

TASMANIAN PLANNING COMMISSION



Our ref: DOC/22/77665
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7 July 2023

Minister Ferguson MP
Minister for Planning

By email: minister.ferguson@dpac.tas.gov.au

Dear Minister,

Proposed Draft Planning Directive

Dolphin Tungsten Mine, Grassy - King Island Interim Planning Scheme 2013

I refer to the attached letter from Group 6 Metals Limited to the Commission, dated 26 June 2023, seeking a draft planning directive to apply to the Dolphin Tungsten Mine at Grassy, King Island. Group 6 Metals Limited also sought the Commission's agreement to consider recommending that an interim planning directive be issued in the terms of the draft planning directive.

The draft planning directive has been lodged under section 10(2) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act).

At its meeting on 3 July 2023, the Commission considered the request by Group 6 Metals Limited, and resolved that it makes the following recommendations to the Minister:

1. under section 10(3) of the former provisions of the Act an assessment of the draft planning directive should be undertaken; and
2. under section 12A of the former provisions of the Act an interim planning directive in the form of the draft planning directive be issued.

The Commission took into account the following key facts:

- The Dolphin Tungsten Mine at Grassy has re-opened and the proximity of the mine to Grassy township and its expanded operations has the potential to cause land use conflict.
- *King Island Interim Planning Scheme 2023* (interim planning scheme) currently does not contain an Attenuation Code or equivalent provisions that reflect the policy setting of the Attenuation Code in the State Planning Provisions (SPPs). The SPP Attenuation Code establishes attenuation distances for open cut mines, which is the nature of the Dolphin Tungsten mine on King Island.
- Standards in the SPP Attenuation Code operate to control the location of sensitive uses in attenuation areas. The SPPs define a sensitive use to be a residential use of a use involving the presence of people for extended periods.
- The SPP Attenuation Code will become effective on King Island when the King Island draft LPS is exhibited and approved, bringing into effect the Tasmanian Planning

Scheme. However, the draft LPS has not yet been approved for public exhibition, and is not likely to come into effect for at least 9 months.

- Group 6 Metals Limited are seeking the inclusion of the contents of the SPP Attenuation Code to have effect in the interim planning scheme to enable the King Island Planning Authority to make appropriate decisions in relation to land use conflict between the mines operations and sensitive uses, notably located in the nearby town of Grassy.
- It is proposed that the draft planning directive will apply only to the King Island Interim Planning Scheme 2013.

In making its recommendations to the Minister, the Commission considers the draft planning directive would assist in providing appropriate assessment measures in the interim planning scheme to address and manage potential land use conflict, and furthers Schedule 1 objectives of the Act by providing for fair, orderly and sustainable use and development of land.

The Attenuation Code provides assessment provisions that aim to minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions; and to minimise the likelihood for sensitive uses to conflict with, interfere with, or constrain, activities which have the potential to cause emissions.

It is worth noting that the policy setting and provisions of the SPP Attenuation Code have already been through a public hearing and assessment process, when the SPPs were first approved with the approval of the Tasmanian Planning Scheme in March 2017.

Due to the benefits of the draft planning directive discussed above and that the Dolphin Tungsten Mine at Grassy has commenced operations, it is considered acceptable to implement the draft planning directive as an interim measure.

The Commission proposes tracked changes to the submitted draft planning directive (see Attachment 3) to ensure it may operate technically in the setting of the interim planning scheme, and to clarify the spatial extent of the attenuation area for the Dolphin Tungsten Mine at Grassy (measured 2000m from the lot boundary). The Commission would be pleased to discuss the rationale for tracked changes with the Minister's Office or Department of Premier and Cabinet's State Planning Office, if required.

If you require further information, please contact myself on telephone 6165 6828 or email john.ramsay@planning.tas.gov.au .

Yours sincerely



John Ramsay
Executive Commissioner

cc Brian Risby, Director – State Planning Office

Attachments:

- 1 Letter from Group 6 Metals Limited to Executive Commissioner, 26 June 2023
- 2 Email from Evan Boardman of e3 planning, 28 June 2023
- 3 Draft Planning Directive No.11 - Application of the Attenuation Code - King Island Interim Planning Scheme 2013, with tracked changes