

9 December 2025

Mr Roger Howlett
Chairperson: Delegated Assessment Panel
Tasmanian Planning Commission
Email: tpc@planning.tas.gov.au

cc: Mr Benjamin Ikin
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Dear Mr Howlett,

North West Transmission Upgrades Project (Palmerston to Hampshire)

- Relocation of 110kV Overhead Transmission Line
- Conditions relating to post-construction operation

I refer to your letter of 4 December 2025 to Dr Seán McGoldrick, CEO TasNetworks, in relation to two issues arising in relation to TasNetworks' application for a permit for the North West Transmission Upgrades Project and the application of s.57 of the *Electricity Supply Industry Act 1995* (the ESI Act) and the *Electricity Supply Industry Regulations 2018* (the ESI Regulations) Regulation 8.

Relocation of 110kV Overhead Transmission Line

I acknowledge that the Panel has now formed the view that the adjustment of two short sections of the TL441 110kV overhead transmission line (OHTL) to provide sufficient space for the proposed new 220kV OHTL to be constructed is more than a modification of an existing transmission line and does not therefore constitute work of minor environmental impact and the exemption provided for under s.57 of the ESI Act does not apply.

However, I note that the Panel had no such view when formally declaring the permit application valid on 21 May 2025, or when approving the permit application for public exhibition on 16 September 2025. Nor at any time did the Panel seek further information or clarification from TasNetworks. It is concerning that at this very late stage in the assessment process the Panel has revised its position.

The TL441 110kV OHTL is approximately 47km long and consists of 168 towers. TasNetworks view, consistent with its long standing legal view and standard business-as-usual practice, together with Project-specific external legal advice (recently re-confirmed), is that replacing 14 towers with 14 poles on an adjacent

alignment over a total linear distance of 4km does in fact reasonably constitute modification of this existing transmission line for the purpose of Regulation 8 and s.57 of the ESI Act, especially as the purpose of the modification is to allow the 110kV line to remain in operation while the new 220kV is constructed alongside.

The key points from TasNetworks' recent external legal advice are paraphrased below:

- s.57 of the ESI Act states that: 'the work is not to be regarded as development for the purposes of the *Land Use Planning and Approvals Act 1993* (LUPAA) and is not subject in any other way to that Act'. Not being subject in any other way to LUPAA, means that LUPAA cannot require a permit for a use, or change of use, meaning that the work is exempt from any development or use requirement under LUPAA.
- The proposed works are clearly replacement works, given they are realigning an existing 110kV OHTL under s.57 of the ESI Act.
- The general meaning of modification is to change or alter something. The question is therefore whether the proposed works go beyond a change or alteration of the existing to being something new. The inclusion of 'replacement' in s.57 of the ESI Act informs the extent of modification that is envisaged by Regulation 8 in the ESI Regulations and should be read as including potential changes in form or location of existing powerlines for the purpose of replacement of infrastructure.
- The change to monopoles would not necessarily take the works beyond modification as this is simply a change to form while retaining function.
- The use of additional land, outside an existing easement, would also not necessarily take the works beyond a modification because replacement infrastructure may need to be on different land (such as to enable the existing infrastructure to continue operation while the replacement is being constructed). In this respect consideration needs to be had to how far away the modified line will be from its original alignment and the extent of new land in the context of the whole transmission line area.
- As s.57 provides an exemption from the requirement for a use permit, any use of additional land also does not require a permit.

Significant Precedent Implications that would arise from characterisation

An additional critical issue is the potential broader implications of the Panel's revised view on TasNetworks' ongoing business-as-usual program of structure replacement and modification, where poles and towers are routinely replaced in accordance with the exemptions provided for under Regulation 8 and s.57 of the ESI Act.

It is common practice for the alignment of tower or poles to be adjusted for various reasons, such as to maintain functionality while new structures are erected, to

increase capacity, or as a result of consultation with landowners. These adjustments routinely result in the modified OHTL being offset 15-30m from its previous alignment.

Given the above, I therefore request that the Panel at its earliest convenience reconsider its revised position in relation to the proposed 110kV modifications and provide advice to TasNetworks as to the outcome of that consideration.

Should the Panel decline to change its revised position and noting the now incredibly tight timeframes of this assessment, I can advise that TasNetworks has precautionarily sought advice from the State Planning Office in relation to the options you provided in how to address this matter.

TasNetworks will write to the Minister for Housing and Planning and seek an amendment to the *Major Infrastructure Development Approvals (North West Transmission Upgrades Project) Order 2020* (the Order). It is understood that this amendment is likely to be considered to only represent a minor alteration to the Order and that it may be made by the Governor without submission to Parliament for approval. This can occur in parallel with the Panel's ongoing assessment.

Conditions relating to post-construction operation

I note that the Panel will be assessing the ongoing use of the proposed 220kV OHTL and anticipates imposing relevant conditions upon that ongoing use with any such conditions being informed by the operational stage management measures identified by TasNetworks in Attachment 10 of the permit application.

TasNetworks' understanding is that the ESI Regulations do not prevent such operational conditions being imposed.

Should you require any further information please contact David Palmer, Leader Planning and Statutory Assessments on 0438 093 393 or by email at: David.Palmer@tasnetworks.com.au.

I look forward to receiving the outcome of the Panel's reconsideration of the status of the 110kV modifications in the near future.

Yours sincerely



Richie Sheather
Project Director: North West Transmission Development