

# DECLARATION OF A MAJOR PROJECT

*LAND USE PLANNING AND APPROVALS ACT 1993*

## NORTH EAST WIND

Report to Minister



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## 1.0 Executive Summary

The North East Wind Major Project is intended to include approximately 210 wind turbine generators across 2 sites. The project will also include battery storage, access roads, site management facilities and a wharf. There will also be temporary facilities needed during construction.

This report sets out the Department of Premier and Cabinet State Planning Office advice in relation to how the proposed North East Wind project is eligible to be declared as a major project under section 60O of the *Land Use Planning and Approvals Act 1993* (the Act).

In summary,

- The application was accompanied by a Major Project Proposal (MPP) that met the requirements of section 60F of the Act.
- All relevant persons, councils and state entities have been consulted in accordance with section 60I of the Act.
- The landowner consent that is required from the Crown before declaration of a major project, has been provided.
- Landowners and land managers within the project area have been notified as required under section 60P of the Act.
- The project is considered eligible under section 60M of the Act.
- The project is not considered ineligible under section 60N of the Act.
- All required timeframes have been met prior to making the declaration.

As well as describing why the project is eligible to be declared a major project, this report provides an explanation of the Major Project Declaration document that accompanies this report.

This report should be read in conjunction with the North East Wind Major Project Proposal (MPP) document.

## 2.0 Declaration process

The following steps in the major projects process were required before the declaration could be considered, noting the final due date for when a decision is required under the time limits set out in the Act.

- Application under section 60C received on 24 June 2022 and referred to the Department of Premier and Cabinet State Planning Office for advice on 24 June 2022.
- Persons/state entities/councils described under section 60I were consulted via mail/e-mail on 1 July 2022 for 28 days. A list of those persons/state



entities/councils who were consulted is included in Appendix B to this report and their responses are included in Appendix C.

- The application has been reviewed to determine whether additional information and/or an amended MPP was required under section 60I. The original application material including the contents of the MPP met the requirements of the Act.
- Advice from consulted persons and state entities was received by 29 July 2022.
- The landowner consent that is required before the project can be declared a major project have been provided (refer Appendix A), noting that this was only required to be received only before making a declaration, not prior to consideration of the proposal as a major project. This was received on 9 August 2022.
- Dorset Council have advised they are not the owner of the road reserves they manage; those road reserves are owned by the Crown.
- A declaration is required to be made by 12 August 2022 (14 days after final advice is received under section 60I(2)).
- The declaration of the major project requires giving notice in the *Gazette* for the declaration to take effect.
- The declaration of the major project requires giving notice in a newspaper circulating generally in the State.
- The declaration of the major project requires giving notice to a range of persons listed in section 60R of the Act.

All of the required steps in the major projects process for making a declaration of a major project have been completed and it is now possible to consider whether to declare, or not declare, the project as a major project.

### **3.0 Major Project Proposal**

The application was accompanied by a Major Project Proposal (MPP), which has addressed all of the elements that are listed in section 60F of the Act.

### **4.0 Project Description**

As the project is for energy infrastructure, section 60F(2) of the Act allows for the description of the project and the land where the project is to be located, to be a general description.

#### **4.1 Project Description**

The general description of the project required under section 60F(2)(a) of the Act, and shown in the MPP, is as follows –



### **The activities:**

- The project will comprise a wind farm of approximately 210 wind turbine generators with an installed capacity of up to 1260 megawatts (MW) of renewable electricity.
- The project will involve the construction, operation and decommissioning of two clusters of wind turbines on the project land.
- At the end of its practical life, the wind farm would be decommissioned in consultation with affected landowners.

### **The proposed uses:**

- The Project is for a 'Utilities' use class, as defined by the State Planning Provisions, including associated infrastructure works. All other activities required for the project are directly associated with and a subservient part to the primary 'Utilities' use class.

### **The proposed developments:**

#### Wind Turbine Generators

- Approximately 210 wind turbine generators (WTG) with a maximum tip height of 270m
- Hardstand areas at the base of each turbine

#### Road and access track network

- Access and egress points to each cluster from public roads
- Operational access tracks and associated infrastructure on private property

#### Other Permanent on-site ancillary infrastructure

- Permanent site operation and maintenance facility
- Potential marine landing and wharf facility
- Meteorological masts
- Electrical reticulation within each cluster to connect the WTGs to an internal substation
- Battery Energy Storage System (BESS)

#### Temporary construction ancillary facilities

- Construction compounds
- Laydown areas
- Batching plants
- Construction access tracks
- On-site quarrying
- Workers accommodation camp



### Staging

- The project is intended to be constructed over several stages.

## 4.2 Project Location

The location map required under section 60F(2)(b) of the Act is included in the declaration document and shown below.

The Project Land includes:

- 2 sites referred to as the Rushy Lagoon area and the Waterhouse area.
- The Waterhouse area of the project is just south of Tomahawk.
- The Rushy Lagoon area of the project is near the existing Musselroe Wind Farm.

The land is shown in the map below –





Figure I – Project Land for North East Wind

The plan indicating generally the areas on the project land where use and development is proposed, as required under section 60F(2)(b) of the Act is included in the declaration document and shown below -



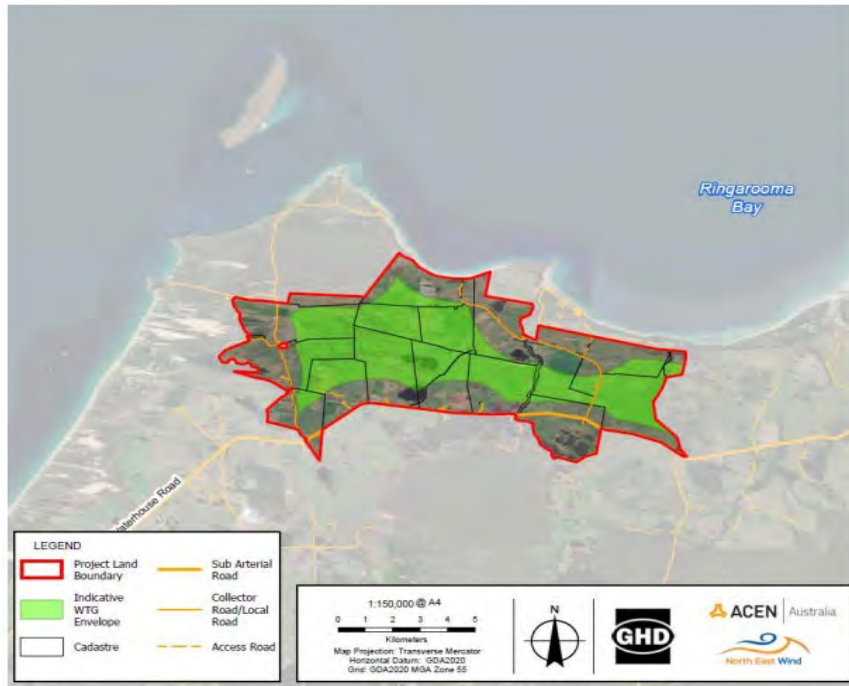


Figure 2 – general plan of North East Wind – Waterhouse Area

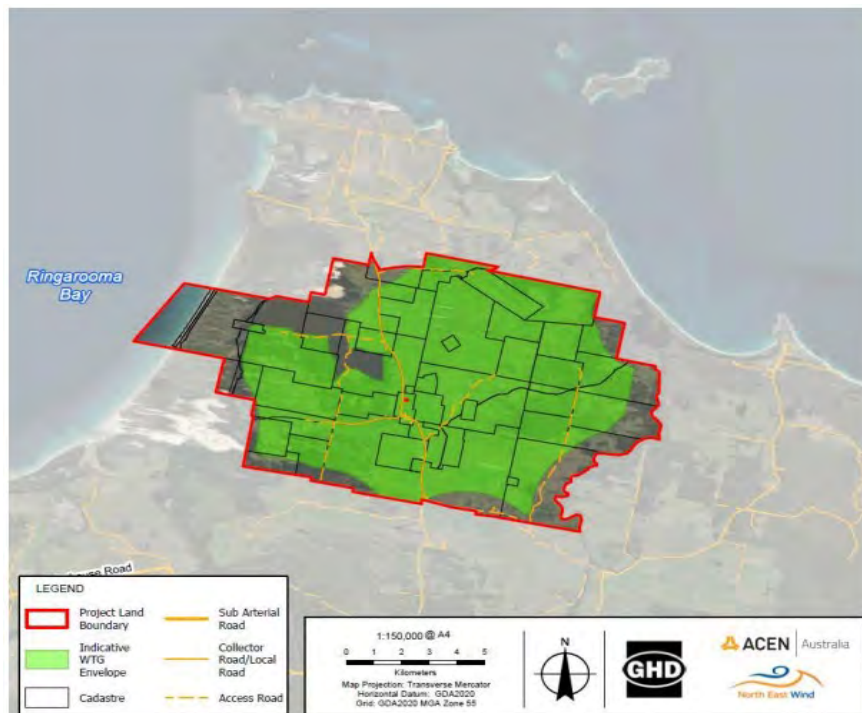


Figure 3 – general plan of North East Wind – Rushy Lagoon Area

The three maps above are considered suitable to be placed within the notice of declaration as they satisfy the requirements of the Act for providing a general description of the project area for the purpose of the declaration.





## 5.0 Summary of Consultation

In accordance with section 60I of the Act, the following persons and agencies have been consulted –

- All landowners within the project area
- All owners, lessees and occupiers of land that adjoins the project area
- Dorset Council as relevant planning authority for the project
- The remaining 7 Councils in the Northern Region of Tasmania
- The following State Entities – Department of State Growth, Department of Natural Resources and Environment, Department of Police, Fire and Emergency Management, TasNetworks, TasWater, TasPorts, Heritage Tasmania, Heritage Council, Aboriginal Heritage Council, Aboriginal Heritage Tasmania, Environment Protection Authority, Renewables Climate and Future Industries Tasmania and Marine and Safety Tasmania as these entities were considered to have an interest in the project
- The Tasmanian Planning Commission
- At the time of consultation there were no prescribed persons listed in a regulation

The Act requires that the responses from those persons, councils and state entities who were consulted must be considered before a declaration is made.

Letters were sent to interested persons, listed under section 60I of the Act, on 1 July 2022 and the 28-day period closed on 29 July 2022.

There were 7 submissions received. The submissions did not raise any issues which would suggest the project should not be declared as a major project. However, State agencies did note issues that will need to be considered during the detailed assessment of the proposal and also relating to implementation of the project.

These issues are –

1. Managing the assessment of the proposal under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) as the current Bilateral agreement does not extend to the Major Projects process as it still refers to the Projects of Regional Significance process (PORS). This will require the Commonwealth Minister to consider a one-off accreditation of the major projects assessment process if they wish to be a part of the assessment process. If that occurs the Commonwealth will need to be involved in the preparation of the draft assessment criteria prepared by the Commission and the formal assessment thereafter. Accordingly, this matter will need to be resolved as soon as possible.
2. The project is likely to have a significant impact on Aboriginal heritage in the area and also the natural environment and these issues will need to be fully considered during the formal assessment of the project.





3. With the project wanting to make use of Crown land, a separate Reserve Activity Assessment (RAA) will be required, and efficiency could be gained by including a response to the RAA process as an addendum to the Major Project Impact Statement during the assessment process. Also, a lease or license under the *Crown Lands Act 1976* may be required depending on the status of the proponent under the *Electricity Supply Industry Act 1995*.
4. Without knowledge of where the transmission connections will be placed it is difficult to gauge an opinion on the complete impact on the whole project.
5. State Growth would like to be further consulted and provide detailed advice, should the proposal be declared a major project. State Growth noted the importance of consulting with Mineral Resources Tasmania (MRT), as there are potential mineral resources in the area proposed to be declared.
6. The Office of the Co-ordinator General noted that the site may be heavily constrained in respect of the presence of eagles (based on previous experience with other wind farms in the state) and further consideration should be given to the interaction between the major projects process and the Crown.
7. State Growth advised that the Foreign Investment Review Board may have requirements on this project.
8. State Growth noted that the assessment process could benefit if digital shape files were included with the formal major project submission.
9. An adjoining land owner wants to be consulted when the transmission lines are proposed to connect the major project to the electricity grid.

#### *Advice on the issues raised*

There is nothing in the advice that suggests the project should not be declared as a major project. The Commission will be provided with a copy of this report which will include copies of the submissions, so that they are aware of the issues mentioned. Providing the copies of the submissions to the Commission also satisfies the requirements of section 60R(2)(b) of the Act to provide those to the Commission.

In regard to the Bilateral assessment, the proponent has advised they are still considering their options as to whether to include a Bilateral assessment in the major projects assessment or to allow the Bilateral assessment to run separately. Accordingly, this is a matter to be resolved after the project is declared a major project.

At present the major projects assessment process runs independently of the RAA process, but there is nothing to prevent that running parallel to the major projects assessment process, given that a lot of the information supplied in the Major Project Impact Statement (MPIS) could potentially support an RAA process.

During the preparation of draft assessment criteria, the Commission/Assessment Panel will consult with State agencies and that will give State Growth the opportunity to advise of matters they consider should be taken into account by the Commission/Assessment Panel, such as the MRT issues for example.



The provision of digital information is noted and that is something to consider for the next major project.

In relation to the comments about the future transmission lines, the suite of processes available to consider projects enables proponents to split their projects into components and make separate applications under separate processes. The *Major Infrastructure Development Approvals Act 1993* (MIDAA) has been specifically prepared to enable consideration of linear infrastructure such as transmission lines. MIDAA also contains provisions to place easements on titles, which the major projects process does not. In this case, the MIDAA process would be better suited to assessing the transmission lines, rather than including them in the major projects assessment process. Also, at the time of lodging the proposal for the wind farm the exact method/alignment for transmission was not known. The proponent may even choose a Basslink style connection under the sea to George Town.

## 6.0 Determination Guidelines

The Act sets out in section 60J that the Commission is to issue Determination Guidelines. The Determination Guidelines were issued by the Commission on 2 August 2021.

When making a decision to declare, or not declare, a major project the Minister is to have regard to the Determination Guidelines if any (section 60(3)). The Determination Guidelines provide 2 sections for –

3.1 Eligibility Criteria, and

3.2 Particular Purpose Zones (PPZ), Specific Area Plans (SAP) or Site-specific Qualifications (SSQ).

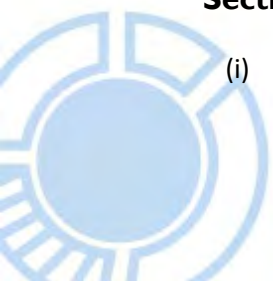
### 3.1 Eligibility Criteria

#### **Section 60M(1)(a) - the project will have a significant impact on, or make a significant contribution to, a region's economy, environment or social fabric**

- (i) the significant impact or contribution of the major project will apply to a number of municipal areas or apply to a number of municipal areas that comprise a commonly known geographical or administrative region.
- (ii) the major project will potentially have a significant impact on, or make a significant contribution to:
  - a. the region's sustainable economic development through the creation of employment, provision of additional infrastructure or the utilisation of natural resources;
  - b. restoring, maintaining or enhancing the natural environment of a region; or
  - c. improving existing physical and social infrastructure services that enhance community interaction and social cohesion or community health and wellbeing in a region.

#### **Section 60M(1)(b) - the project is of strategic importance to a region**

- (i) the significant impact or contribution of the major project will apply to a number



of municipal areas or a number of municipal areas that comprise a commonly known geographical or administrative region.

- (ii) the major project and its location will:
  - a. enhance, facilitate or consolidate existing local, state or national plans, policies or strategies for the future sustainable development of the region; or
  - b. be the foundation for future sustainable development of physical and social infrastructure services of a region.

**Section 60M(1)(c) - the project is of significant scale and complexity**

- (i) the scale of the project requires:
  - a. the utilisation of significant areas of land, or volume of water resources;
  - b. the accessing and utilisation of a significant quantity of natural or manufactured resources; or
  - c. the establishment of a large facility, structure or installation.
- (ii) the project is complex because it includes one or more of the following:
  - a. compliance with a range of separate and independent regulatory requirements;
  - b. intergovernmental collaboration and decision making;
  - c. a significant level of financing from one or more funding source, public or private;
  - d. specialised knowledge and skills in project planning, design or construction;
  - e. connectivity and compatibility with existing infrastructure or services.

Having regard to all of the above,

- the project will make a significant contribution to the State by providing renewable energy to all of Tasmania and contributing towards the Governments renewable energy targets which is to increase renewable energy production over 2022 levels to 150% production levels by 2030 and 200% production levels by 2040. The project will also provide jobs during construction and during the life of the project. This will also support the State's hydrogen production plans.
- The project will occupy a significant area of land as it will be a large-scale renewable energy generation installation.
- The assessment of the project will be complex as it will involve consideration of Aboriginal Heritage issues, impacts on the natural environment including an assessment under Commonwealth legislation (*Environment Protection Biodiversity and Conservation Act 1999*) and assessment as a level 2 activity with the Environment Protection Authority.

**3.2 PPZ's, SAPs or SSQs – Section 60K(5)**

- The project area is not affected by any PPZs, SAPs or SSQs.



## 7.0 Eligibility Criteria

The proponent has addressed the requirements of section 60M(1) and (2) of the Act, in relation to the eligibility criteria, and indicates its view that the project is eligible to be a major project because the project has the following 3 attributes –

- (a) the project will have a significant impact on, or make a significant contribution to, the southern region's economy, environment or social fabric due to;
  - The Project will make a significant contribution to the Northern region of Tasmania and the state as a whole.
  - The \$2.7 billion Project represents a significantly large investment in a Tasmanian renewable energy project. This level of funding will provide a significant economic benefit, generating employment in project planning, construction, and operation.
  - The Project will offer significant opportunities for employment in the Dorset region, generating up to 400 jobs during the peak of construction, and up to 65 ongoing jobs during operation of the Project.
  - The activity and employment created by the Project will see increased spending within the region, with local businesses expected to benefit.
  - State agencies have also indicated that the project may have a significant impact on Aboriginal heritage and the natural environment (subject to the detailed formal assessment that the project will receive after the project is declared).
- (b) the project is of strategic importance to the southern region due to;
  - The Project will significantly increase the generation capacity of renewable electricity for communities and industry in the region and in Tasmania, contributing up to 88% of the new renewable electricity generation required by 2030 to meet the legislated Tasmanian Renewable Energy Target.
  - The Project will generate additional renewable electricity supporting major Tasmanian strategic initiatives such as the Tasmanian Renewable Energy Action Plan and the Tasmanian Renewable Hydrogen Action Plan.
  - Development of this Project aligns with the regional profile, strategy and policy directions stated in the Northern Tasmanian Regional Land Use Strategy (NTRLUS).
- (c) the project is of significant scale and complexity due to;
  - The Project will require assessment and permits under one or more of the following Tasmanian acts – *Historic Cultural Heritage Act 1995*, *Threatened Species Protection Act 1995*, *Aboriginal Heritage Act 1975* and *Environmental Management and Pollution Control Act 1994*.



- The Project will require approval under the federal *Environment Protection and Biodiversity Conservation Act 1999*.
- The technical requirements of the Project are broad and detailed, reflecting the scale and complexity of the Project. This includes assessment of geotechnical, cultural, Aboriginal and European cultural heritage, environmental values, engineering, design and planning issues.
- The Project requires complex planning, approvals and construction, spanning two discrete areas of land to occur in multiple stages.
- After construction is complete, the Project will significantly increase the generation capacity of renewable electricity for communities and industry across Tasmania, contributing up to 88% of the new renewable electricity generation required by 2030 to meet the legislated Tasmanian Renewable Energy Target.

In accordance with section 60M, a project is eligible to be declared a major project if it has two or more of the three attributes listed. Based on the above response from the proponent and State agencies, the project is considered to meet the requirements of section 60M of the Act as it satisfies at least 2 of the 3 criteria, arguably all 3, making the project eligible to be declared as a major project.

## 8.0 Review against Ineligibility Criteria

Notwithstanding compliance with section 60M of the Act, under section 60N of the Act a project is ineligible to be declared a major project if:

- The project would not further the objectives specified in Schedule 1 of the Act,
- The project would be in contravention of a State Policy,
- The project would be in contravention of a Tasmanian Planning Policy,
- The project would be inconsistent with the Southern Tasmanian Regional Land Use Strategy
- The project relates to a matter listed in section 11(3) of the Act,

At the declaration stage of the major project assessment process, the project detail is not fully formed, and the project design is not yet finalised. There are no assessment criteria against which to assess the project. The level of information in this early stage of the major project assessment process is not as complete as it will be later in the process.

This means that the assessment against the ineligibility criteria needs to be based upon an evaluation of the information available at this point in time in the process, as opposed to a complete prescriptive detailed assessment. This level of assessment has been confirmed by the Solicitor General as the appropriate course of action to take at this point in time in the major project assessment process.

Essentially, the MPP and the proposed use and development have been evaluated against the ineligibility criteria, as opposed to undergoing a prescriptive assessment against the ineligibility criteria.



The following sections set out how the project is considered to not be in conflict with section 60N of the Act, for the purposes of declaring the project to be a major project.

## 8.1 Objectives of the Act

The objectives of the Act are more applicable to the actual major project assessment process than the individual project itself.

Noting that point, an evaluation of the MPP indicates that a comprehensive range of site studies are underway to enable due consideration of the project in the latter stages of the major project assessment process. The project has also been referred to the Commonwealth to examine if an assessment is required under the *Environment Protection and Biodiversity Act 1999*. The MPP indicates that every aspect of the project and the site will be studied and accounted for in the design to provide for a sustainable outcome.

The project will contribute a large portion of renewable energy to the electricity grid in line with the Government's stated policy objective, which is to double energy production by 2040 (over 2022 levels).

Within the project land area there is identified Aboriginal Heritage and matters of scientific interest such as areas of geo-conservation values and threatened native vegetation which have been identified through the planning processes established under the Act and other legislation. The major project assessment process has been designed to enable these matters to be considered consistent with the regulatory processes in place and the Panel's capacity to consider the benefits that a project may bring to the broader regional community.

The latter stages of the major project assessment process will provide assessment criteria and a formal assessment of the Major Project Impact Statement (MPIS) where the project will undergo a high level of scrutiny in a manner that will include public input.

At this point in time in the declaration phase of the major project assessment process an evaluation of the MPP indicates that it does not appear the project will fail to provide fair, orderly and sustainable use of and development of land.

On this basis, for the purposes of declaring the project a major project, the project is considered to further the objectives of the Act.

## 8.2 State Policies

There are 3 State Policies in effect in the State, and the National Environment Protection Measures are also given effect through the *State Policies and Projects Act 1993*.

The following State Policies are in effect -

- State Policy on the Protection of Agricultural Land 2009
- State Policy on Water Quality Management 1997
- Tasmanian State Coastal Policy 1996, and
- National Environmental Protection Measures (NEPMs).





For the purposes of evaluating ineligibility under section 60N of the Act with respect to State Policies, the meaning of ‘contravention’ should be read by the meaning set out in the Macquarie dictionary. Which is –

1. To come or be in conflict with, go or act counter to, oppose,
2. To violate, infringe, or transgress, *to contravene the law*

The test in the Act is whether a project is ‘in conflict with’ or ‘acting counter to’ the outcomes in each State Policy. Some outcomes in a State Policy are not relevant to this particular project, therefore the project is not in conflict with those outcomes and no contravention is apparent. However, when an outcome is relevant to a particular project, the project must not be in conflict with those outcomes.

This is further highlighted by advice from the Solicitor General (7 December 2020) which is provided below.

It has been recognised that some provisions of a State Policy may impose requirements that may be contravened, in the sense of creating an offence for non-compliance: *Richard G Bejah Insurance v Manning* (2002) 123 LGERA 349, 357; *St Helens Land Care & Coast Care Group Inc v Break O’Day Council* (2007) 16 Tas R 169, 190. Thus, where the phrase ‘in contravention of’ appears in relation to a State Policy (para (b)) or TPP (para (c)), it is arguable that the question of whether there is a contravention is one of objective fact. That would, however, have the consequence that only a few provisions of a State Policy (and, presumably, a TPP) are likely to be relevant to determine whether the project is in contravention, whereas the more policy directed provisions would be irrelevant to the project’s eligibility. In my view, that would be an odd result, because each of documents against which ineligibility is to be judged involve matters of policy. In my view, it is more likely that s 60N(1)(b) and (c) are drafted to ensure that the project measures up to a relevant State Policy, or TPP and not to require a strict contravention of a State policy, or TPP. In that sense, all of the relevant provisions of a State Policy are to be taken into account when assessing ineligibility.

An evaluation of how the project ‘measures up’ to each State Policy is set out below.

### 8.2.1 State Policy on the Protection of Agricultural Land 2009

The project is located on agricultural land as defined in the State Policy on the Protection of Agricultural Land 2009. The land is not prime agricultural land, as defined by the Policy and none of the wind turbines will be located inside a designated irrigation area. In terms of conversion of agricultural land, the project will only take up approximately 2-3% of the total project area. This means the existing agricultural operations on the land will be able to continue.

On this basis, the project does not contravene this State Policy.

### 8.2.2 State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management* is concerned with achieving sustainable management of Tasmania’s surface water and groundwater resources by protecting or





enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.

The MPP states that the project will be prepared with careful consideration to the management of impacts on water quality and natural values. Such measures will ensure the long-term quality of stormwater runoff is efficiently managed to protect water quality and implement the requirements of this Policy.

In effect, the design and construction of the project will set out plans to manage stormwater and sediment run-off during construction.

On this basis, the project does not contravene this State Policy as it will be constructed to comply with this policy.

### 8.2.3 Tasmanian State Coastal Policy 1996

The project is only partially located within the coastal zone, as defined by the State Policy.

The 'corner stone' of this policy is sustainable development. As discussed above in part 8.1 at this stage in the process the project and the formal assessment of the project is considered to further the objectives of the Act. Which implies that the project represents sustainable development.

Most of the outcomes of this policy refer to 'managing an issue', 'identifying and legally protecting a feature of the coast', developing policies or placing requirements on planning schemes.

Where the Policy outcomes refer to 'managing' an issue then that is considered to be a matter that the Policy requires of the whole major projects process. It is noted that the project will receive a deeper level of investigation later in the major project assessment process through the preparation of the assessment criteria and then the formal assessment of the Major Project Impact Statement where these latter stages of the whole process will determine more precisely if the project can be appropriately managed.

For the purposes of declaring the project at this stage in the process, only an evaluation of the MPP is required to identify if any of the matters that the Policy refers to 'managing' are matters that could potentially not be managed by the major project assessment process. At this stage in the process, there is nothing in the MPP that would suggest the project cannot 'stack up' against any of these types of outcomes in the policy.

Where the policy outcomes refer to 'identifying and legally protecting', these outcomes refer to using legislation or the designation of conservation reserves, or the like. Either way, any individual proposal is not directly affected by the outcome, but more affected by any existing legislation or reserve management plan. For example, Aboriginal relics (outcome 1.2) are protected by legislation and will also be considered in more detail in the major projects assessment process by the regulator.

For the purposes of declaring the project at this stage in the process, only an evaluation of the MPP is required to identify if any of the matters that policy refers to 'identifying and legally protecting' are matters that could potentially not be managed by the major project



assessment process. At this stage in the process, there is nothing in the MPP that would suggest the project cannot ‘stack up’ against any of these types of outcomes in the policy.

Any outcome of the Policy that refers to making further policies or placing requirements on planning schemes is not relevant to any specific project.

There are however, a few very specific outcomes that relate directly to whether the project could or could not be declared a major project. These are –

Outcome	Comment
<i>1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.</i>	<p>Part of the project includes a wharf/beach landing facility on Boobyalla Beach in Ringarooma Bay.</p> <p>Mapping on theLIST through the “Geomorphic Polygons – Historic and Present Dune Mobility” layers indicates that the area in question is not currently an actively mobile landform.</p> <p>On this basis, there is no direct reason to claim the project will contravene this Policy outcome, and it should also be noted that the further assessment of the project will examine this issue in more detail when the site specific studies are completed.</p>
<i>2.1.3. Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.</i>	<p>The responses to all of the other outcomes in this policy collectively satisfy this outcome.</p> <p>The project is not located in a recognised scenic protection area, however the detailed review of the project later in the process will examine any impacts on the natural landscape, including from an Aboriginal heritage point of view.</p> <p>On this basis, there is no direct reason to claim the project will contravene this Policy outcome, and it should also be noted that the further assessment of the project will examine this issue in more detail when the site-specific studies are completed.</p>
<i>2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental</i>	<p>Early investigations of the project area indicate that the project can proceed in a manner without causing serious irreversible environmental damage.</p>



<i>degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.</i>	On this basis, there is no direct reason to claim the project will contravene this Policy outcome, and it should also be noted that the further assessment of the project will examine this issue in more detail when the site-specific studies are completed.
<i>2.5.3. New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.</i>	The project will not create any new coast hugging road.  The project does not contravene this outcome.
<i>2.6.1. The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.</i>	The project will reduce public access to the coast lower than at present.  The project does not contravene this outcome.

Considering that some aspects of the major project will receive greater scrutiny further in the assessment process and on the above grounds, the major project does not appear to contravene this Policy.

#### 8.2.4 National Environmental Protection Measures (NEPMs)

There are currently 7 NEPMs in place, these are –

- **Air Toxics** – is concerned with a standardised national approach to monitoring air toxics so as to improve the information base regarding ambient air toxics. The NEPM does not apply any direct requirements to the North East Wind project.
- **Ambient Air Quality** – is concerned with a standardised national approach to monitoring ambient air quality through the location of monitoring stations. The NEPM does not apply any direct requirements to the North East Wind project.
- **Assessment of Site Contamination** – is concerned with providing a nationally consistent approach to the assessment of site contamination, rather than applying direct requirements to individual projects. The MPP suggests risks can be managed by the major project and the consideration of the risks is consistent with the requirements of this NEPM.
- **Diesel Vehicle Emissions** – is concerned with reducing emissions from diesel vehicles through clean fuels and improvements to the vehicles themselves. The NEPM does not apply any direct requirements to the North East Wind project.



- **Movement of Controlled Waste** – is concerned with a standardised national approach to managing the movement of controlled waste. The NEPM does not apply any direct requirements to the North East Wind project.
- **National Pollutant Inventory** – provides a national inventory of pollution, which is an information base. The NEPM does not apply any direct requirements to the North East Wind project.
- **Used Packaging** – is concerned with packaging for retail products, food products and distribution package for these products. The NEPM does not apply any direct requirements to the North East Wind project.

The NEPMs do not have any specific requirements to this project, and as such the project does not contravene the NEPMs.

### 8.3 Tasmanian Planning Policies

The Tasmanian Planning Policies are not in effect yet. This does not prevent the declaration of the project being made.

### 8.4 Northern Tasmania Regional Land Use Strategy 2010 to 2032

The Northern Tasmania Regional Land Use Strategy 2010-2032 (NTRLUS) at B.2 and E.4.1 lists a key regional opportunity as – Renewable energy options include substantial wind energy generation opportunities in the northeast and Furneaux Group as well as tidal and wave energy. Further at E.4.3 the NTRLUS states “Promote infrastructure planning that leverages renewable energy opportunities”.

As the project has a direct link to a key strategic direction of the NTRLUS, the project is considered to not be inconsistent with the strategy.

The strategy does however, contain specific policies that relate to this project. Most of these are matters to be further examined in the latter stages of the major project assessment process through the preparation of the assessment criteria and formal assessment of the Major Project Impact Statement.

An evaluation of these specific policies against the content of the MPP does not suggest there is any reason to form a view that the project is not inconsistent with these policies within the strategy.

Similar to the State Coastal Policy outcomes, many of the policies contain requirements to manage issues or for matters to be contained within planning schemes. Matters that require management of an issue will be dealt with in more detail in the latter stages of the major project assessment process.



## **8.5 Relates to a matter referred to in section 11(3) of the Act**

A project is not eligible to be declared if the project relates to a matter or includes use or development referred to in section 11(3) of the Act. These activities are forestry operations, mineral explorations, fishing or marine farming.

As the project does not consist of any of these activities, the project does not conflict with clause 60N(2)(a) of the Act.

## **8.6 Relates to a matter that is an EL activity**

Where an EL activity is defined in the *Environmental Management and Pollution Control Act 1994* as a level 2 activity for finfish farming.

As the project does not consist of any of this type of activity, the project does not conflict with clause 60N(2)(b) of the Act.

## **9.0 Land Owner Consent**

Inside the project land there is land owned by –

- The Crown.

Under section 60P(2) of the Act a project cannot be declared a major project unless the required land owner consents have been provided. The required landowner consent has been provided and a copy of this is included in Appendix A.

Inside the project land there is land managed by –

- Dorset Council,
- State Growth,
- The Crown through Parks and Wildlife Service, and
- The Crown through the Department of Natural Resources and Environment Tasmania.

Under section 60P(3) of the Act a project cannot be declared a major project unless the notification of the project has been given to the owners of land inside the project area (when they are not the proponent) and Councils/state agencies who manage land inside the project area. Those required notifications have been given.

## **10.0 Declaration and Notice**

The consultation period of 28 days for the persons to be notified under section 60I of the Act has ended on 29 July 2022, and a decision must be made by 12 August 2022.



This report recommends that the project is suitable for declaration as a major project, if the Minister so chooses.

Before making the declaration section 60P(1) of the Act requires that -

- The Minister has to be of the opinion the project is considered eligible under section 60M of the Act (eligibility criteria),
- The Minister is to have regard to any Determination Guidelines issued by the Tasmanian Planning Commission under section 60K of the Act, and
- The Minister is to have considered any advice provided during the consultation period under section 60I of the Act. This advice received during the consultation period is contained in Appendix C.

All of the required preconditions for declaration have been met. As such, in accordance with section 60O(1)(a) of the Act the project is suitable to be declared as a major project, as set out in this report.

In accordance with section 60Q(1) of the Act, the declaration document must contain the following information -

- A map or description of the location of the land on which the project is situated,
- A general description of the project (because the project is for energy infrastructure), including the proposed activities, uses and developments of the project,
- A general plan indicating the areas on the project land where the project is to be situated,
- Name of proponent of the major project,
- The attributes of the project, which in the opinion of the Minister, that make the project eligible to be declared as a major project

In accordance with section 60Q(3) of the Act, the declaration document may contain the following information -

- A statement specifying particular qualifications or experience that the Minister considers ought to be possessed by at least one Panel member, and if so, requiring the Commission to appoint that person if the Commission appoints additional panel members,
- Any use or development considered necessary for the implementation of the project
- The Planning Authority for the portion of the site outside municipal areas (noting they are in the same region).



## 10.1 Panel Member Skills and Experience

Including a statement that requires a panel member to contain certain specific skills in the declaration notice will require the Commission to appoint a panel member with these skills under section 60W(4) of the Act.

Given that the requirements for the normal regulators to assess the proposal will cover historic cultural heritage, environmental, potentially threatened species and Aboriginal heritage, a specific skill set is not considered necessary and it is recommended to leave the appointment of the Panel members up to the Commission.

Accordingly, the declaration notice does not contain any specific provision in this regard.

## 10.2 Necessary use or development

With this project there is a possibility that some road upgrades will be needed to deliver the project components to the sites. However, at this stage in the process, the precise method of delivery of the WTG components is not known, so it is also not known if road upgrades will be required. Without greater certainty it is not considered necessary to include any reference to necessary use or development at this time.

It is also noted that external transmission of electricity from the project area to the grid is planned to occur under a separate approval process, and as such that does not form part of this major project.

Accordingly, the declaration notice does not contain any specific provision in this regard.

## 10.3 Planning Authority

For the area of the project that is not inside any municipality, the declaration notice needs to contain a provision that nominates a planning authority as the planning authority for this part of the project. As this area of land is adjacent to the Dorset Municipality, the declaration notice should contain an expression that the Dorset Council is the planning authority for the portion of the project that is not within any municipal area. This area of the project is shown below –





## 11.0 Notifications for Declaration

Within 7 days of making the declaration the following notifications are required to satisfy section 60R of the Act, this includes –

- Letters as set out in 60R(1) of the Act,
- Providing the major project proposal to the Commission, as set out in section 60R(2) of the Act,
- Providing the Commission with the details provided from State agencies under section 60H,
- A notice specifying the declaration has been made has to be published in the Gazette and newspaper circulating in Tasmania, including an electronic address of the Commission where a copy of the declaration can be viewed, as set out in 60R(3) of the Act.



## **Appendix A – Land Owner consent**



2 August 2022

Hon Minister Jaensch MP

Minister for Parks

Sent via email: [minister.jaensch@dpac.tas.gov.au](mailto:minister.jaensch@dpac.tas.gov.au)

**Proposal for declaration of a Major Project in relation to the North East Wind Project**  
**Request for Crown Land Consent pursuant to Section 60P(2)(a) of the Land Use Planning and Approvals Act 1993**

Dear Minister,

ACEN Australia is currently developing a large-scale wind farm development in north east Tasmania, "North East Wind". North East Wind will contribute up to 1,260 megawatts to Tasmania's significantly increasing the renewable generation capacity and contribute up to 88% of the new renewable electricity generation required by 2030 to meet the Tasmanian Renewable Energy Target. The location was selected to take advantage of the notorious 'Roaring 40s' which generates, strong, consistent winds across the northern coast of Tasmania.

North East Wind represents a \$2.7 billion dollar investment in Tasmanian economy and will make a significant contribution to the Northern region of Tasmania and the state as a whole, it will create a significant economic benefit, generating employment in project planning, construction, and operation. The project is targeting a commencement of construction by late 2025.

ACEN Australia has written to the Minister for Planning seeking to have the North East Wind Project declared a major project under the *Land Use Planning and Approvals Act 1993*.

As part of the Minister's consideration of the proposal against legislated eligibility criteria, he will consult a range of interested parties including councils, state agencies, land owners and neighbours before a decision is made around whether to declare the project and refer it to the independent Tasmanian Planning Commission for detailed assessment and determination.

In order to commence the eligibility stage of the major projects process, section 60F(2)(b) of the Act requires the Major Project Proposal to include a plan generally setting out the areas

**ACEN Australia**  
Suite 2, Level 2  
15 Castray Esplanade  
Battery Point, TAS 7004

ACN 616 856 672  
ABN 27 616 856 672

on which the North East Wind Project is to be situated. The Major Project Proposal refers to this as Project Land.

The Project Land includes Crown Land within the meaning of the *Crown Lands Act 1976* including land managed by the Department of State Growth and land managed by the Department of Natural Resources and Environment Tasmania, including land managed by the Parks and Wildlife Service as shown on the accompanying attachments (A-D).

As the Project Land includes Crown Land, the consent of the Minister who administers the Crown Lands Act 1976 is required prior to the declaration of the North East Wind Project as a major project. This is because section 60P(2) of LUPAA states that –

The Minister may only declare a project to be a major Project under section 60O –

- a) if all or part of the land on which the project is to be situated is Crown land, within the meaning of the Crown Lands Act 1976 – with the consent of the Minister to whom the administration of that Act is assigned;*

As the Minister for Crown Lands, we are seeking your consent for the land identified in the attached to be included in the Project Land pursuant to section 60P(2)(a) of LUPAA.

If you have any further questions, please do not hesitate to contact me.

Kind regards,

A handwritten signature in blue ink, appearing to read "Toby Dove".

**Toby Dove**  
Development Manager

**ACEN Australia**

m: 0409 333 461

e: [toby.dove@acenrenewables.com.au](mailto:toby.dove@acenrenewables.com.au)

CC      Sonia Mellor  
Strategic Project and Policy Officer  
Department of Natural Resources and  
Environment Tasmania  
[Sonia.mellor@nre.tas.gov.au](mailto:Sonia.mellor@nre.tas.gov.au)

Di Gee  
Manager Transport Systems Planning  
Department of State Growth  
[Di.Gee@stategrowth.tas.gov.au](mailto:Di.Gee@stategrowth.tas.gov.au)

**ACEN Australia**  
Suite 2, Level 2  
15 Castray Esplanade  
Battery Point, TAS 7004

ACN 616 856 672  
ABN 27 616 856 672

**Attachment:**

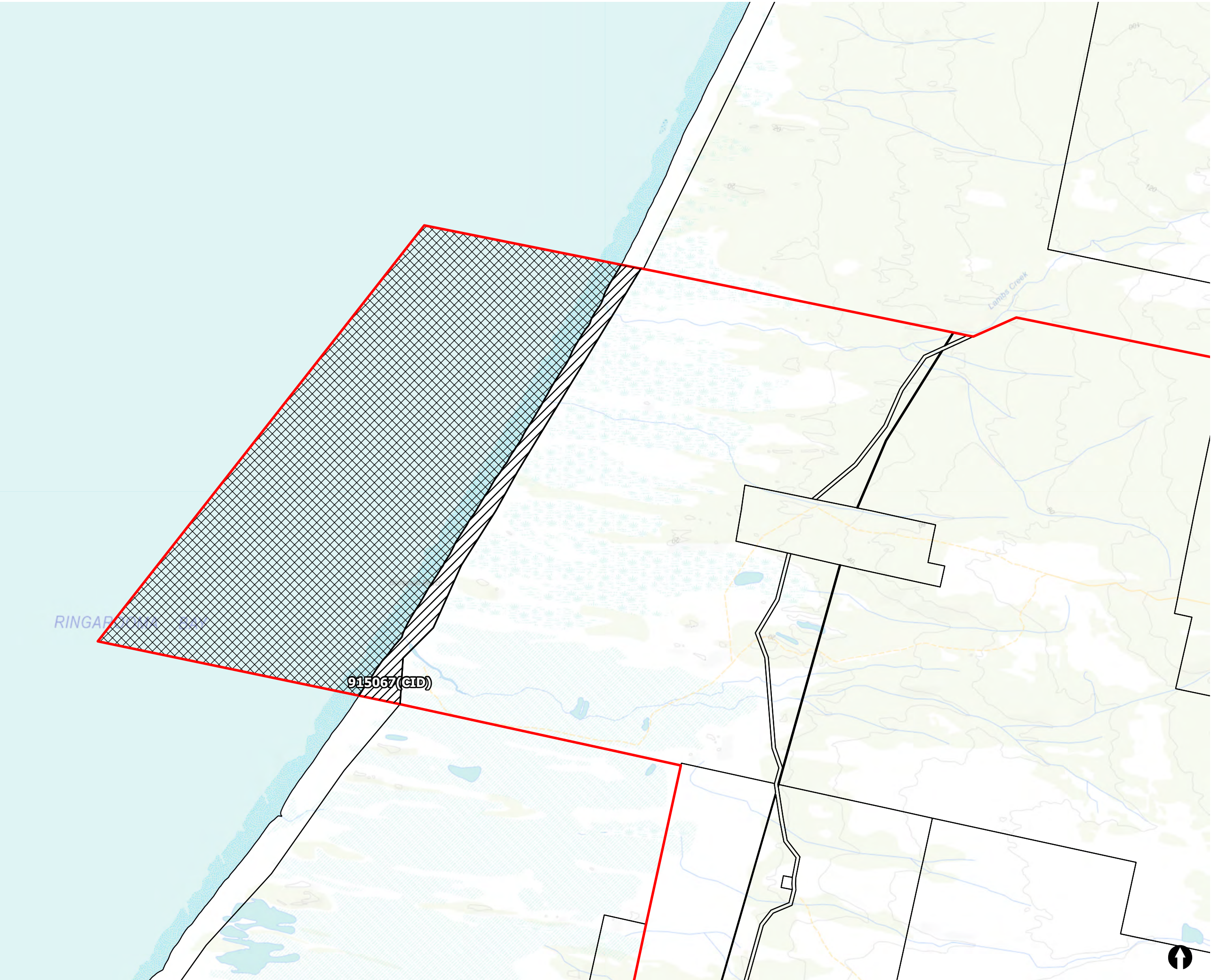
Attachment A – Crown land administered by the Department of Natural Resources and Environment (sea bed adjacent to Boobyalla Beach), including land administered by the Parks and Wildlife Service (Boobyalla Conservation Area);

Attachment B - Crown land administered by the Department of Natural Resources and Environment (Leengtenner/Tomahawk River);

Attachment C - Crown land administered by the Department of Natural Resources and Environment (road casements); and

Attachment D – Crown land administered by the Department of State Growth.



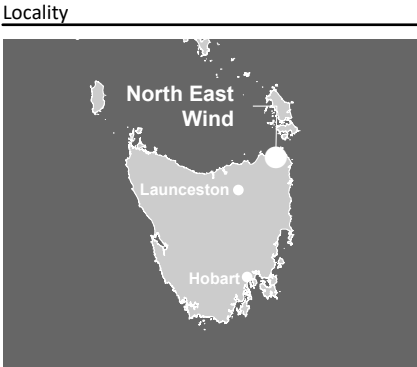


**Legend**

- Project Land
- Crown Land
- Parks and Wildlife Managed Area
- Cadastre

**Notes**

1. Project details shown in this plan are preliminary only.



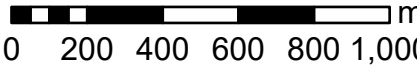
**Project**

**North East Wind**  
Renewable Energy from ACEN

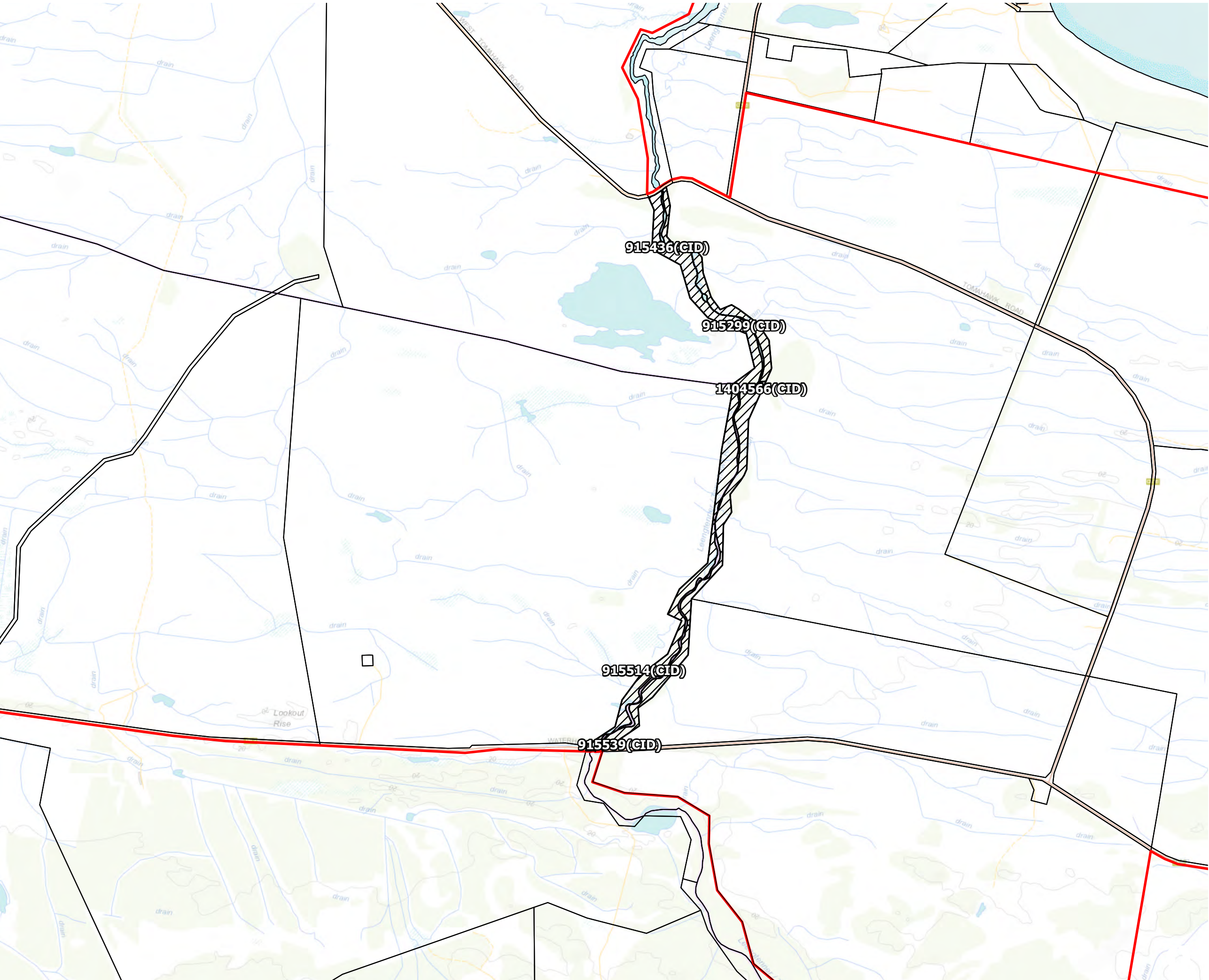
**Title**

Crown Lands Consent  
Boobyalla Conservation Area

<b>Drawing no.</b>	<b>Date</b>
NEW-P015A	28/07/2022







Legend

- Project Land
- Crown land
- Cadastre

Notes

1. Project details shown in this plan are preliminary only.

Locality



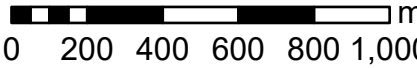
Project

**North East Wind**  
Renewable Energy from ACEN

Title

Crown Land Consent  
Leengtenner / Tomahawk River

Drawing no. NEW-P015B Date 22/07/2022







Legend

- Project Land
- Cadastral
- Crown Road Casement
- Authority
  - Council
  - PWS
  - Undeveloped

Notes

1. Project details shown in this plan are preliminary only.

Locality



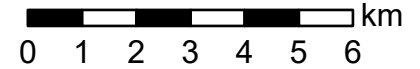
Project

**North East Wind**  
Renewable Energy from ACEN

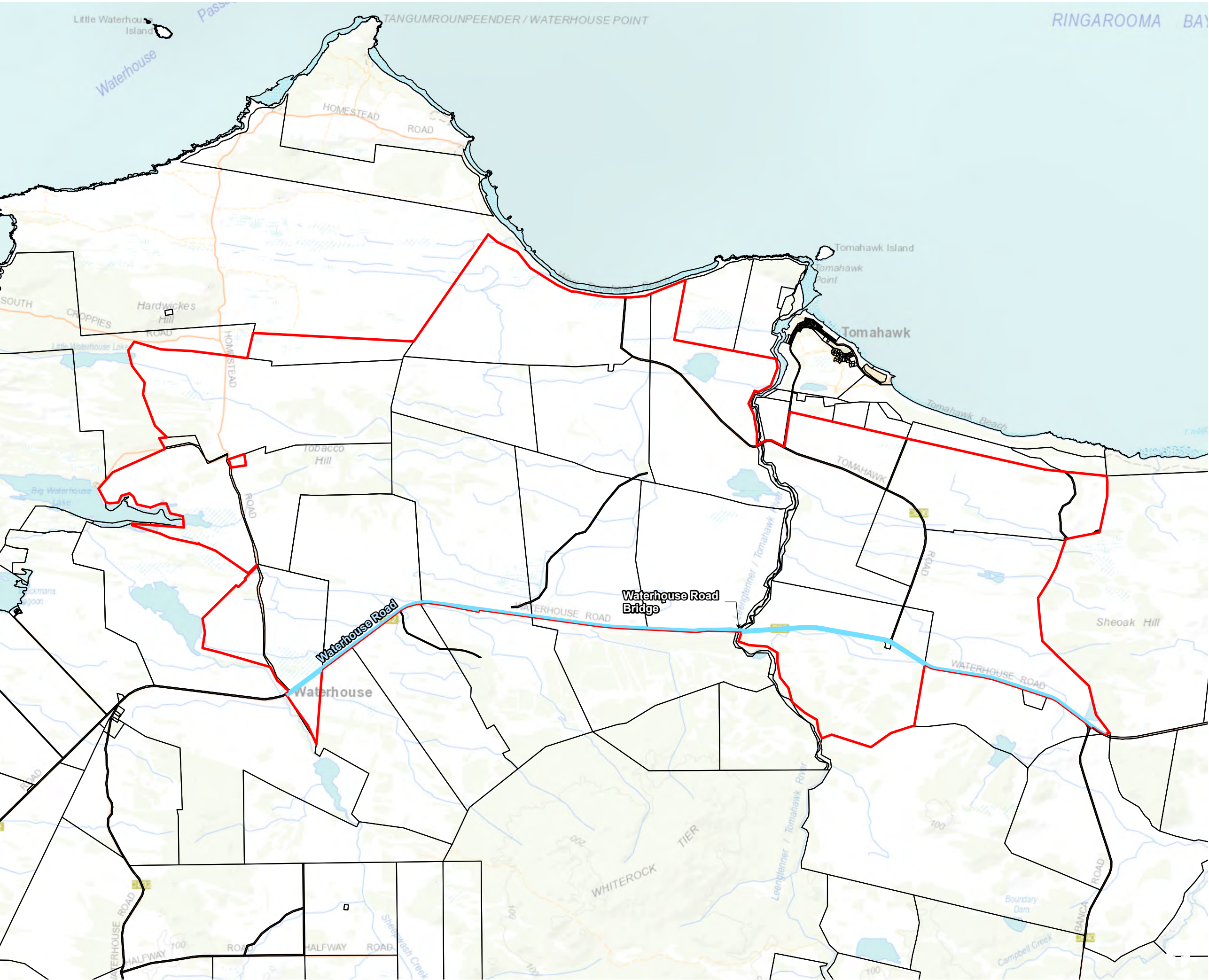
Title

Crown Land Consent  
Road Casements

Drawing no. NEW-P015C Date 22/07/2022





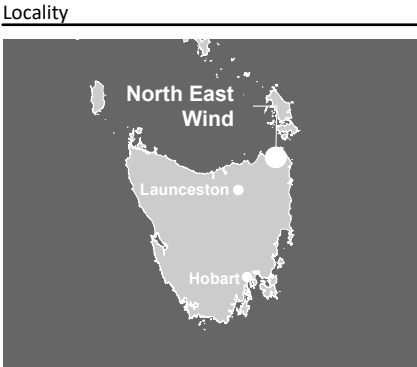


**Legend**

- Crown Land Administered by Department of State Growth
- Project Land
- Cadastral

**Notes**

1. Project details shown in this plan are preliminary only.



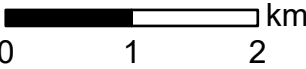
**Project**

**North East Wind**  
Renewable Energy from ACEN

**Title**

Crown Land Consent  
Road Casements

**Drawing no.** NEW-P015D      **Date** 1/08/2022





## Department of State Growth

Salamanca Building, Parliament Square  
4 Salamanca Place, Hobart TAS 7000  
GPO Box 536, Hobart TAS 7001 Australia  
Phone 1800 030 688 Fax (03) 6173 0287  
Email [info@stategrowth.tas.gov.au](mailto:info@stategrowth.tas.gov.au) Web [www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)  
Your Ref: / Our Ref:



Mr Jason Jacobi  
Acting Secretary  
Department of Natural Resources and Environment  
Tasmania

By email: [jason.jacobi@nre.tas.gov.au](mailto:jason.jacobi@nre.tas.gov.au)

Dear Mr Jacobi

### **Crown Land Consent pursuant to Section 60P(2)(a) of the Land Use Planning and Approvals Act 1993 - Major Projects Proposal – North East Wind**

I understand that ACEN Australia is seeking to have its North East Wind project declared as a major project under the *Land Use Planning and Approvals Act 1993*.

As part of this declaration, ACEN Australia must obtain Crown land owner consent to include any Crown land within the proposed major project area. Under s 60P(2), this consent must be provided by the Minister for Parks, as the minister responsible for the *Crown Lands Act 1976*.

The major project area proposed by ACEN Australia includes Crown land administered by the Department of State Growth. Based on the project boundaries, the Crown land under the Department's jurisdiction includes Waterhouse Road between the intersections of Homestead and Banca Roads, and Waterhouse Road Bridge (see Attachment 1).

As Secretary of the Department with responsibility to manage this land, I confirm my endorsement to include this land within the major project area, and for the proposed development to be declared a major project.

I understand that the Department of Natural Resources and Environment Tasmania will forward this endorsement to the Minister for Parks as part of a broader recommendation to provide Crown land owner consent to ACEN Australia.

Please note that the Department reserves the right to make representations in relation to any aspect of the proposed development as part of the major project assessment process.

Please contact Di Gee, Manager Transport Systems Planning by email at [Di.Gee@stategrowth.tas.gov.au](mailto:Di.Gee@stategrowth.tas.gov.au) or by telephone on 0448 803 390 if you have any further queries.

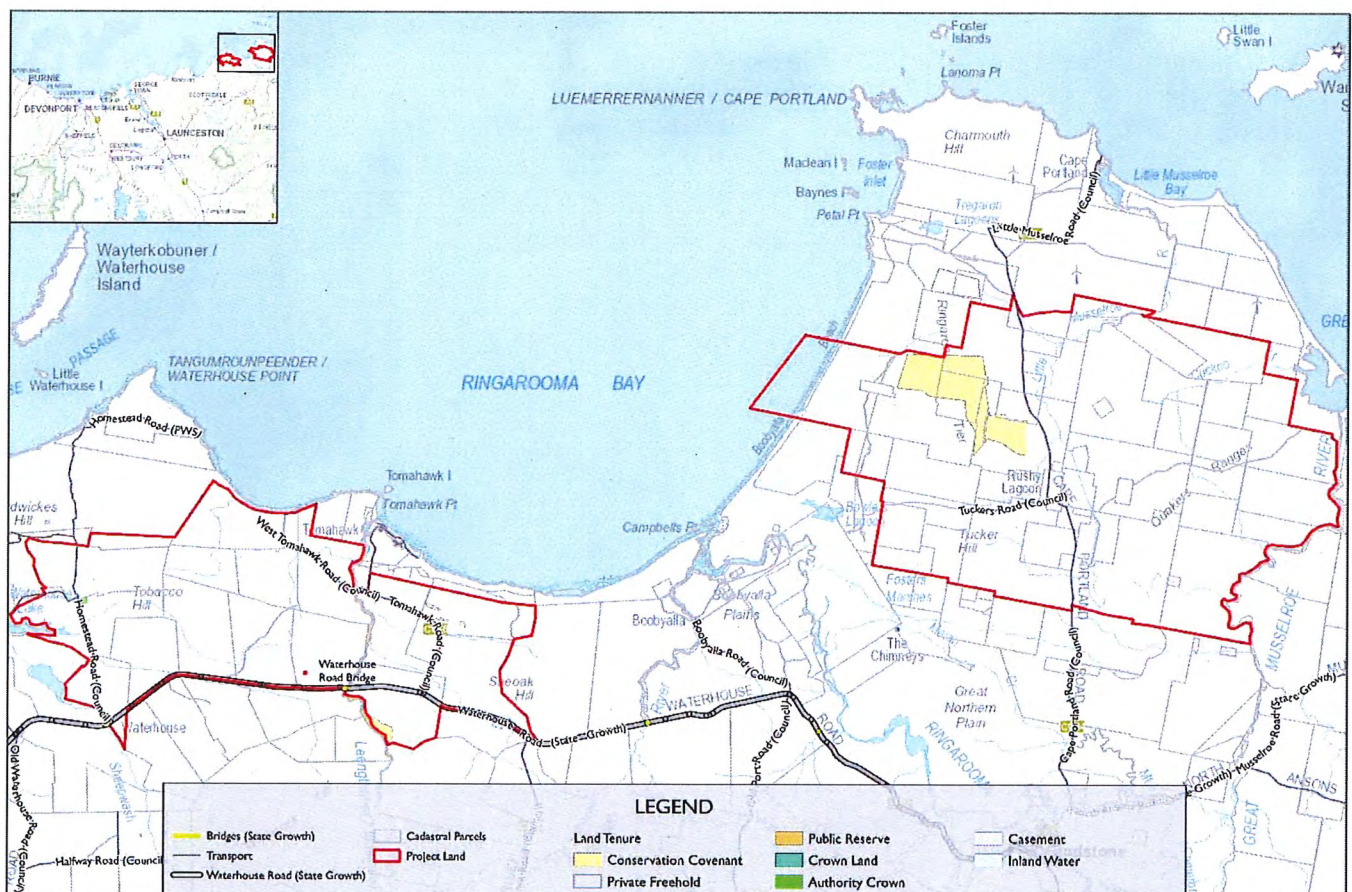
Yours sincerely



Kim Evans  
Secretary

8 August 2022

### Attachment I – Department of State Growth administered land, North East Wind major project area





**Minister for Education, Children and Youth**  
**Minister for Environment and Climate Change**  
**Minister for Aboriginal Affairs**  
**Minister for Parks**

Level 9 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7670  
Email: [minister.jaensch@dpac.tas.gov.au](mailto:minister.jaensch@dpac.tas.gov.au)



10 AUG 2022

Mr Toby Dove  
Development Manager  
ACEN Australia  
Sent via email to: [toby.dove@acenrenewables.com.au](mailto:toby.dove@acenrenewables.com.au)

Dear Mr Dove

**Major Projects Proposal – North East Wind – Consent pursuant to Section 60P(2)(a) of the *Land Use Planning and Approvals Act 1993***

I refer to your correspondence dated 2 August 2022, advising that you are seeking to have the North East Wind Project, as described in that correspondence, declared as a Major Project pursuant to the *Land Use Planning and Approvals Act 1993*.

As the Minister administering the *Crown Lands Act 1976*, I consent to the Minister for Planning to declare the North East Wind Project as a Major Project with respect to the land owned by the Crown and administered by the Department of Natural Resources and Environment Tasmania (NRE Tas), including land administered by the Parks and Wildlife Service, and the Department of State Growth as set out in the attached plans:

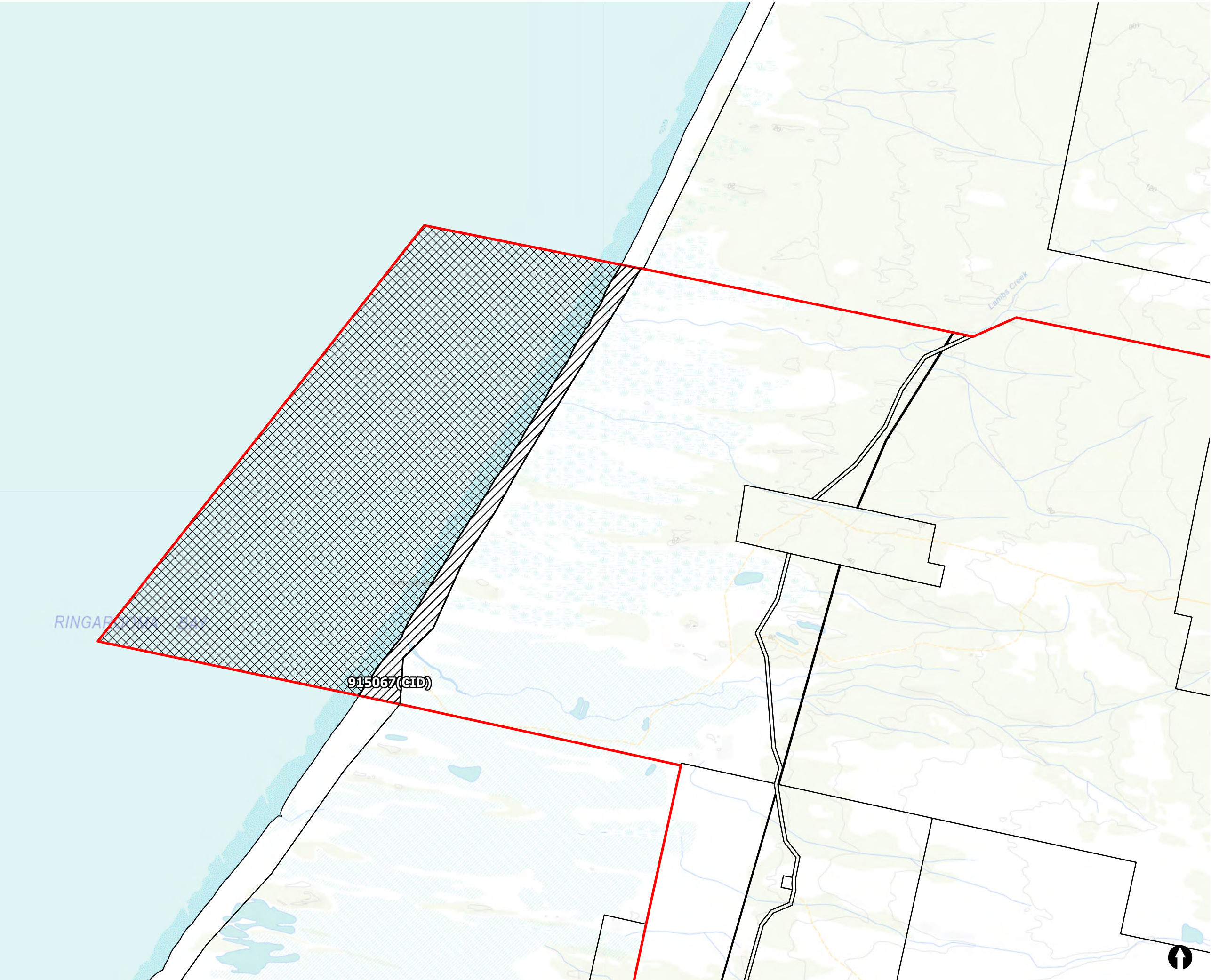
- Attachment A – Crown land administered by NRE Tas at Boobyalla Beach, including Boobyalla Conservation Area;
- Attachment B – Crown land administered by NRE Tas adjacent to *Leengtenner/Tomahawk River*;
- Attachment C – Crown land administered by NRE Tas - road easements within the Project land;
- Attachment D – Crown land administered by NRE Tas at Little Musselroe River; and
- Attachment E – Crown land administered by the Department of State Growth, including sections of Waterhouse Road and Waterhouse Road Bridge.

Should the proposal be declared by the Minister for Planning as a Major Project, an independent panel, assembled by the Tasmanian Planning Commission, will oversee the assessment which includes a coordinated and robust assessment of land use and heritage, including Aboriginal heritage, environmental, and threatened species requirements.

Yours sincerely

Hon Roger Jaensch MP  
**Minister for Parks**

Copy to: Minister for Planning  
Acting Secretary, Department of Natural Resources and Environment Tasmania  
Secretary, Department of State Growth

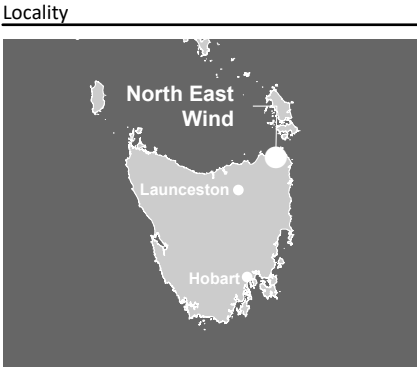


**Legend**

- Project Land
- Crown Land
- Parks and Wildlife Managed Area
- Cadastre

**Notes**

1. Project details shown in this plan are preliminary only.



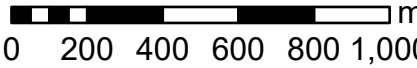
**Project**

**North East Wind**  
Renewable Energy from ACEN

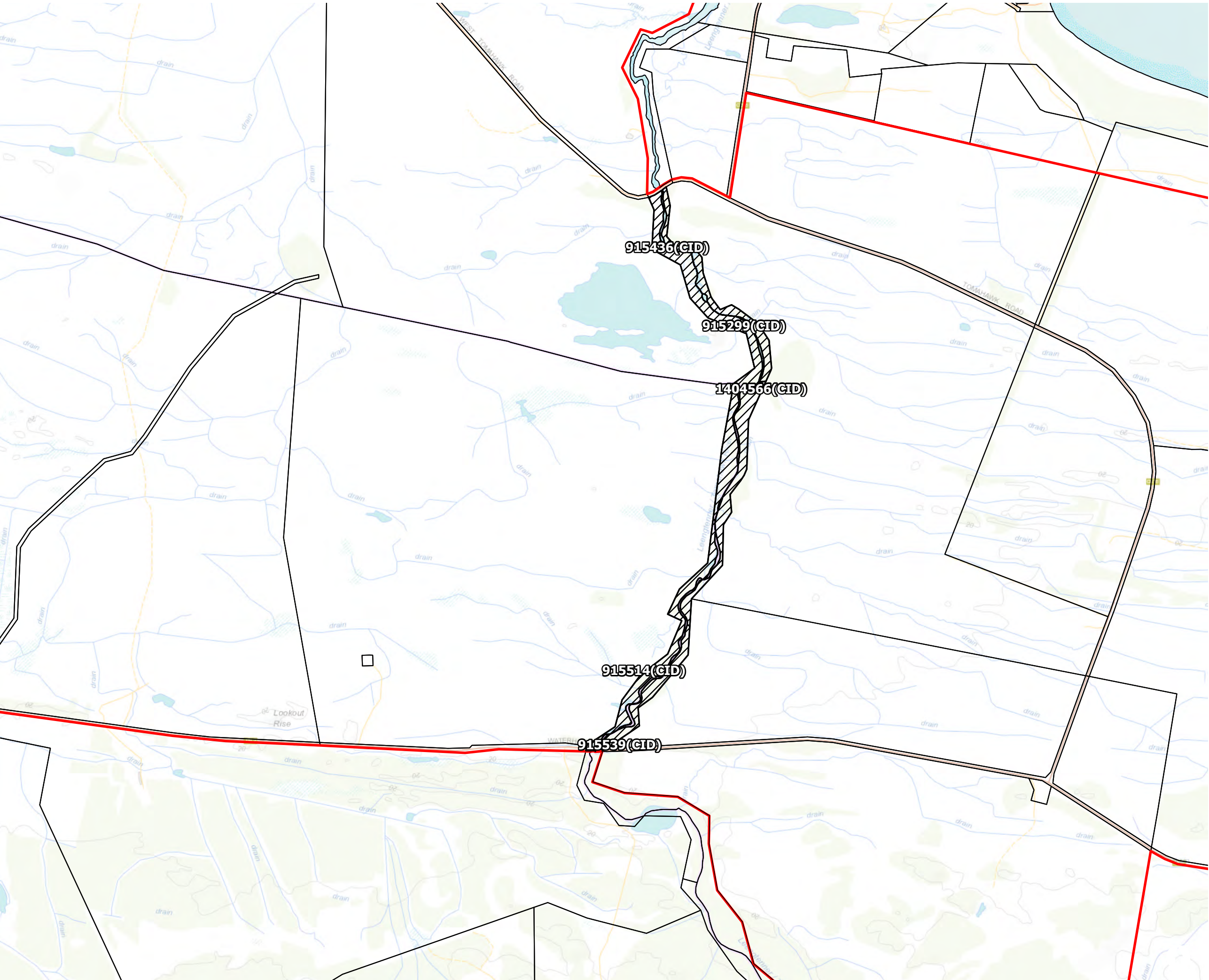
**Title**

Crown Lands Consent  
Boobyalla Conservation Area

<b>Drawing no.</b>	<b>Date</b>
NEW-P015A	28/07/2022





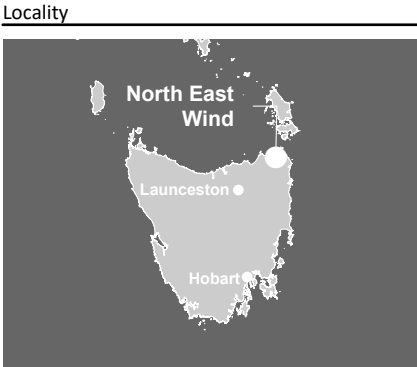


**Legend**

- Project Land
- Crown land
- Cadastre

**Notes**

1. Project details shown in this plan are preliminary only.



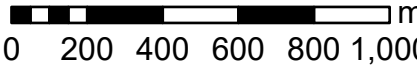
**Project**

**North East Wind**  
Renewable Energy from ACEN

**Title**

Crown Land Consent  
Leongtenner / Tomahawk River

<b>Drawing no.</b> NEW-P015B	<b>Date</b> 22/07/2022
---------------------------------	---------------------------







Legend

- Project Land
- Cadastre
- Crown Road Casement
- Authority
  - Council
  - PWS
  - Undeveloped

Notes

1. Project details shown in this plan are preliminary only.

Locality



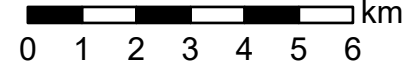
Project

**North East Wind**  
Renewable Energy from ACEN

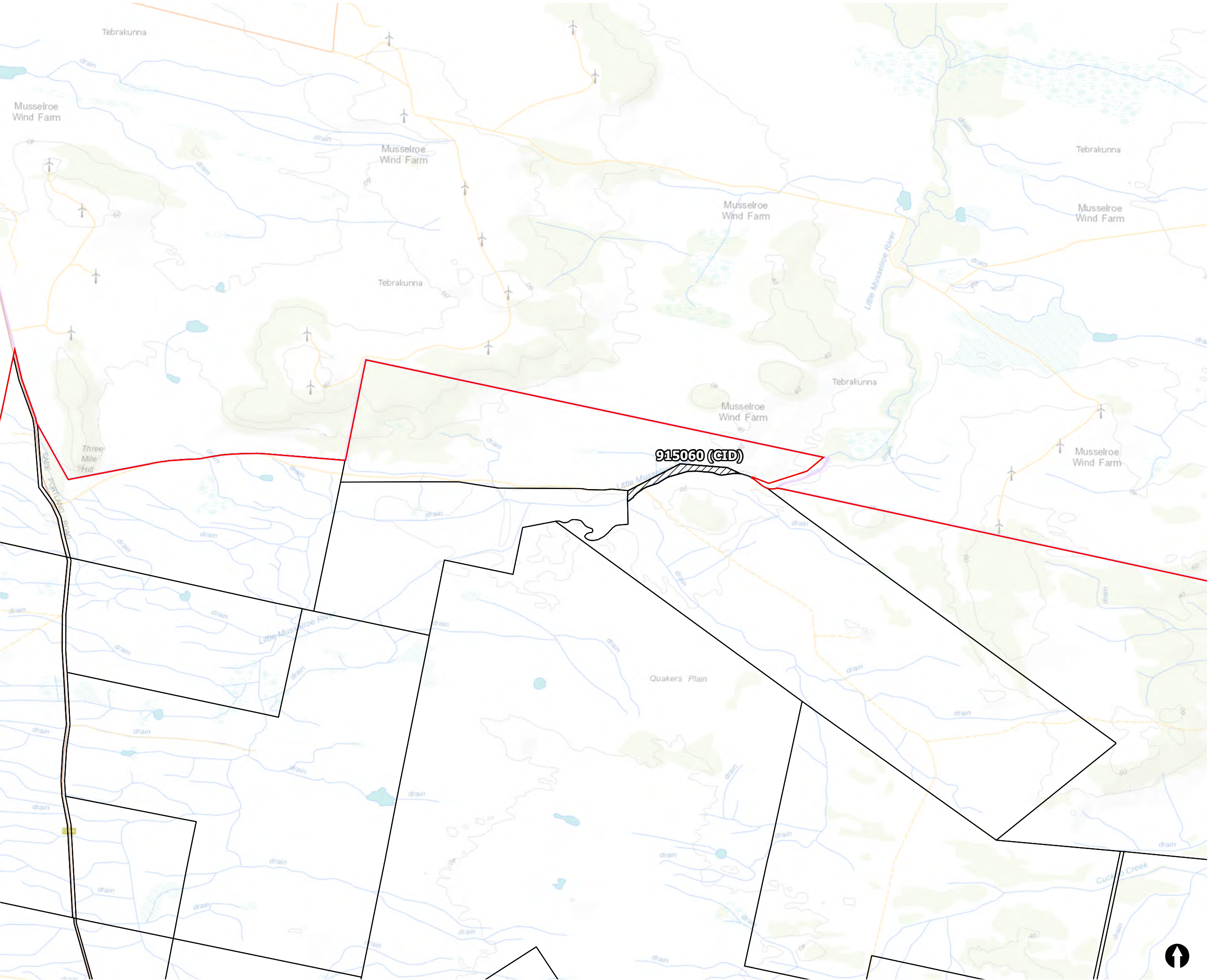
Title

Crown Land Consent  
Road Casements

Drawing no. NEW-P015C Date 22/07/2022





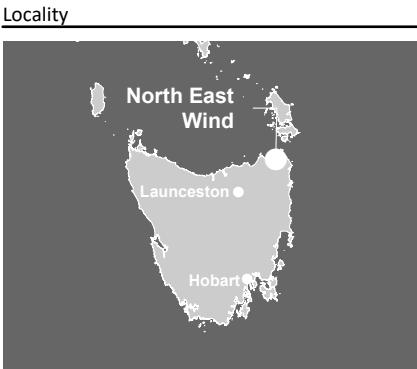


**Legend**

- Crown Land
- Project Land
- Cadastre

**Notes**

1. Project details shown in this plan are preliminary only.



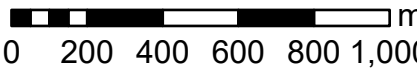
**Project**

**North East Wind**  
Renewable Energy from ACEN

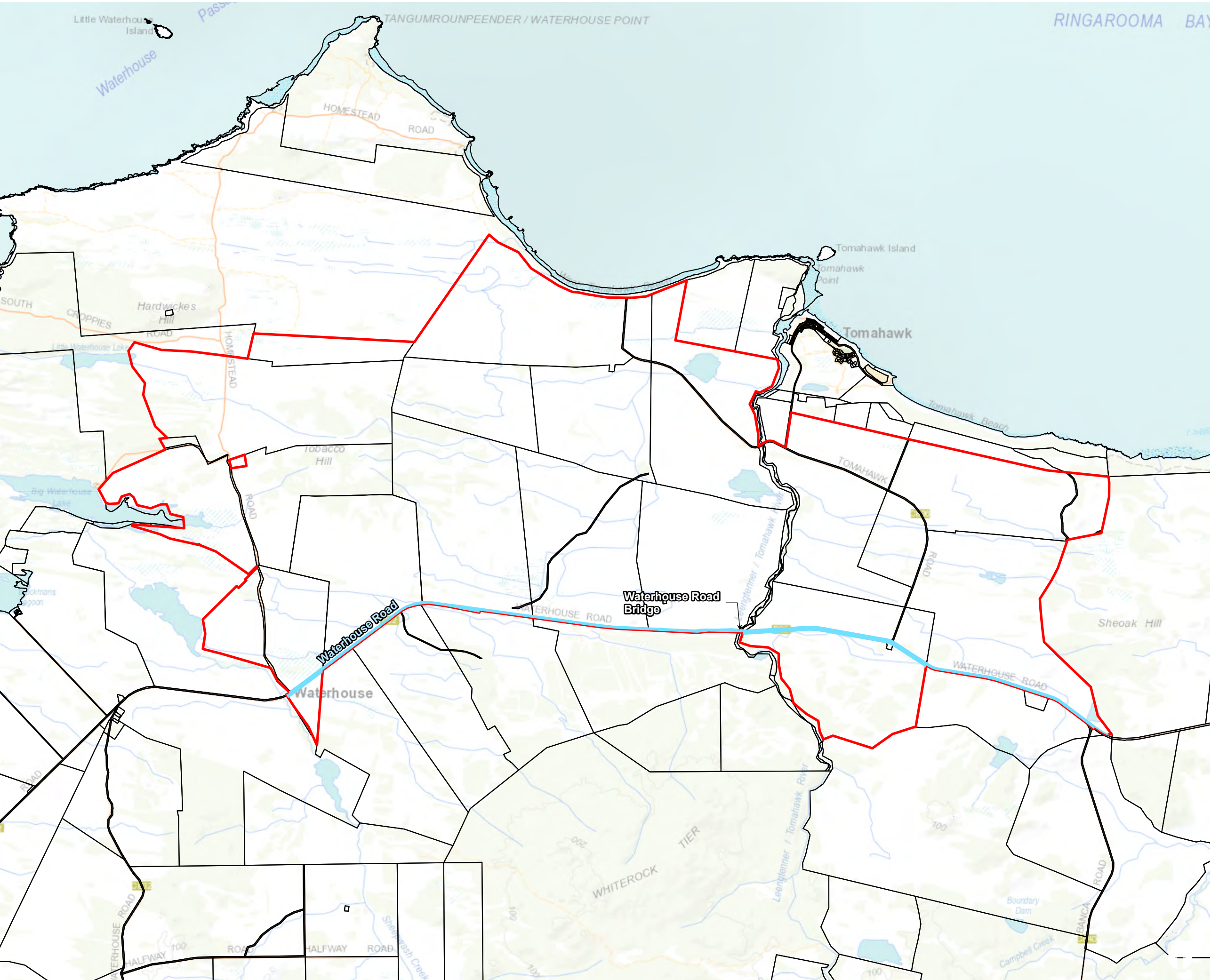
**Title**

Crown Lands Consent  
Little Musselroe River

**Drawing no.** NEW-P015E **Date** 1/08/2022





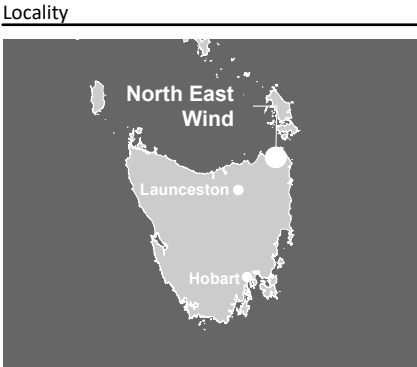


**Legend**

- Crown Land Administered by Department of State Growth
- Project Land
- Cadastral

**Notes**

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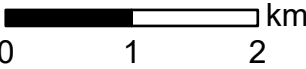
**Project**

**North East Wind**  
Renewable Energy from ACEN

**Title**

Crown Land Consent  
Road Casements

**Drawing no.** NEW-P015D      **Date** 1/08/2022



## Appendix B – list of those persons notified under section 60I

Owner	Contact	Property Address
Michael Griffin Bennett, Maureen Josephine Bennett Richard Michael Bennett and Lynton Manley	Michael Bennett, Maureen Bennett, Richard Bennett and Lynton Manley	311 Musselroe Road
	Occupier	311 Musselroe Road
Gladstone Milking Facilities Pty Ltd	Allan Pye	722 Cape Portland Road
	Occupier	722 Cape Portland Road
Rushy Holdings Pty Ltd	Allan Pye	1069 Cape Portland Road
	Occupier	1069 Cape Portland Road
Steven Charles Saunders	Steven Saunders	199 Tomahawk Drive
	Occupier	199 Tomahawk Drive
Stephen James Creese	Stephen Creese	2987, 3189 Waterhouse Road and 60, 340 West Tomahawk Road
Timothy Lister Gunn	Tim Gunn	2828 Waterhouse Road
Denis John Creese	Denis Creese	2549 Waterhouse Road 122 Waterhouse RD and 2849 Waterhouse Road
	Occupier	2549 Waterhouse Road
TDR (State Growth) – Big Waterhouse Lake	Sir/Madam	Homestead Road
Peppertree Pty Ltd	Mandy Gunn	Banca Road and 303 Homestead Road
David Maxwell Probert, Lorene Margaret Mather and Elizabeth Mary Ponting	David Probert, Lorene Mather and Elizabeth Ponting	1150 Cape Portland Road
HT Wind Developments Pty Ltd	Sir/Madam	2205 Cape Portland Road
Julian Edward Kenneth Von Bibra	Julian Von Bibra	441 Mussleroe Road
Melbourne Resort Development Pty Ltd	Sir/Madam	1251 Mussleroe Road
Damien Garry Blundstone	Damien Blundstone	556 Tomahawk Road
	Occupier	556 Tomahawk Road
John James David Hood	John Hood	Waterhouse Road
Penelope Rigney	Penelope Rigney	3190 Waterhouse Road and 2990 Waterhouse Road
	Occupier	3190 Waterhouse Road
	Occupier	2990 Waterhouse Road
Richard Michael Propsting	Richard Propsting	Waterhouse Road
Richard Spencer Carins And Jane Maree Carins	Richard Carins and Jane Carins	Tomahawk Road
	Occupier	Tomahawk Road
Yvonne Ruth Gerke, Noel Douglas Gerke and Sager Logging Pty Ltd	Yvonne Gerke and Noel Gerke	2620 Waterhouse Road

Owner	Contact	Property Address
	Occupier	2620 Waterhouse Road
Laurence Charles Mather and Lorene Margaret Mather	Laurence Mather and Lorene Mather	1910 Banca Road
	Occupier	1910 Banca Road
Anne Louise Williams	Anne Williams	2728 Waterhouse Road
Telstra Corporation Limited	Sir/Madam	2635 Waterhouse Road
Jonathan Charles Burley and Kathleen Margaret Burley	Jonathan Burley and Kathleen Burley	559 Tomahawk Road
	Occupier	559 Tomahawk Road
Phillip Rattray and Sonja Lyn Rattray	Phillip and Sonja Rattray	471 Homestead Road and Homestead Road
Andrew Campbell and Leanne Campbell	Andrew Campbell and Leanne Campbell	3278 Waterhouse Road x2
Dorothy Elaine Hill	Elaine Hill	3333 Waterhouse Road
State Agencies		
Secretary	Department of State Growth	
Acting Secretary	Department of Natural Resources and Environment Tasmania	
Commissioner	Department of Police, Fire and Emergency Management	
Executive Commissioner	Tasmanian Planning Commission	
Chief Executive Officer	TasNetworks	
Chief Executive Officer	TasWater	
Chief Executive Officer	TasPorts	
Director	Heritage Tasmania	
Chair	Heritage Council	
Director	Aboriginal Heritage Tasmania	
Chair	Aboriginal Heritage Council	
Director	Environmental Protection Authority	
Director	Renewables Climate And Future Industries Tasmania	
Chief Executive	Marine and Safety Tasmania	
Councils		
Break O'Day Council		
Dorset Council		
Flinders Council		
George Town Council		
Launceston City Council		
Meander Valley Council		
Northern Midlands Council		
West Tamar Council		
Local Government Association of Tasmania		







## **Appendix C – section 60I submissions**





Sub No	Salutation	Name	Position	Organisation
1	Mr Cole	Al Cole	Senior Assessment Officer	TasWater
2	Mr WagenKnecht	Thomas Wagenknecht	Town Planner	Dorset Council
3	Mr Ramsay	John Ramsay	Executive Commissioner	Tasmanian Planning Commission
4	Mr Power	Shane Power	General Manager	George Town Council
5	Mr Jacobi	Jason Jacobi	Acting Secretary	Department of Natural Resources and Environment Tasmania
6	Mr Ford	Wes Ford	Chief Executive Officer	Environment Protection Authority
7	Mr Evans	Kim Evans	Secretary	Department of State Growth



TW CM ref: TWSI 2022/00497-DC

18 July 2022

**Michael Ferguson MP**  
Minister for Planning  
Tasmanian Government  
GPO BOX 123  
Hobart, Tas, 7001

**Major Project Proposal – North East Windfarm**

Dear Minister,

TasWater advises that we are supportive of this project being declared a major project.

Yours sincerely,

**Al Cole**  
Senior Assessment Officer, TasWater

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ABN: 47 162 220 653



**From:** [Thomas Wagenknecht](#)  
**To:** [Ferguson, Michael](#)  
**Cc:** [State Planning Office Shared Mailbox](#); [Greg Howard](#); [Tim Watson](#); [Rohan Willis](#)  
**Subject:** Major Project Proposal - North East Windfarm - Declaration of Major Project Eligibility  
**Date:** Friday, 22 July 2022 2:48:19 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[Major Project Proposal - North East Windfarm - Declaration of Major Project Eligibility.pdf](#)  
[Media Release - July Council Meeting.pdf](#)  
[Agenda Item 116.22 - Major Project Declaration Eligibility - 18 July 2022... pdf](#)  
[Major Project Proposal - North East Windfarm - Dorset Council.pdf](#)  
[Attachment 1 - Major Project Proposal - North East Wind - Consultation d. .. pdf](#)

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Dear Hon Michael Ferguson,

Please find the attached written notice on behalf of Dorset Council in response to your letter dated 1 July 2022 regarding the Major Project proposal by North East Windfarm.

Furthermore, it is noted that the proposal land would include several roads managed by Dorset Council. Council has reviewed each section of road casement along each of the five applicable Council-maintained roads relied upon for the project and can confirm that the underlying ownership tenure of each is not Dorset Council. On this basis, express written consent from Council under section 60P(2) of the LUPA Act for use/development of these Council roads for the purposes of the project would not be required under the Major Projects assessment process.

If confirmation of receipt of this notice could please be provided it would be greatly appreciated. Similarly, if you have any questions or require further information please do not hesitate to get in touch.

Kind regards,



**THOMAS WAGENKNECHT | TOWN PLANNER**

**P:** (03) 6352 6500 | **F:** (03) 6352 6509

PO Box 21 Scottsdale 7260 | 3 Ellenor Street Scottsdale  
7260



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**dorset**  
COUNCIL

22 July 2022

ABN 68 027 137 155  
3 Ellenor Street  
Scottsdale Tasmania  
PO Box 21 Scottsdale  
Tasmania 7260

T 03 6352 6500  
F 03 6352 6509  
E [dorset@dorset.tas.gov.au](mailto:dorset@dorset.tas.gov.au)  
[dorset.tas.gov.au](http://dorset.tas.gov.au)



Hon Michael Ferguson MP  
Minister for Planning  
10<sup>th</sup> Floor, Executive Building,  
15 Murray Street,  
Hobart, TAS 7000

Dear Minister for Planning

**Major Project Proposal – North East Windfarm – Declaration of  
Major Project Eligibility**

I refer to your letter dated 1 July 2022 in relation to the North East Windfarm and its proposal to be considered a Major Project under section 60C of the *Land Use Planning and Approvals Act 1993* (the LUPA Act).

Dorset Council considered the matter at its July Council meeting on Monday 18<sup>th</sup> and resolved to advise the Minister for Planning that Council considers that the Minister ought to be of the opinion that the proposed North East Wind project is eligible to be declared a Major Project under the relevant provisions of Part 4, Division 2A of the LUPA Act.

The reasoning for Council's opinion that the project ought to be considered a Major Project can be found within Item 116/22 of the pertinent agenda report (copy attached for reference). A copy of the briefing of decisions is also attached.

Please consider this correspondence as the requisite notice in writing under Section 60I of the LUPA Act accordingly.

Yours faithfully

**THOMAS WAGENKNECHT**  
Town Planner

## Briefing of Decisions made at the Council Meeting held on 18 July at the Council Chambers

- Approved and adopted the 2022/23 Budget Estimates including a capital works program of \$11.9 million including \$0.7 million for plant and equipment, \$8.6 million for investment in new and upgraded assets and \$2.6 million for asset renewals. Of the \$11.9 million, \$5.9 million is financed by external grant funding, with the remaining \$6 million funded by Council.
- Approved and adopted the Rates and Charges for 1 July 2022 to 30 June 2023.
- Amended Council's policy position on the varied waste management charge regarding properties eligible to receive a rate remission, and provided the General Manager with delegated authority to provide rate remissions for properties that meet specific requirements.
- Adopted the 2022/23 Annual Plan.
- Received and noted the 2021/22 Annual Report - June Final Report.
- Resolved to advise the Minister for Planning by notice in writing that Council considers that the proposed North East Wind project is eligible to be declared a Major Project under the relevant provisions of the *Land Use Planning and Approvals Act 1993*.

The recording of the Council Meeting can be downloaded from this link: <https://bit.ly/3PiqbPR>

For further information on any of these items, please contact the Mayor, Cr Greg Howard (0409 546 247) or Acting General Manager, Mr Dwaine Griffin (03 6352 6500).

## Purpose

The purpose of this report is that Council resolves to advise the Minister for Planning, by notice in writing, that Council considers the Minister ought to be of the opinion that the proposed North East Wind project is eligible to be declared a Major Project under relevant provisions of Part 4, Division 2A of the *Land Use Planning and Approvals Act 1993*.

## Background

ACEN Australia (formerly operating as UPC/AC Renewables Australia) is proposing a project that would develop a wind farm of up to 210 turbines in two locations in Dorset municipality: Rushy Lagoon in the east and Waterhouse in the west. The project would have a generation capacity of up to 1260 megawatts, contributing a significant amount of new renewable energy generation towards the Tasmanian Renewable Energy Target (TRET). The project would also include a range of ancillary infrastructure, including roads, electrical infrastructure, quarries, service structures, and a wharf. The estimated construction value of the project is \$2.7 billion and it would have an operational life of 25 years, with an opportunity to extend to 50 years with a refurbishment.

ACEN Australia is proposing the project to be declared a 'Major Project' under relevant provisions of the *Land Use Planning and Approvals Act 1993* (the LUPA Act). The Minister for Planning (the Minister) is responsible for making a declaration for a project to be a Major Project. To be eligible to be declared as a Major Project, a project must have two or more of the following attributes:

- The project will have a significant impact on, or make a significant contribution to, a region's economy, environment or social fabric
- The project is of strategic importance to a region
- The project is of significant scale and complexity

The Major Projects process sets out a range of matters that the Minister must consider in determining if a project is of a significant scale and complexity, as follows:

- The number of municipal areas that will be affected by the project
- Whether multiple approvals would be required to be obtained in order for the project to proceed
- The technical requirements of the project, and
- Whether the ultimate use of the site is of interest or benefit to a wider sector of the public than those who live in the area where the project is located.



Due to the significance and economic value of the proposal, and because of complexity in terms of planning and environmental approvals, ACEN Australia is seeking that the project be considered to be assessed under the Major Projects process. The Major Projects process provides transparency and offers a number of opportunities for consultation and engagement with the community prior to and after the declaration.

The Major Projects assessment process is a planning and environmental assessment process that considers complex projects with impacts or benefits that extend beyond a single municipal area. The process provides coordinated assessment for a range of different approvals including land use planning, environmental impacts, Aboriginal heritage, historic cultural heritage, TasWater approvals, threatened species and gas pipeline safety.

The Minister has notified Council that he has received notice from the proponent for the wind farm project proposal to be declared a Major Project. As part of the decision making process for the Minister, the Minister has wrote to Council (per the correspondence provided from the Minister in the agenda attachments) to provide it the opportunity to advise whether the project, in the opinion of Council, should be declared a Major Project.

#### Planning, Environment & Statutory Requirements

The Major Projects process is provided for under Part 4, Division 2A of the *Land Use Planning and Approvals Act 1993*.

#### Risk Management

Management of risks is inherent and integral to the planning assessment process.

#### Financial & Asset Management Implications

N/A

#### Community Considerations

As noted, the Major Projects process is a comprehensive planning and environmental assessment process that provides transparency and offers a number of opportunities for consultation and engagement with the community prior to and after the declaration of a project.

#### Officer's Comments – *Director - Community and Development*

As noted, for a project to be eligible to be declared a Major Project under the LUPA Act, it must be considered as having two or more of the following attributes:

- The project will have a significant impact on, or make a significant contribution to, a region's economy, environment or social fabric

- The project is of strategic importance to a region
- The project is of significant scale and complexity

The North East Wind project will clearly satisfy all three of the above-mentioned attributes. It is therefore entirely appropriate for Council to affirm with the Minister the opinion that the project is eligible to be declared as a Major Project, and support the Minister to share that opinion in advancing statutory consideration of the project. In doing so, Council is simply acknowledging to the Minister its position that the project is highly significant – at a local, regional and state level – and is suitable for consideration under the comprehensive suite of procedural steps and assessment criteria provided under the LUPA Act for projects that are ultimately declared Major Projects.

#### Recommendation

That Council resolves to advise the Minister for Planning, by notice in writing, that Council considers the Minister ought to be of the opinion that the proposed North East Wind project is eligible to be declared a Major Project under relevant provisions of Part 4, Division 2A of the *Land Use Planning and Approvals Act 1993*.

Time Meeting Closed:

# TASMANIAN PLANNING COMMISSION



Our ref: DOC/22/72400  
Officer: Luke Newman  
Phone: 03 6165 6828  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

25 July 2022

Hon Michael Ferguson MP  
Minister for Planning

by email: [Michael.Ferguson@dpac.tas.gov.au](mailto:Michael.Ferguson@dpac.tas.gov.au)

Dear Minister

## **Major Project Proposal – North East Windfarm**

I refer to your letter of 1 July 2022 and acknowledge the receipt of the Major Project Proposal (the proposal).

I note section 60I(c) of the *Land Use Planning Approvals Act 1993* (the Act) does not afford the Commission a role in advising you if the proposal should be eligible to be declared a major project.

However, the Commission wishes to make some general observations about statutory assessment processes for your consideration.

The proposal sets out the project is likely to be progressed as a bilateral agreement project and that the project is likely to be a controlled action and require assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

The Commission understands that the current Bilateral Agreement with the Commonwealth relates to projects of regional significance under the LUPA Act former provisions but does not extend to the major projects provisions of the current Act. This means that the Commonwealth Minister would need to adopt the major project process on a one off basis if she believes the requirements of the EPBC Act need to be satisfied. The Commonwealth will need to determine if the project is a controlled action before it can consider a one off accreditation of the major project process. The Commission is not aware of the proposed timing for referring the project to the Commonwealth or the subsequent timeframe for any decision on whether it is a controlled action.

If you consider that there is merit in the project being progressed through a bilateral process, there are several factors that should be considered to enable this to occur. In summary these are:

- providing for the Commonwealth to confirm that the assessment criteria for the major project suitably address relevant matters under the EPBC Act
- the scope of the declared major project corresponding to the scope of project related actions under the EPBC Act.

If a major project is to be assessed under a one off bilateral arrangement, the Commonwealth is likely to require input into the draft and final assessment criteria. If the assessment criteria are determined by the Panel in advance of the Commonwealth either, considering the EPBC

referral or having input to the criteria, this may result in the major project processes not being capable of being used to assess EPBC Act matters.

Consideration could be given to aligning the processes for preparing and finalising assessment criteria under the Act in a manner that enables Commonwealth requirements to occur.

In order to establish the most efficient and effective processes for the assessment of the proposal, the Commission recommends that the above matters be further considered as soon as possible.

If the State Planning Office requires any clarification or additional information on these matters they may contact Senior Planning Consultant Michael Hogan on 0408 622 673 in the first instance.

I also note that the Commission is preparing for the assessment of the major project, should it be declared.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Ramsay', with a stylized flourish at the end.

John Ramsay  
**Executive Commissioner**



ABN 68 300 116 092

22 July 2022

The Hon. Michael Ferguson MP  
Deputy Premier  
Treasurer  
Minister for Infrastructure & Transport  
Minister for Planning  
GPO Box 123  
Hobart TAS 7001  
[michael.ferguson@parliament.tas.gov.au](mailto:michael.ferguson@parliament.tas.gov.au)  
copy to:  
[stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

Dear Minister,

**RE: MAJOR PROJECT PROPOSAL – NORTH EAST WINDFARM**

On behalf of George Town Council, I confirm that Council has no objections with the North East Windfarm proposal being declared a major project under section 60C of the Land Use Planning and Approvals Act 1993.

Yours sincerely,

Shane Power  
General Manager



# Department of Natural Resources and Environment Tasmania

OFFICE OF THE SECRETARY

**Hobart** GPO Box 44, Hobart, Tasmania, 7001

**Launceston** PO Box 46, Kings Meadows, Tasmania, 7249

**Devonport** PO Box 303, Devenport, Tasmania, 7310

Ph 1300 368 550

Web [www.nre.tas.gov.au](http://www.nre.tas.gov.au)



Our ref: 21/3921.002

Michael Ferguson MP  
Minister for Planning  
of-State Planning Office  
Department of Premier and Cabinet  
[stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

Dear Minister

## **Major Project Proposal: North East Wind Consent under Section 601 of the *Land Use Planning and Approvals Act 1993***

I refer to your correspondence of 1 July 2022 advising that ACEN Australia is seeking to have the North East windfarm proposal declared a major project under the *Land Use Planning and Approvals Act 1993* (LUPAA). You also attached a copy of the Major Project Proposal: North East Wind (MPP).

As the Acting Secretary of the Department of Natural Resources and Environment Tasmania, having responsibility for the management of the relevant portfolio land, I acknowledge that the Project land includes land owned by the Crown which is administered by the Department. This includes Crown land within the meaning of the *Crown Lands Act 1976*, and Reserved land within the meaning of the *Nature Conservation Act 2002* (NCA).

Given the Project land includes Crown land and, in accordance with Section 60P(2)(a) of LUPAA, I note that the Minister for Parks must provide consent prior to the declaration of a major project.

The Department considers that the Project, as proposed by ACEN Australia, meets at least two of the attributes under Section 60M of LUPAA.

The first attribute identified under Section 60M(l)(a) of LUPAA being that the Project will have significant localised impact on the environment of the development area.

From a cultural heritage perspective, the Project area in the vicinity of Waterhouse and Musselroe is a known culturally rich and sensitive landscape of immense scientific and social significance to today's Aboriginal community. Currently on the Aboriginal Heritage Register there are over 100 registered Aboriginal heritage sites in the Project area ranging from extensive shell middens, better described as living places, to artefact scatters and stone procurement sites.

In relation to natural heritage values, the Project MPP acknowledges that the Project may require clearance of a range of vegetation communities and flora and fauna listed under the *Threatened Species Protection Act 1995* (TSPA) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). In addition, the Project has the potential to impact wetlands listed under Ramsar, riparian and marine environments and sites of geoconservation value.

The second attribute identified under Section 60M(l)(c) of LUPAA being that the Project is of significant scale and complexity.



The scale of the Project is considered significant due to the proposed development spanning two land parcels with an approximate total area of 20 856 hectares and the scale of the infrastructure proposed. It encompasses 210 turbines, up to 270 metres high, along with associated infrastructure and facilities.

The scale of the Project increases the expected impact to significant natural values and increases the complexity associated with the application of avoidance and/or mitigation measures, along with seeking the required approvals to proceed. It is anticipated that several types of project-related permits will be required including a permit to take threatened flora and fauna under the TSPA and a permit to take products of wildlife under the NCA.

A number of species in the Project site are listed under the EPBCA which will therefore require Australian Government involvement.

Legal implications associated with impacts to conservation covenants, RAMSAR-listed wetlands and avian species listed under international migratory conservation agreements also add to the complexity of the Project proposal.

Given what we know about Waterhouse and Musselroe, and the scale of the proposed windfarm(s), the cultural heritage assessment and consultation process is expected to be lengthy and complex. It is unlikely that Aboriginal heritage will be able to be completely avoided in a landscape such as the North East and a project-related permit will be required under the *Aboriginal Heritage Act 1975* (AHA).

In accordance with Section 60M{2}(a)(ii) of LUPAA at least two project related permits are likely to be required under the AHA, the NCA and the TSPA.

Your letter also seeks any information in relation to the MPP, or the land to which the MPP relates to assist you in your determination as to whether a major project should be declared. This includes information on any further approvals, permissions, licences or authorities that would also be required to enable a major project to be lawfully implemented once a major project permit has been granted.

It is noted that the MPP states that the Crown land that is reserved under the NCA will be assessed under the Parks and Wildlife Service (PWS)'s Reserve Activity Assessment process. It is PWS's preference that the Major Project Impact Statement Guidelines include PWS information requirements as an addendum to the document. This will provide a more streamlined approach for the dual assessment processes.

The Project documentation indicates that the installation of the transmission infrastructure (connecting the two clusters of turbines and then to the State network) is to be treated as a separate stage of the Project {MPP, pg. 3}. The Department notes that the absence of information provided on this stage of the Project may result in an inability to determine the full environmental impact of the Project.

The Department notes that the Project does not impact on any places listed on the Tasmanian Heritage Register and therefore no approvals for this development will be required under the *Historic Cultural Heritage Act 1995*.

Depending on the status of the proponent (under the *Electricity Supply Industry Act 1995*) and ownership arrangements of the infrastructure being built, the following may be required:

- Works authorities {Crown and reserved land} - which may take the form of a grant of authority (letter) under the *National Parks and Reserves Management Regulations 2019* or a licence depending on the nature (including scale and duration) of the activity.
- Lease or licence agreements or the purchase of land/land rights (e.g. wharf facilities, access roads) under the *Crown Lands Act 1976*.

Should your officers have any further questions in relation to this matter the Department's contact officer is Ms Sonia Mellor, Strategic Projects and Policy Officer, Strategic Projects and Policy Branch, Strategy and Business Services Division. Ms Mellor can be contacted on mobile: 0436 636 279 or via email at [sonia.mellor@nre.tas.gov.au](mailto:sonia.mellor@nre.tas.gov.au).

Yours sincerely

ff

Jason Jacobi  
**Acting Secretary**

27 July 2022

# Environment Protection Authority

GPO Box 1550 HOBART TAS 7001 Australia

Enquiries: Helen Mulligan  
Phone: +61 0427 743 988  
Email: [Helen.Mulligan@epa.tas.gov.au](mailto:Helen.Mulligan@epa.tas.gov.au)  
Web: [www.epa.tas.gov.au](http://www.epa.tas.gov.au)  
Our Ref: D22-400126



27 July 2022

Michael Ferguson MP  
Minister for Planning  
GPO Box 123  
HOBART TAS 7001

Email: [Michael.Ferguson@dpac.tas.gov.au](mailto:Michael.Ferguson@dpac.tas.gov.au)

Dear Deputy Premier

## MAJOR PROJECT PROPOSAL – NORTH EAST WINDFARM

I refer to your letter, received on 1 July 2022, regarding a proposal to declare the proposed North East Windfarm a Major Project under section 60C of the *Land Use Planning and Approvals Act 1993* (LUPAA), in which you request any information in relation to the proposal which is reasonably necessary to determine whether the project should, or should not, be declared a major project.

In relation to your particular query about whether any further approvals, permissions, licences, or authorities may be required by the proponent, in addition to the project related permit, it is understood that the project will involve construction and operation of up to 210 wind turbine generators (WTGs) and will have a generation capacity of up to 1260 megawatts. The proposal would therefore be captured by Schedule 2 - Level 2 activities of the *Environmental Management and Pollution Control Act 1994* (EMPCA) under:

7(f) Wind Energy facilities: facilities for generating energy through wind with a maximum generating capacity of 30 megawatts or more.

Other Level 2 activities such as 5. Extractive Activities (a) Quarries and 6. Materials Handling (a) Crushing, Grinding or Milling are also likely to be involved.

Section 25(1) of EMPCA requires the Planning Authority to refer planning permit applications for such proposals to the Board of the Environment Protection Authority (EPA) (the Board) for assessment.

It is noted that the project description provided in the Major Project Proposal identifies two geographically distinct areas approximately 12 to 15 km apart that constitute the Land for this proposal. These are:

- The Rushy Lagoon site, which covers an area of 13,190 ha; and
- The Waterhouse site, further to the west which covers an area of 7,666 ha.

It is further noted that any transmission lines required for this project, to either connect the two generation sites together or to connect them to the network, have not been included in the proposed Major Project application. In circumstances where a Major Project declaration has not been made, geographically unconnected proposals such as these would likely be required by the planning authority to be assessed as two distinct permit applications and would therefore be referred to the Board for its assessment under section 25 of EMPCA as two separate proposals. With a view to undertaking a robust environmental impact assessment for this proposal, it would seem logical to assess the project in its entirety, including both WTG sites and any transmission lines. I would need to take advice on whether the land on which a Major Project is proposed is

required to occur on contiguous parcels of land for it to qualify as such, and therefore do not provide further comment on this.

Given the proximity of the two proposal sites to the Boobyalla and Waterhouse Conservation Areas, and the Flood Plain Lower Ringarooma River and Little Waterhouse Lake Ramsar Sites, it is likely that a referral to the Commonwealth for a controlled action decision under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is warranted. Should the proponent so choose, assessment under the Bilateral Agreement between Tasmanian and the Commonwealth is provided for by the Agreement, whether the proposal is assessed as a Major Project under LUPAA or as a Level 2 activity under section 25 of EMPCA.

Noting that a Major Project application will require the Tasmanian Planning Commission (TPC) to seek a project specific approval to use the assessment Bilateral, as the Bilateral has not yet been reviewed and amended to take account of the change in the LUPAA legislation which removed the Project of Regional Significance provisions and inserted the Major Project provisions. The TPC is familiar with this process as it has sought such a one off approval to deal with the TasNetworks transmission lines upgrade which is being assessed under the *Major Infrastructure Development Approvals Act 1999*.

In response to your inquiry as to my opinion about the eligibility of the project to be declared a Major Project, I note that section 60N of LUPAA requires such a project to have two or more of the following attributes:

- (a) the project will have a significant impact on, or make a significant contribution to, a region's economy, environment or social fabric;
- (b) the project is of strategic importance to a region;
- (c) the project is of significant scale and complexity.

From the information provided, the proposed North East Windfarm has the potential to significantly impact the region's environment and to therefore satisfy this aspect of criterion (a). Its significant scale and complexity, also suggests that it is likely to satisfy eligibility criterion (c).

I do not have sufficient information to comment on the project's likely impact or contribution to the region's economy or social fabric (criterion (a)) or its potential strategic importance to the region (criterion (b)), and am therefore unable to draw any conclusion regarding the approach which would be most appropriate to assess the possible environmental impacts of the proposal.

If you would like further information or would like to discuss this matter further, please contact Helen Mulligan, Manager (Assessments) on 0427 743 988 or via email [Helen.Mulligan@epa.tas.gov.au](mailto:Helen.Mulligan@epa.tas.gov.au)

Yours sincerely



Wes Ford  
**CHIEF EXECUTIVE OFFICER**

# Department of State Growth

Salamanca Building, Parliament Square  
4 Salamanca Place, Hobart TAS 7000  
GPO Box 536, Hobart TAS 7001 Australia  
Phone 1800 030 688 Fax (03) 6173 0287  
Email [info@stategrowth.tas.gov.au](mailto:info@stategrowth.tas.gov.au) Web [www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)  
Your Ref:/ Our Ref:



Hon. Michael Ferguson  
Minister for Planning  
Level 10, 15 Murray Street  
HOBART TAS 7000

Dear Minister Ferguson,

Thank you for your letter of 1 July 2022 regarding the proposal to declare the North East Windfarm a Major Project under the *Land Use Planning and Approvals Act 1993* (the Act). The Department of State Growth appreciates the opportunity to review and provide advice on the proposal.

State Growth is supportive of investment into the state, and this project could be an important enabler for future investments. In particular, the project proposal makes numerous references to supporting Tasmania's future hydrogen industry, with Bell Bay identified as a location of interest. State Growth agrees that there are several hydrogen proposals in the Bell Bay area that will require additional renewable electricity generation.

Based on the information provided, State Growth has considered the proposal that the North East Windfarm be declared a major project under Section 60I of the Act and is not aware of any reason precluding this declaration. There are, however, various elements of the proposal that may require further consideration during the assessment process. Please refer to the attached table for detailed comments.

State Growth would appreciate the opportunity to be further consulted and provide any detailed advice, should the proposal be declared a major project.

Should you require any further information, please contact Travis Prins, Manager, Policy and Coordination, by email at [coordination@stategrowth.tas.gov.au](mailto:coordination@stategrowth.tas.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read "Kim Evans".

Kim Evans  
**Secretary**

,Xj, July 2022

## Attachment I: Detailed comments regarding the North East Windfarm proposal:

Topic	Comments
Land tenure	<p>There are four land parcels related to the project proposal where State Growth is recorded as the relevant authority:</p> <p>CT 249125/I is currently covered by Mining Lease ML 1513P/M, an active quarry operated by the Dorset Council. Figure 2 of the proposal suggests that the proponent plans to exclude the block from the project area, and therefore will not impact the quarry.</p> <p>CT 236182/I, CT 236183/I and CT 249125/1 are adjacent to (and partially overlap) Big Waterhouse Lake and sit within the Waterhouse Conservation Area. Figure 2 of the proposal indicates that these blocks may be outside the project land and are outside the indicative Wind Turbine Generator area. Given the low-lying marshy nature of the topography, this land area is also likely to be unsuitable for wind turbines.</p> <p>Therefore, there is no significant impact on these land areas based on the project proposal.</p>
Foreign Investment Review Board requirements	<p>In relation to land use, consideration should be given to any Foreign Investment Review Board (FIRB) decisions in relation to the project land, including any related conditions or restrictions.</p>
Impact to mining and mineral exploration	<p>Should the project proceed under Section 60 I of the Act, it is requested that Mineral Resources Tasmania (<b>MRT</b>) is closely consulted on the location of the proposed infrastructure and the impact of the project of future prospectivity.</p> <p>The proposed land for the project lies entirely within the <i>North-East Strategic Prospectivity Zone</i>. Wind farm infrastructure has the potential to disrupt mineral exploration and prevent modern mining techniques from being applied.</p> <p>From the perspective of sterilising potential mineral resources by the emplacement of wind turbines and associated infrastructure, the project proposal is relatively well located. However, the eastern IO to 20 percent of the Rushy Lagoon project land overlaps with identified areas of high mineral prospectivity and two active Exploration Licences (ELI I/2012 and EL3/202 I).</p> <p>The western (Waterhouse) block of the project is located entirely on areas mapped as having high mineral prospectivity..</p>
Environmental constraints	<p>The proposal appears to avoid areas of existing formal conservation covenant on private land, however it fails to mention the existence of these covenants, nor what constraints they may or may not impose.</p> <p>It is also noted that the proposal identifies the need for further eagle site utilisation and nest studies. Based on previous Tasmanian windfarm developments, State Growth has been advised by the Office of the Coordinator General's office, that the site may be heavily constrained in this aspect.</p>
Environmental assessment	<p>The proponent has indicated an expectation of assessment being required under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. Particularly given the development of a windfarm is a new land use (as opposed to existing agricultural and mining uses that impact on the Ramsar wetlands), the Australian Government may seek to consider any potential impact on the values of the wetlands.</p>



Transmission Infrastructure	<p>While the proposal states that external transmission infrastructure is out of the project scope, it also mentions that a connection enquiry has been made to TasNetworks with corridor route options being planned and references to a George Town connection.</p> <p>State Growth notes that some of the wider issues that might arise from this project will be associated with the location and impacts of the external transmission lines which won't be assessed by this process.</p>
Crown Land Consent	<p>It is acknowledged that the proponent wrote to Kim Evans, Secretary of State Growth on 24 June 2022, requesting consent in relation to a section of Waterhouse Road that forms part of the State Road Network as part of the Major Project Proposal.</p> <p>State Growth has provided the proponent with landowner consent for the project in relation to this section of road, noting that State Growth reserves the right to make a representation through the planning process.</p>
General feedback on the Major Projects process	<p>With this proposal involving both Crown Land issues and issues relating to the facilitation and development of new major projects, consideration should also be given to the interaction between the major projects process and the Crown, as how this process is managed will set a precedent for any similar future projects. The Office of the Coordinator-General considers that this matter requires further discussion to ensure that future major project proponents are provided accurate and consistent advice around all Crown matters.</p> <p>State Growth also suggests that future assessment of project proposals of this nature include digital shapefiles of the project land, to make the process simpler for Agencies to review.</p>



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