



Explanatory Document

Draft Planning Criteria for the Major Infrastructure Development (North West Transmission Upgrades Project) Order 2020

30 November 2020

Explanatory Document – Draft Planning Criteria

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Purpose of the explanatory document

The purpose of this explanatory document is to support the exhibition of draft planning criteria for the North West Transmission Upgrades Project.

It includes information about the integrated assessment process under which the project will be considered and the background and context for the draft planning criteria.

Background

Infrastructure projects that cross multiple municipal areas may be declared and assessed as major infrastructure projects under the *Major Infrastructure Development Approvals Act 1999* (the MIDA Act).

The North West Transmission Upgrades Project has been declared a major infrastructure project. A copy of the *Major Infrastructure Development Approvals (North West Transmission Upgrades Project) Order 2020* (the order), which describes the major infrastructure project is included at Appendix 1.

Key elements of the major infrastructure project proposed by TasNetworks:

- (a) broadly comprises the development and use of a 220kV overhead electricity transmission line, transmission towers, substations, and ancillary facilities, such as, storage, communications, conductor winching and braking, concrete batching, site administration, infrastructure assembly areas, vehicle access tracks, and the like;
- (b) includes the construction and operation of transmission lines between:
 - (i) Palmerston and Sheffield;
 - (ii) Sheffield, Heybridge and Burnie;
 - (iii) Burnie and East Cam;
 - (iv) East Cam and Hampshire;
 - (v) Hampshire and Staverton; and
- (c) includes the construction and operation to substations at:
 - (i) East Cam;
 - (ii) Heybridge;
 - (iii) Hampshire; and
 - (iv) Staverton.

The Minister's report to Parliament including a full description, for the basis of the request for the declaration to be an infrastructure project is available on the [Department of Justice, Planning Policy Unit website](#).

While the planning approval process for a major infrastructure project could be undertaken by a combined planning authority, in this case, the Minister for Planning has determined that the Tasmanian Planning Commission (the Commission) will undertake the planning approval process. This means the Commission is acting as the planning authority and its decision on the application for a permit is subject to the same legislative requirements and appeal rights as a normal planning authority decision on a permit.

The Commission has obtained one-off assessment accreditation under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) for the Hampshire to Staverton transmission line, including Staverton substation.

This one-off accreditation means that the Commission will assess the impacts of the proposal on matters of national environmental significance, and report its assessment to the Australian Department of Agriculture, Water and the Environment (DAWE). The relevant Minister (or their delegate) remains responsible for making a decision under the EPBC Act, on matters of national environmental significance.

Along with obtaining one-off assessment accreditation under the EPBC Act, the Commission has incorporated guidance from the Tasmanian Environment Protection Authority (EPA) into the planning criteria.

While the guidance from the EPA includes matters related to impacts on threatened species, separate approvals and permits may need to be obtained under the *Threatened Species Protection Act 1995*.

Flowcharts showing the process for declaring and assessing this major infrastructure project, incorporating the requirements of the one-off assessment accreditation are included in Appendices 2 and 3.

The first step in assessing a major infrastructure project is to draft, publicly exhibit and then finalise the planning criteria.

After the planning criteria are finalised, any development application for the major infrastructure project is assessed against the planning criteria as an application for a discretionary permit.

Methodology

The draft planning criteria have been developed, having regard to:

- (a) the major infrastructure project declared in the order;
- (b) the statutory requirements under the MIDA Act and *Land Use Planning Approvals Act 1993*;
- (c) State Policies in operation under the *State Policies and Projects Act 1993*;
- (d) the State Planning Provisions (SPPs);
- (e) interim planning schemes and the Tasmanian Planning Scheme in operation in the municipal areas subject to the Order;
- (f) guidance from the EPA; and
- (g) advice from DAWE.

The Commission approved the draft planning criteria at a meeting on 30 November 2020.

The draft planning criteria are on exhibition for 14 days. During the exhibition period representations may be made to the Commission. Details on the exhibition are available on the Commission website¹.

Once exhibition is complete, the Commission will consider the matters required by the MIDA Act, including any representations, before finalising the planning criteria.

1 <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings>

Public notice will be given of the finalised planning criteria.

General approach

The draft planning criteria are based on the provisions of the SPPs, except where necessary to:

- (a) reflect the requirements of the MIDA Act, such as, to recognise that each use or development comprised in the major infrastructure project is discretionary;
- (b) reflect that provisions need only be applicable to the major infrastructure project; and
- (c) have regard to the guidance of the EPA and requirements of the EPBC Act.

They have been tailored where necessary to reflect an integrated assessment approach, incorporating contemporary planning controls and the evaluation of environmental impacts.

Planning criteria

The planning criteria are made up of operational provisions, environmental impact statement requirements and planning provisions.

The operational provisions include matters that deal with:

- interpretation;
- application requirements;
- assessing compliance with the criteria; and
- conditions and restrictions on a permit.

The environmental impact statement requirements are adopted from EPA guidance and intended for the assessment of environmental, social and economic matters (not included in the planning provisions). They include with the following:

- threatened flora, fauna and vegetation communities;
- other natural assets, such as other vegetation communities and Karst;
- air quality, surface water quality and noise emissions;
- public health;
- waste management, dangerous goods and environmentally hazardous materials;
- greenhouse gases and ozone depleting substances; and
- socio-economic issues.

The planning provisions include matters more typically assessed under planning schemes and include standards relating to:

- land use and development;
- subdivision;
- agricultural land;
- natural hazards;
- road and rail assets;
- attenuation, limited to substation noise and dust and airborne particulates;
- visual impact;
- heritage; and
- signs.

Where there is overlap between the environmental impact statement requirements and the planning provisions, the environmental impact statement requirements will consider any residual matters not explicitly dealt with by the planning provisions.

Operational provisions

The planning terms and definitions, planning criteria operation and assessment of an application, are based on those in the SPPs, unless specifically required to support an integrated assessment of environmental impacts, including those required for assessment matters of national environmental significance.

Environmental impact statement requirements

The environmental impact statement requirements are adopted from EPA guidance and intended for the assessment of impacts on environmental, social and economic matters, which are not dealt with in the planning provisions.

The EPA guidance has additionally been modified to reflect the integrated assessment of both environmental and planning matters, along with the one-off assessment accreditation under the EPBC Act.

Unlike the planning provisions, the environmental impact statement requirements do not include specific objectives and a concise list of matters to be considered, as the environmental, social and economic impacts, both positive and negative, will be evaluated as a whole, taking into account the ecologically sustainable development (ESD) principles.

The ESD principles are provided in the interpretation section of the planning criteria.

It is important to note, the EPA may require referral and undertake assessment of the proposal under the *Environmental Management and Pollution Control Act 1994*.

Planning Provisions

The planning provisions include the standards against which the major infrastructure project use and development will be assessed, and have been adopted from the SPPs.

Similar to planning scheme zones and codes the standards are grouped into themes. However, unlike planning schemes, use standards, development standards for building and works and subdivision standards are not separated.

Some standards apply in limited circumstances, in the same manner as codes and specific area plans apply under the SPPs.

The objective for each standard specifies if the standard is related to use, development and works or subdivision.

As the standards are adopted from the SPPs, the detail of each standard is not discussed in this explanatory document. However, the following points may assist in clarifying the scope or application of some standards.

- Standards for subdivision do not include the provision of services, in the same manner that public Utilities is provided as an Acceptable Solution in the SPPs for all subdivision. However, under the *Water and Sewerage Industry Act 2008*, the Commission when deciding to grant a permit must include any conditions required by TasWater.
- For the purpose of interpreting the application of standards for subdivision, note that:
 - the *Electricity Supply Industry Act 2012* exempts subdivision where the land is acquired and not more than 1,500m²; and
 - an easement does not meet the definition of a lot.
- The standards for agricultural land are qualified to only apply to certain land in a Rural Resource Zone, Rural Zone or Agriculture Zone in a planning scheme, as the application of those zones in planning schemes has previously been assessed as compliant with the *State Policy on the Protection of Agricultural Land 2009*.
- The standards for attenuation are aligned with the SPP Electricity Transmission Infrastructure Protection Code, but are reversed to consider impacts on adjoining uses from the impacts of electricity infrastructure.
- Other attenuation matters, such as noise emissions during construction, will be assessed as part of the environmental impact statement requirements.
- Standards for visual impact require a landscape character and visual impact assessment, consistent with best practice approaches, and consequentially new definitions have been included in the interpretation section.
- Standards for heritage do not include consideration of registered places. The *Historic Cultural Heritage Act 1995* applies to any registered places on the Tasmanian Heritage Register, and that Act requires a decision under the *Land Use Planning and Approvals Act 1993* to be consistent with Tasmanian Heritage Council advice.
- Standards for heritage do not include consideration of matters subject to the *Aboriginal Heritage Act 1975*.

Major Infrastructure Development Approvals (North West Transmission Upgrades Project) Order 2020

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council and in accordance with the recommendation of the Minister, make the following order under section 7(2) of the *Major Infrastructure Development Approvals Act 1999*.

22 June 2020

C. WARNER

Governor

By Her Excellency's Command,

R. C. JAENSCH

Minister for Planning

1. Short title

This order may be cited as the Major Infrastructure Development Approvals (North West Transmission Upgrades Project) Order 2020.

2. Commencement

This order takes effect on the day after it is approved by both Houses of Parliament under section 7 of the Act.

3. Interpretation

(1) In this order –

Act means the *Major Infrastructure Development Approvals Act 1999*;

ancillary facilities means facilities associated with the construction and operation of the electricity transmission line, transmission towers and electricity substations specified in clause 5(a) and (b) and includes, but is not limited to, facilities for the purposes of –

- (a) storage; and
- (b) communications; and
- (c) conductor winching and braking; and
- (d) concrete batching; and
- (e) site administration;

Board means the Board of the Environment Protection Authority established by section 13 of the *Environmental Management and Pollution Control Act 1994*;

project means the major infrastructure project specified in clause 5 ;

project proponent, in relation to the project, means the project proponent identified in clause 4.

(2) The *Acts Interpretation Act 1931* applies to the interpretation of this order.

4. Project proponent

The project proponent is identified as Tasmanian Networks Pty Ltd [ABN 24 167 357 299].

5. Major infrastructure project

The project proposed by the project proponent, known as the North West Transmission Upgrades Project and comprising the following uses and developments, is declared to be a major infrastructure project:

- (a) the construction and operation of a double-circuit, extra-high-voltage 220kV overhead electricity transmission line and transmission towers, within a corridor 120 metres wide, to transmit electricity between the following locations:
 - (i) Palmerston and Sheffield;
 - (ii) Sheffield, Heybridge and Burnie;
 - (iii) Burnie and East Cam;
 - (iv) East Cam and Hampshire;
 - (v) Hampshire and Staverton;
- (b) the construction and operation of an electricity substation at each of the following locations:
 - (i) East Cam;
 - (ii) Heybridge;
 - (iii) Hampshire;
 - (iv) Staverton;
- (c) the construction and operation of ancillary facilities to be located –
 - (i) within the corridor specified in paragraph (a); and
 - (ii) at the locations specified in paragraph (b); and
 - (iii) at Nietta; and
 - (iv) at South Nietta;
- (d) the construction and operation of ancillary facilities that are conductor winching and braking sites, to be located within 150 metres of the boundary of the corridor specified in paragraph (a);
- (e) the construction and operation of infrastructure assembly areas and vehicle access tracks, associated with the construction and operation of the electricity transmission line, transmission towers, electricity substations and ancillary facilities referred to in paragraphs (a), (b) and (c) that are –
 - (i) to be located within the corridor specified in paragraph (a) and at the electrical substations and ancillary facilities specified in paragraphs (b) and (c); and
 - (ii) to run from the boundary of that corridor, and each of those electrical substations and ancillary facilities, to the nearest suitable vehicle access track or road.

6. Notification of owners of land

Compliance with section 52(1) of the *Land Use Planning and Approvals Act 1993* in respect of the project is not required.

7. Planning approval process

The planning approval process in respect of the project is to be administered by the Commission.

8. Environmental guidelines

The Board must provide the project proponent, and the Commission, with the requirements for, and guidance in relation to, the preparation of the case required for an environmental impact assessment, in accordance with sections 74(3) and (4) of the *Environmental Management and Pollution Control Act 1994*, at least 7 days before draft criteria are placed on public exhibition by the Commission under section 12(3) of the *Major Infrastructure Development Approvals Act 1999*.

9. Fee

The project proponent is required to pay the Crown \$123,750 by 31 July 2020 to cover the costs and expenses which may be incurred by the Crown, or the Commission, in connection with the assessment of the project or the planning approval process.

Notified in the *Gazette* on 24 June 2020

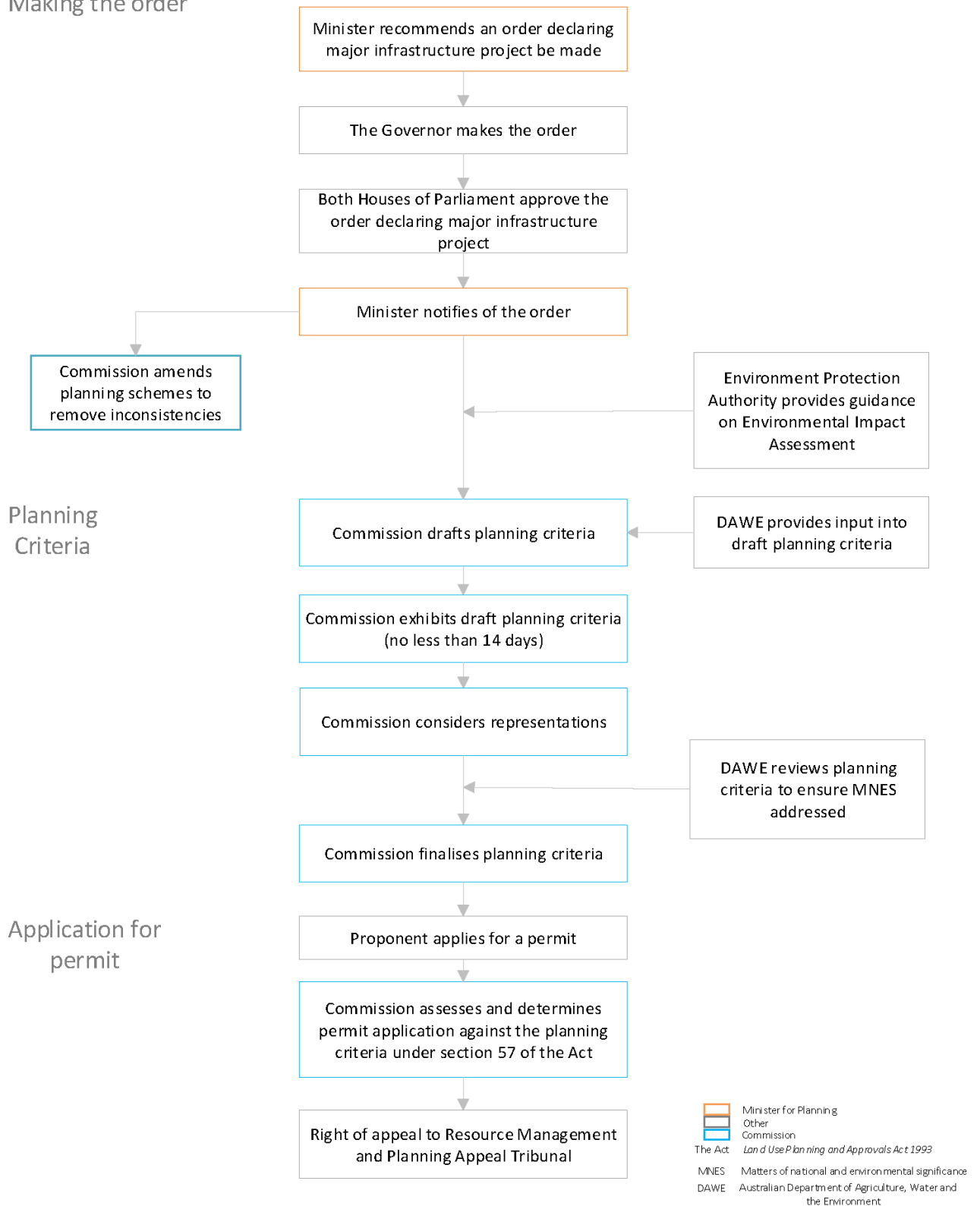
This order is administered in the Department of Justice.

TASMANIAN PLANNING COMMISSION

North West Transmission Upgrades Project Approval Process

Major Infrastructure Development Approvals Act 1999

Making the order



TASMANIAN PLANNING COMMISSION

North West Transmission Upgrades Project Permit Assessment Process

Land Use Planning and Approvals Act 1993

