 4 kilometres south of Beechworth and pulling the conductor furthest from the road off the supporting insulators at poles 169 and 170. The conductor was energised when it came down and as it fell it contacted pole 170. Arcing between the conductor and pole 170 was the likely source of ignition of the fire.'

### Response of the State

The State supports proposed key finding [10.11], but notes that it was only one half of the tree which fell onto the outer (east side) conductor near pole 170 (after it had separated from the other half of the tree).

24. The evidence supports a conclusion that the fire was started by one half of a tree separating from the other half and falling onto the outer (east side) conductor near pole 170, bringing the still energised conductor into contact with pole 170. This caused the conductor to arc across to the pole's metal reinforcing as it slid down the east side of the pole.<sup>44</sup>
25. Mr Chris Shawyer, Manager, Electrical Supply Safety, Energy Safe Victoria, said that the fallen tree, including all its limbs and foliage, would have been outside

<sup>43</sup> McKenzie T7216 – T7217.

<sup>44</sup> Shawyer Ex 239, WIT.3020.002.0001, [70]; Bertuch T7141; *Tree Report – Buckland Gap Road Beechworth*, VPO.001.026.0230; Van Dorsser T7090-T7092 and T7098; *Country Fire Authority - Fire Investigation Management System - Wildfire Report - Fire & Incident Reporting System Number: 1075854*, WIT.3010.003.0242. It is noted that the evidence of Mr Brett Collins is inconsistent with this suggested cause in that Mr Collins gave evidence that he did not see a tree on the line at the commencement of the fire. Collins T6952-6953, Ex 231, BCHM.001.001.0004.

the two metre clearance space around the distribution line, mandated by the Code of Practice for Electric Line Clearance.<sup>45</sup> Further, Mr Bertuch, Arborist with Alpine Shire Council, said that the cambium growth would not have been evident at all from the road and would not have been evident unless you were looking at the inside of the tree. It was not actually obvious, other than the fact that it had now separated and fallen apart. It would probably have been too far away from the road to have noticed whether or not there was a crack.<sup>46</sup>

### **Automatic Circuit Recloser**

#### **Key finding proposed by Counsel Assisting**

'10.12 The circumstances of the Beechworth fire support an examination of the role of ACR's and whether they should be suppressed or their operations modified on days of extreme or high fire danger.

10.13 The settings on the ACR on the Myrtleford-7 feeder could have been changed to suppress the reclose function entirely (which could be done remotely) or otherwise to change the settings (which may or may not be possible remotely, depending on the model) .The consequence of the ACR not being suppressed on 7 February was that approximately 200A of current flowed for 4.5 seconds rather than for 1.5 seconds. It is not possible to determine whether the ignition of the fire occurred as a result of current flowing during the 1.5 seconds before the ACR tripped, or during the two subsequent operations of the re-closer. However the probability of a fire starting was greater with arcing occurring over 4.5 seconds than if it occurred over 1.5 seconds.'

#### **Response of the State**

The State supports proposed key findings [10.12] and [10.13].

In respect of proposed key finding 10.13 the State submits that this key finding should be supplemented by a finding that the protection mechanism operated after 1.5 seconds and there was no automatic reclose until 8 seconds after that. There was every opportunity for the fire to have started before the protection mechanism operated because in all probability, the conductor slid down the side of the pole to or close to the base level of the pole within that first 1.5 seconds. Further, the finding should acknowledge the disadvantages and dangers to the community of suppressing automatic circuit reclosers. These matters will be addressed by the State in its submissions on systemic issues concerning electricity.

<sup>45</sup> Sawyer Ex 239, WIT.3020.002.0001, [30].

<sup>46</sup> Bertuch T7146.

26. Mr Shawyer agreed that it would be worth looking at the issue of the possible suppression of the ACR on Code Red (Catastrophic) days, but that you would need to gather the evidence to see whether the benefit gained outweighed the community cost.<sup>47</sup> The evidence in respect of the Beechworth fire is that the protection mechanism operated after 1.5 seconds and there was no automatic reclose until 8 seconds after that.<sup>48</sup> Mr Shawyer said that in this case there was every opportunity for the fire to have started before the protection mechanism operated (and therefore the Automatic Circuit Recloser coming into play) because in all probability the conductor slid down the side of the pole to or close to the base level of the pole within that first 1.5 seconds. At that point there was the possibility of a fire start and why the fire would start on a second or third fault as opposed to the first he could not say.<sup>49</sup> No witness gave evidence suggesting that the subsequent re-energisation of the line resulted in the arcing which caused the fire.
27. As to the community cost of suppression of automatic circuit reclosers, Mr Paul Lane, Regional Manager for the north region of SP AusNet, commented upon the dangers associated with suppressing automatic circuit reclosers on Code Red (Catastrophic) days. Those dangers included no electricity for people on support systems, issues with communications towers and issues for communities and people with their own individual water pumps and the like that may be reliant and wanting power on those days. He also acknowledged the possibility of heat exposure for the frail and the elderly.<sup>50</sup>
28. Even if certain communities were receptive to the idea of suppression of automatic circuit reclosers on Code Red (Catastrophic) days, there is a danger that not every person would be in a position to have a back up generator and not every person in the community (including new residents and visitors) would necessarily know of a community or company plan to suppress automatic circuit reclosers on a Code Red (Catastrophic) day.<sup>51</sup>

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<sup>47</sup> Shawyer T7066 – T7067.

<sup>48</sup> *Response to ESV Questions of May 11 2009*, Shawyer (Annexure 11) Ex 239, WIT.3020.002.0057.

<sup>49</sup> Shawyer T7065-T7066 and T7070.

<sup>50</sup> Lane T7030.

<sup>51</sup> Lane T7031.

**Hazard trees****Key findings proposed by Counsel Assisting**

- '10.14 The tree that fell on the powerline at Beechworth was outside the regulated clearance zone but was 'hazardous' as understood within SP AusNet guidelines.
- 10.15 As at 7 February no hazardous trees had been identified within the Beechworth span, by SP AusNet.
- 10.16 Standard SP AusNet procedures do not include a systematic method to detect hazardous trees. Vegetation assessors, who are not trained arborists, are responsible only for identifying hazardous trees while carrying out standard assessment tasks. They are obliged only to look for obvious defects and are not required to approach every tree. SP AusNet Hazardous Tree Program, which, at 7 February and currently, is applied to only some parts of the network, provides for inspection of all trees in designated areas by qualified arborists.
- 10.17 Had the tree that fell on the power line in 7 February been seen by an arborist a bifurcation would have been apparent.
- 10.18 The challenges presented by the management of vegetation and powerlines should be considered in the context of alternative and complementary strategies including replacement of uninsulated lines with underground cabling and aerial bundled cabling, the insulation of lines, the relocation of lines and the replacement of trees with appropriate species.'

**Response of the State**

The State supports proposed key findings [10.14] to [10.18].

In respect of proposed key finding [10.17] the State submits that this key finding should be supplemented by a finding that the cambium growth on the tree would not have been evident at all from the road and would not have been evident unless you were looking at the inside of the tree.

In respect of proposed key finding [10.18] the Commission should extend its findings to a more complete set of options. The State will address this issue in its submissions on systemic issues concerning electricity.

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Dated: 27 January 2010

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