

DECLARATION OF A MAJOR PROJECT

LAND USE PLANNING AND APPROVALS ACT 1993

WHALEBACK RIDGE RENEWABLE ENERGY

Report to Minister



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State Planning Office

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1.0 Executive Summary

The Whaleback Ridge Renewable Energy Major Project involves the construction and operation of up to 500 wind turbine generators on a 40,500ha site approximately 8km north-west of Zeehan. The project includes underground and overhead cables, collector substations, hardstand areas, internal roads, site office and workshop, connection into the Tasmanian transmission network, and temporary facilities for construction.

This Report sets out the Department of Premier and Cabinet State Planning Office advice regarding the eligibility of the proposed Whaleback Ridge Renewable Energy Project to be declared as a major project under section 60O of the *Land Use Planning and Approvals Act 1993* (the Act), and addresses issues raised in submissions received under section 60I.

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 60I 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; and
- All required timeframes have been met prior to making the declaration.

It is intended that this Report be read in conjunction with the Major Project Declaration (Attachment 1) and the Whaleback Ridge Renewable Energy Major Project Proposal [MPP] (Attachment 11).

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.

- An application under section 60C was received on 6 October 2023 and referred to the Department of Premier and Cabinet State Planning Office for advice on 10 October 2023.
- Persons, State entities and councils required by section 60I were consulted via Express Post or email and allowed 28 days to make submissions. Stakeholders consulted are listed in Appendix B of this Report, and their responses reproduced in Appendix C.



- Under section 60G(1) of the Act, the proponent was notified that additional information was required under section 60I. Such information was received on 21 December 2023, when the MPP was determined to have met the requirements of the Act.
- Advice from consulted persons and state entities was received by 22 February 2024.
- The landowner consent required before the declaration of a major project has been provided (refer Appendix A), noting that this was not required prior to consideration of the proposal as a major project. In response to the s60G(1) notice referred to, Crown consent as a relevant landowner was received on 21 December 2023.
- A declaration is required to be made by 7 March 2024 (14 days after final advice is received under section 60I(2)).
- Declaration of a major project does not take effect until notified in the *Gazette*.
- A declaration also requires notification in a newspaper circulating generally in the State, and the notification of persons listed in section 60R of the Act.

All necessary steps preceding the declaration of a major project have been completed.

3.0 Project Description

The project is energy infrastructure. Accordingly, section 60F(2) of the Act permits a general description of activities intended to be carried out after construction has been completed and the proposed uses or developments, illustrated by reference to suitable plans.

3.1 Proposed activities, uses and development

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

Activities:

- The project entails a wind farm consisting of up to 500 wind turbine generators (WTGs) with a projected generating capacity of approximately 3000 MW;
- It will be constructed over several stages to meet electricity demand and transmission capacity;
- Supporting infrastructure will include, but is not limited to, underground and overhead cables, collector substations, hardstand areas, internal roads, site office and workshop, and connection into the Tasmanian transmission network;
- The wind farm and all associated infrastructure will be maintained for the life of the assets and fully decommissioned and rehabilitated at the end of its practical life.



Proposed uses:

- The Project is within the 'Utilities' use class, as defined by the State Planning Provisions, including associated infrastructure works. All other uses described in the project are directly associated with, and a subservient part of, the 'Utilities' use class.

Proposed developments:**Wind Turbine Generators**

- Approximately 500 wind turbine generators (WTG) with an estimated maximum tip height of 250m, the actual height to be determined in the preparation of a major project impact statement (MPIS)
- Hardstand areas at the base of each turbine
- Collection and distribution of wind-generated power via a network of underground and overhead cables and collector stations, including data links
- Access road network
 - ❖ Access roads within the Project Land will connect to each WTG
 - ❖ Existing internal access roads will be upgraded and supplemented by newly constructed roads as necessary
 - ❖ The access road network will be maintained throughout the life of the Project and made available to other land users as appropriate
- Other permanent on-site ancillary infrastructure
 - Workshop and office facilities, including storage facilities, washdown areas and parking area hardstands
 - Upgraded external roads (outside the scope of this Project, and requiring separate approvals)
- Temporary on-site facilities will include the establishment of one or more construction compounds that accommodate site offices and amenities, workshops, bundled refuelling and allied facilities for construction-related vehicles
- Subject to the availability of aggregate and sand needed in the construction phase, temporary, on-site quarries will be established, together with on-site concrete batching at mobile batching plants
- Staging -
 - ❖ The project is intended to be constructed over several stages
 - ❖ The first stage is anticipated to take 2 years, and involves the construction of between 30-50 WTGs, transmission and site management infrastructure needed to generate 288MW of electricity.



3.2 Project Location

The Project is earmarked for a 40,500ha site in central western Tasmania, comprised of regional reserves and other Crown land that includes Permanent Timber Production Zone and Future Potential Production Forest. The final operational footprint of the Project is expected to be under 500 ha.

The site is located east of the existing Granville Harbour Wind Farm, around 8 km northwest of Zeehan, and 35 km northwest of Queenstown.

The location map required under section 60F(2)(b) of the Act is included in the Major Project Declaration, and reproduced below as Figure 1A:

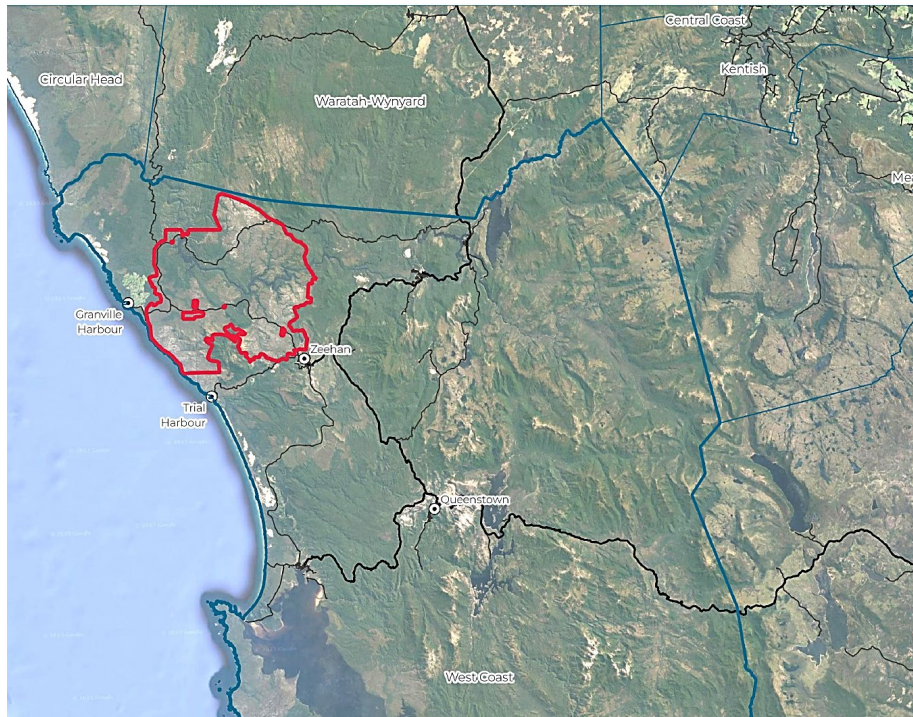


Figure 1A – Location Map – Whaleback Ridge Renewable Energy project



Figure 1B – Locational context – Whaleback Ridge Renewable Energy project

The following plan, indicating generally the areas on the project land where use and development is proposed, is required under section 60F(2)(b) of the Act.

The project boundary is edged red, and the green-shaded areas represent proposed turbine exclusion zones, within which the construction of Wind Turbine Generators is constrained by such factors as

- Topography (slope)
- Orange-bellied parrot coastal migration
- Forested vegetation communities
- Sensitive receptors (housing)
- Hydrological (the banks of waterways)
- Existing public roads, and transmission lines, and
- Areas within 100m of the Project Land boundary

The plan is included in the Major Project Declaration.



Figure 2 – indicative general use and development plan

Figures 1A, 1B and 2 satisfy the requirements of the Act for providing a general description of the project area and are considered suitable for inclusion in the Major Project Declaration.

4.0 Summary of Consultation

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

- Hydro Tasmania and the Crown – through its respective land managers – as landowners within the project area
- Owners, lessees and occupiers of land that adjoins the project area
- West Coast Council, as the relevant planning authority for the project
- The other 8 Councils in the Cradle Coast Region
- State entities considered to have an interest in the project: 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, and
- The Tasmanian Planning Commission.
- There are no prescribed persons listed in a regulation.

The Act requires that the responses from persons, councils and State entities consulted must be considered before a major project is declared.

Letters were sent to relevant persons listed under section 60I of the Act on 19 January 2024. Having regard to statutory interpretation and to published Australia Post delivery times, the 28-day period for written submissions in reply closed on 22 February 2024.

There were 11 submissions received. While none expressed outright opposition to declaration of the proposal as a major project, support of a declaration was qualified in some instances. State agencies identified the further approvals that will be required under relevant legislation.

The nature of submissions received, the relevant issues raised, and the State Planning Office's responses are set out in the following Table:



TABLE 1: Summary of Submissions received under section 60I of the *Land Use Planning & Approvals Act 1993*

Author	Issues raised	Department of Premier and Cabinet State Planning Office response
Bluestone Mines Tasmania Joint Venture (BMTJV)	<ul style="list-style-type: none"> The proposal will significantly impact the viability of the Joint Venture's mineral exploration. The proposed windfarm's footprint needs to be restricted or an allowance made for the completion of significant exploration prework as part of the project's pre-production development. 	<p>Noting that the Joint Venture raises no objection to the declaration of a major project, the reconciliation of any perceived conflict between the proposed windfarm and the Joint Venture's mineral exploration rights afforded under its existing lease/licence is a matter for the Commission.</p> <p>This is another matter for consideration by the Commission in its determination of assessment criteria and subsequent assessment of a Major Project Impact Statement, subject to the proposal being declared a major project.</p>
Venture Minerals Limited (VML)	<ul style="list-style-type: none"> As a lessee of adjoining land, VML opposes declaration of the proposal as a major project owing to inadequate discussion with adjacent land users. However, it would be prepared to support a major project declaration on the proviso that further consultation takes place, and the proponent can demonstrate evidence of adequate project planning and access to the funding required to suggest a realistic chance of project implementation. 	<p>Subject to the Minister's declaration of the proposal as a major project, legislated processes afford several further opportunities for stakeholder consultation. Section 60ZJ of the Act provides VML and other occupiers of adjoining land with the opportunity to comment on draft assessment criteria, while Subdivision 12 of Part 4, Division 2A governs the mandatory public consultation in connection with a Major Project Impact Statement (MPIS).</p> <p>The adequacy of project planning is a matter for consideration by the Commission in its determination of assessment criteria, and by the Development Assessment Panel in its assessment of the MPIS.</p> <p>VML's concerns, while legitimate, are not considered obstacles to declaration of the proposal as a major project. It may be expected that these concerns will be addressed in the assessment criteria, and in preparation of the MPIS.</p>
Department of Natural Resources and Environment Tasmania	<ul style="list-style-type: none"> The scale of the project increases the likelihood of impacts to natural values, increasing the complexity of the assessment process. Direct and indirect impacts may temporarily and/or permanently alter the available habitat for threatened terrestrial and aquatic flora/fauna and create collision risks for avifauna during construction and when operational. The project will also potentially impact aquatic environments and sites of geo-conservation value. Assessment under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBCA) is likely to be required, as will a Reserve Activity Assessment (RAA), part of the project site being Crown land reserved under the <i>Nature Conservation Act 2002</i>. Major Project Impact Statement guidelines should include the Parks and Wildlife Service's requirements in relation to the RAA. Depending on the status of the proponent under the <i>Electricity Supply Industry Act 1995</i>, a lease or license under the <i>Crown Lands Act 1976</i> may be required for access roads and other (works) purposes, and/or a grant of authority under the <i>National Parks and Reserves Management Regulations 2019</i>. 	<p>This is another matter for consideration by the Commission in its determination of assessment criteria and subsequent assessment of a Major Project Impact Statement (MPIS), subject to the proposal being declared a major project.</p> <p>Noted. The MPP indicates that the proponent intends to address requirements of the EPBC Act separately and in parallel to the major projects process.</p> <p>The determination of MPIS guidelines is a matter for the Commission.</p> <p>Noted.</p>
Department of Treasury and Finance	<ul style="list-style-type: none"> The potential for the proposal to significantly impact the regional economy is valid if the entire project is implemented but will require reassessment if only Stage 1 of the proposal is considered feasible. The proponent will need to address the requirements of the <i>Electricity Supply Industry Act 1995</i> and, if relevant, the <i>Foreign Acquisitions and Takeovers Act 1995</i> (CTH). 	<p>Noted.</p> <p>Noted.</p>

Author	Issues raised	Department of Premier and Cabinet State Planning Office response
Department of State Growth	<ul style="list-style-type: none"> Further discussions between the proponent, Mineral Resources Tasmania (MRT), and the Department of Natural Resources Tasmania (NRFE) are needed to ensure that the project and existing land uses can co-exist. Wind farm developments are incompatible with mineral exploration, as VRREP is coincident with land considered to be highly prospective for economic accumulations of minerals, the locating of infrastructure associated with the proposal will need to be carefully considered to minimise the potential negative impacts on the minerals industry. Further licensing and legislative complexities are added by the requirement for Crown leases to be issued under the <i>Mining (Strategic Prospectivity Zones) Act 1993</i>. Economic benefits of the job creation foreshadowed in the MPP will be complimented by the community benefit scheme (CBS) expected of developers under draft engagement, benefit sharing and local procurement guidelines for renewable energy. 	<p>Reconciliation of any conflict between the proposed windfarm and mineral exploration rights afforded under existing leases/licences is a matter for the Commission.</p> <p>Acknowledged, as are State Growth's suggestions of the need for further discussions between the parties, and confinement of the project land and infrastructure footprints to areas of modest mineral prospectivity. Again, this is a matter for consideration by the Commission.</p> <p>Noted.</p> <p>Noted.</p>
Aboriginal Heritage Tasmania	<ul style="list-style-type: none"> The Aboriginal Heritage Register lists 9 Aboriginal heritage sites within the project land. The proposal has the potential to significantly impact the region's environmental and social cultural heritage values, as further detailed landscape modelling and survey assessment is expected to reveal many more Aboriginal heritage sites. The scale of the proposed windfarm necessitates a lengthy and complex extensive consultation with the Aboriginal community that includes detailed, direct and frequent exchanges between the proponent and AHT. If Aboriginal heritage cannot be avoided in this culturally rich landscape, permit/s will be required under the <i>Aboriginal Heritage Act 1975</i>. 	<p>Noted.</p> <p>Subject to the Minister's declaration of a major project under section 60O of the Act, this is a matter for consideration by the Tasmanian Planning Commission in determining assessment criteria under s60ZM and in its subsequent assessment of a Major Project Impact Statement.</p>
Heritage Tasmania	<ul style="list-style-type: none"> Approvals under the <i>Historic Cultural Heritage Act 1995</i> will be required if development is proposed within the boundary of Tasmanian Heritage Register item 9881 (Carn Brea Tin Mine), located on the project land. 	<p>Noted. As the MPP indicates that the site of Carn Brea Tin Mine is located within a Wind Turbine Generator (WTG) exclusion zone, an approval under the <i>HCHA 1995</i> is not currently required.</p>
Environment Protection Authority Tasmania (EPA)	<ul style="list-style-type: none"> Identifies the scope of approvals required by the EPA as a regulator, noting that the proposal constitutes a Level 2 activity under the <i>Environmental Management and Pollution Control Act 1994</i>, under which the proposal must be referred for assessment and approval if it does not proceed through the major project pathway. The proponent's intention to pursue separate approvals pathways for the staged upgrading of transmission line capacity does not represent best practice, and the project should be assessed in its entirety, having regard to the associated cumulative impacts of future transmission infrastructure. Notes the proponent's intention to refer the proposal for assessment under the <i>Environment Protection and Biodiversity Act 1999</i> (CTH) separately from and in parallel with the major projects process. Draws no conclusion as to whether the proposal is eligible to be declared a major project, but notes that it appears to satisfy "aspects" of the criteria listed in section 60N of the LUPAA 1993. 	<p>Noted.</p> <p>Subject to the Minister's declaration of the proposal as a major project, this is a matter for the Commission in determining assessment criteria, noting that transmission lines are more appropriately assessed under the <i>Major Infrastructure Development Approvals Act 1993</i> (MIDAA), which facilitates the registration of easements on land titles, a function not available under the major projects legislation.</p> <p>Noted.</p> <p>Noted.</p>

Further to the above, submissions received from TasWater, Devonport City Council, and TasNetworks raised no issues or concerns.



Subject to the Minister declaring the proposed Whaleback Ridge windfarm a major project, the Commission will be provided with copies of this Report and of submissions received, thereby satisfying the requirements of section 60R(2)(b) of the Act.

5.0 Determination Guidelines and Eligibility

Section 60J of the Act requires the Commission to issue Determination Guidelines that provide guidance as to matters the Minister is to have regard when considering whether to declare a major project.

The Determination Guidelines, issued by the Commission on 2 August 2021, specify matters to which the Minister is to have regard:

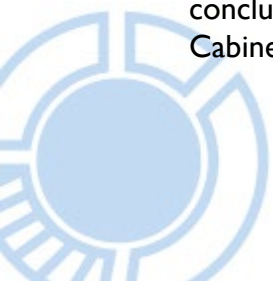
- *Eligibility attributes:* under section 60M(1) of the Act, a project must satisfy two or more of the following -
 - It will have a significant impact on, or make a significant contribution to, a region's economy, environment or social fabric
 - It is of strategic importance to a region
 - It is of significant scale and complexity.

Having regard to the above, the project, if implemented as described in the MPP, will:

- significantly and positively impact the Cradle Coast Region and the State, providing sustainably developed infrastructure essential for economic growth and building stronger, resilient communities;
 - make a significant contribution towards meeting the Government's targets of a 150% increase in renewable energy production by 2030 and a 200% increase by 2040. It will also provide jobs in its construction and operational phases;
 - occupy a very substantial area of land as a large-scale renewable energy installation; and
 - be subject to a complex and multi-faceted assessment, involving consideration of, among other issues, Aboriginal heritage, impacts on the natural environment (including assessment under the *Commonwealth Environment Protection Biodiversity and Conservation Act 1999*), and assessment by the Environment Protection Authority as a permissible level 2 activity.
- *Project compatibility with planning scheme* Particular Purpose Zones (PPZ), Specific Area Plans (SAP) or Site-specific Qualifications (SSQ) – Section 60K(5)

The project area is not affected by any PPZ, SAP or SSQ.

As indicated in Schedule 1 of the Major Project Declaration (Attachment 1), the proponent has addressed the eligibility requirements of sections 60M(1) and 60M(2) of the Act and concludes that the project is eligible to be a major project. The Department of Premier and Cabinet State Planning Office concurs.



6.0 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 Cradle Coast Regional Land Use Strategy, or
- 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. The Commission has yet to determine the assessment criteria required under section 60ZM of the Act.

The Solicitor General has confirmed that an assessment of the project against the ineligibility criteria, based upon information currently available in the MPP, is acceptable.

The following section demonstrates how the project is considered not to conflict with section 60N of the Act.

6.1 Objectives of the Act

From an examination of the MPP, the project is consistent with the objectives listed in Schedule 1 of the Act, being the fair, orderly and sustainable use of and development of land. A variety of studies are in progress, or are intended, to enable due consideration of a Major Project Impact Statement.

The proponent will refer the project to the Commonwealth for determination of whether an assessment is required under the *Environment Protection and Biodiversity Act 1999*. The MPP indicates that every planning consideration will be accounted for in the project 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 to double Tasmania's renewable energy production by 2040.

Within the project land area there are registered Aboriginal heritage sites and matters of scientific interest that include areas of geo-conservation value and threatened native vegetation. The major project assessment process will enable these matters to be fully considered by a Development Assessment Panel established by the Commission.

Following the declaration of a major project, the Commission must determine assessment criteria and subsequently assess a Major Project Impact Statement (MPIS) prepared by the proponent. Opportunity for public input is provided at the project assessment stage.

With respect to its declaration as a major project, the proposed Whaleback Ridge windfarm is considered to further the objectives of the Act.



6.2 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*:

- 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’ in the Macquarie dictionary reads:

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 intended by each State Policy. In December 2020, the Solicitor General expressed the view that:

it is more likely that [section] 60N(1)(b) and (c) are drafted to ensure that the project measures up to a relevant State Policy or TPP [Tasmanian Planning Policy] and not to require a strict contravention... In that sense, all of the relevant provisions of a State Policy are to be taken into account when assessing ineligibility.

Essentially, a project must not conflict with *relevant* Policy outcomes. An evaluation of how the project addresses each State Policy is set out below.

6.2.1 State Policy on the Protection of Agricultural Land 2009

This State Policy aims to enable the sustainable development of agriculture by minimising:

- (a) conflict with or interference from other land uses; and
- (b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.

The Whaleback Ridge Renewable Energy project is situated partly within Rural-zoned land that has potential for mining and forestry uses, the latter for native timber harvesting. The definition of agricultural land in the State Policy includes a reference to land that “has the potential for agricultural use.”

However, the project site is not shown on the “Land Potentially Suitable for Agriculture Zone” LIST map as being potentially unconstrained for agriculture. This map guides the preparation of Local Provisions Schedules (LPS).

While the site does have limited potential for forestry activities, it is not classified in land capability mapping, and therefore is not ‘prime agricultural land’ within the meaning of the State Policy. Establishing a non-agricultural use on the project land is not considered to offend the Policy’s objectives and principles.



6.2.2 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 potential impacts of the project on surface water and groundwater will be subject to further assessment, including the identification of management and mitigation measures that comply with the State Policy.

A Major Project Impact Statement will incorporate plans for the management of sediment run-off during construction, and of stormwater throughout the life of the project. Consequently, the project is not considered to contravene the State Policy.

6.2.3 Tasmanian State Coastal Policy 1996

This State Policy, created under the *State Policies and Projects Act 1993*, applies the following principles:

- Natural and cultural values of the coast shall be protected
- The coast shall be used and developed in a sustainable manner
- Integrated management and protection of the coastal zone is a shared responsibility.

The State Policy applies to the project, which is located partly within the coastal zone and

represents 'discretionary' development. The coastal zone is defined in the State Policy as "...State waters and all land to a distance of one kilometre inland from the mean high-water mark."

The proposed turbine exclusion zones illustrated in Figure 2 of this Report include a 1.5km buffer from the coastline. While some ancillary infrastructure may be located within the coastal zone, the proponent anticipates that any consequent impacts will be managed in the detailed design and assessment phases, and no development will be located on actively mobile landforms.

Provided any potential development impacts can be satisfactorily resolved, there is nothing in the MPP that suggests the project cannot fulfil any of the State Policy's intended outcomes. The project is considered to further the objectives set out in Schedule 1 of the *State Policies and Projects Act 1993*, and a preliminary analysis indicates that the proposed development will be sustainable.

6.2.4 National Environmental Protection Measures (NEPMs)

NEPMs are There are currently 7 NEPMs in place, these are –

- **Air Toxics** – establishes a national approach to measuring and monitoring airborne toxic chemicals. The project land is not captured by the monitoring site selection criteria.



- **Ambient Air Quality** – adopts a national approach to monitoring other pollutants that impact ambient air quality. Again, the project land is not captured by the monitoring site selection criteria.
- **Assessment of Site Contamination** – establishes a nationally consistent approach to the assessment of site contamination. The MPP identifies the need for contaminated land investigations and considers risk in a manner consistent with requirements of the NEPM.
- **Diesel Vehicle Emissions** – aims to reduce emissions through the development of clean fuels and improvements to diesel vehicle technology. The NEPM may serve as a reference point for conditions attached to any future planning permit.
- **Movement of Controlled Waste** – adopts national standards for managing the movement of controlled waste. The NEPM may be referenced when setting conditions attached to any future planning permit.
- **National Pollutant Inventory** – constitutes a national pollution information base.
- **Used Packaging** – concerned with packaging for retail and other food products, and its distribution. The NEPM is not relevant to the Whaleback Ridge Renewable Energy project.

The MPP contains no evidence of any contravention of the NEPMs.

6.3 Tasmanian Planning Policies

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

6.4 Cradle Coast Regional Land Use Strategy 2010 to 2030

The Cradle Coast Regional Land Use Strategy 2010-2030 guides land use planning process within the Region to provide investment certainty and to support, among other activities, the transition to renewable energy.

It supports climate change mitigation and adaptation strategies that require efficient and renewable energy systems.

The Strategy promotes non-carbon energy alternatives, renewable energy and energy recovery projects that enhance transition to a carbon-neutral society. Such projects include stand-alone commercial scale installations with sustainable development impacts.

The Regional Land Use Strategy also identifies the need to protect infrastructure assets and corridors from use or development likely to conflict or interfere with energy generation, and recognises reliable, secure and sustainable energy as essential for economic activity.

Consequently, it supports planning processes that facilitate commercial-scale renewable energy generation of the type proposed in the Whaleback Ridge Renewable Energy project.



The proposed Whaleback Ridge windfarm will complement a similar facility established at nearby Granville Harbour, enhancing the Region's reputation as a major contributor to the achievement of Tasmania's Renewable Energy Target. The project also supports the vision of a diversified regional economy set out in the Regional Land Use Strategy.

A review of the MPP suggests that the project is consistent with the Cradle Coast Regional Land Use Strategy. Any issues that require more detailed investigation will be addressed by the proponent and the Commission later in the assessment process, subject to the Minister's declaration of a major project.

6.5 Matters referred to in section 11(3) of the Act

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

As the project does not involve any such activities, it does not conflict with section 60N(2)(a) of the Act.

6.6 Relates to a matter that is an EL activity

The project does not include finfish farming, which is prescribed in clause 4(h) in Schedule 2 of the *Environmental Management and Pollution Control Act 1994* as an 'EL activity'. Therefore, it does not conflict with section 60N(2)(b) of the *Land Use Planning and Approvals Act 1993*.

7.0 Landowner Consent

The project site comprises land owned by Hydro Tasmania, and by the Crown.

Under section 60P(2) of the Act, a project cannot be declared a major project unless any required landowner consent has been provided. Evidence of Crown consent is in Appendix A. The consent of Hydro Tasmania is not required.

The project land is partly managed by Hydro Tasmania, and partly by the following Crown entities:

- Department of State Growth,
- Parks and Wildlife Service, and
- Department of Natural Resources and Environment Tasmania.

Under section 60P(3) of the Act, a project cannot be declared a major project unless notification of the project has been given to the owners of land within the project area (other than the proponent) and councils/State entities that manage such land. The relevant parties have been properly notified.



8.0 Declaration and Notice

The consultation period of 28 days for the persons to be notified under section 60I of the Act ended on 22 February 2024, and a decision must be made by 7 March 2024.

This Report concludes that the project is suitable for declaration as a major project. Before making the declaration, section 60P(1) of the Act requires that the Minister -

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

The required preconditions for declaration have been met. As such, in accordance with section 60O(1)(a) of the Act, the project is considered suitable for declaration as a major project.

Section 60Q(1) of the Act stipulates that the Major Project Declaration 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, including proposed activities, uses and developments,
- A general plan indicating the areas on the project land where the project is to be situated,
- Name of the major project proponent,
- The attributes of the project, which in the opinion of the Minister, that make the project eligible to be declared as a major project.

Under section 60Q(3) of the Act, the Major Project Declaration may also 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).



8.1 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 that the appointment of the Panel members be left to the Commission.

Accordingly, the Major Project Declaration Notice does not contain any specific provision in this regard.

8.2 Necessary use or development

Upgrading of roads outside the project site may be needed, to facilitate the delivery of equipment and machinery. Arrangements for delivering the wind turbine generators components are not currently known, and the need for road upgrades remains to be determined. Noting this uncertainty, it is not considered necessary to include within the Major Project Declaration Notice any reference to necessary use or development.

External transmission of electricity from the project site to the grid is planned to occur under a separate approval process. It does not form part of the major project, and the Major Project Declaration Notice contains no specific provision regarding electricity transmission.

9.0 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 – Landowner consent

Minister for Energy and Renewables
Minister for Parks
Minister for Heritage
Minister for Small Business

Level 10 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7739
Email: minister.duigan@dpac.tas.gov.au



21 December 2023

Mr Alan Morrell
Chief Executive
Westcoast Renewable Energy
Email: alan.morrell@westcoastrenew.com.au

Dear Mr Morrell

**Major Projects Proposal – Whaleback Ridge Renewable Energy Project -
Consent pursuant to Section 60P(2)(a) of the *Land Use Planning and Approvals Act 1993***

I refer to your correspondence dated 15 December 2023, advising that you are seeking to have the Whaleback Ridge Renewable Energy 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 Whaleback Ridge Renewable Energy 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 Sustainable Timber Tasmania (STT) as set out in the attached maps:

Map 1 – Crown land within the Project Site with CID identification.

Map 2 – Crown land which is unallocated managed by NRE Tas.

Map 3 – Crown land which is land reserved under the *Nature Conservation Act 2002* managed by NRE Tas.

Map 4 – Crown land being Future Potential Production Forest managed by NRE Tas.

Map 5 – Crown land being Permanent Timber Production Zone land managed by STT.

Please note that the granting of landowner consent is given for the limited purposes of the declaration of the project as a major project and should not be understood to indicate support or otherwise in relation to any further applications or approvals which may be necessary for the project to proceed.

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.

MIN23/36574

Please also note that NRE Tas and STT reserve the right to make representations in relation to any aspect of the proposed development as part of the major project assessment process.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nick Duigan', with a stylized flourish extending to the right.

Hon Nick Duigan MLC
Minister for Parks

Attachment - Maps

Copy to: The Hon Michael Ferguson MP
Minister for Planning
Michael.Ferguson@dpac.tas.gov.au



Appendix B – list of persons notified under section 60I

Owner		Contact
Sustainable Timber Tasmania		Mr Whitely
The Crown / Department of Natural Resources and Environment Tasmania (Future Potential Production Forest)		Mr Jason Jacobi Attention: Mr Richard Propsting
Department of Natural Resources and Environment Tasmania (Parks and Wildlife Service)		Mr Jason Jacobi Attention: Mr John Hood
Department of Natural Resources and Environment Tasmania (Property Services)		Mr Jason Jacobi Attention: Ms Penelope Rigney
Hydro Tasmania		Mr Ian Brooksbank
David Graham Kyle		Mr David Kyle
Australian Hualong Pty Ltd		Occupier (Exploration Licence)
Bluestone Mines Tasmania Joint Venture Pty Ltd		Occupier (Exploration Licence)
Columbus Metals Limited		Occupier (Exploration Licence)
Georgina Resources Pty Ltd		Occupier (Exploration Licence)
Magnes25 Pty Ltd		Occupier (Exploration Licence)
Mallee Tas (Misc) Pty Ltd		Occupier (Exploration Licence)
Ten Star Mining Pty. Ltd.		Occupier (Exploration Licence)
Venture Minerals Limited		Occupier (Exploration Licence)
Bluestone Mines Tasmania Pty Ltd & YT Parksong Australia Holding Pty Ltd		Lessee (Mining Lease)
Columbus Metals Limited		Lessee (Mining Lease)
Gaspersic Contracting Pty Ltd		Lessee (Mining Lease)
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	
Secretary	Department of Health and Human Services	
Secretary	Department of Treasury and Finance	
Director	Environment Protection Authority	
Chair	National Parks Advisory Council	
Chair	Heritage Council	
Director	Aboriginal Heritage Tasmania	
Chair	Aboriginal Heritage Council	



State Agencies (continued)	
Acting Chief Officer	Tasmania Fire Service
Director	Environmental Protection Authority
Director	Renewables Climate and Future Industries Tasmania
Chief Executive	Marine and Safety Tasmania
Councils	
West Coast Council	
Waratah-Wynyard Council	
Burnie City Council	
King Island Council	
Circular Head Council	
Central Coast Council	
Devonport City Council	
Kentish Council	
Latrobe Council	
Cradle Coast Authority	
Local Government Association of Tasmania	



Appendix C – section 60I submissions



TW ref: TWSI 2024/00059-WCC

24 January 2024

Michael Ferguson MP
Minister for Planning
GPO Box 123
Hobart, Tas, 7001

Dear Minister,

Major Project Proposal – Whaleback Ridge Renewable Energy Project

TasWater does not object to this proposal being declared a Major Project under Section 60C of the Land Use Planning and Approvals Act 1993.

Yours sincerely,

Al Cole
Senior Assessment Officer

30 January 2024

State Planning Office
Department of Premier and Cabinet
Executive Building
Level 7, 15 Murray Street
HOBART TAS 7000
By email: StatePlanning@dpac.tas.gov.au

RE: Major Project Proposal – Whaleback Ridge Renewable Energy Project (WTG)

Thank you for the opportunity to comment on the Whaleback Ridge Renewable Energy Project Proposal.

The proposal has indicated that the Carn Brea Tin Mine, a permanently entry (THR #9881) on the Tasmanian Heritage Register (THR), is mapped within the WTG exclusion area. The proposal also states that the specific location and management of infrastructure can be adjusted to avoid any direct impact.

Under the *Historic Cultural Heritage Act 1995*, Heritage approvals will only be required if any development is proposed within the THR boundary which is unlikely in this case as indicated by the project proposal. We therefore make no comment under s60I(2) of the *Land Use Planning and Approvals Act 1993*.

Yours sincerely

Andrew Roberts
Director – Heritage Tasmania



2 February 2024

Michael Ferguson MP
Deputy Premier
Treasurer
Minister for Infrastructure and Transport
Minister for Planning

Email: stateplanning@dpac.tas.gov.au

Dear Minister

Major Project Proposal – Whaleback Ridge Renewable Energy Project

I refer to your letter dated 18 January 2024 and supporting information regarding the abovementioned project.

Council supports the major project status of the proposal however as the project is not located within the Devonport City Council municipality, no further comment is considered necessary.

Yours faithfully

Kylie Lunson
Executive Manager



Department of Treasury and Finance

The Treasury Building
21 Murray Street HOBART TAS 7000
GPO Box 147 HOBART TAS 7001 Australia
Telephone (03) 6166 4444 Facsimile (03) 6173 0219
Email secretary@treasury.tas.gov.au Web www.treasury.tas.gov.au



Doc reference 24/16479
Your reference 23/535093/5

Hon Michael Ferguson MP
Minister for Planning

stateplanning@dpac.tas.gov.au

Dear Minister

Major Project Proposal - Whaleback Ridge Renewable Energy Project

Thank you for your letter of 18 January 2024 regarding the proposal to declare the Whaleback Ridge Renewable Energy Project a Major Project under the *Land Use Planning and Approvals Act 1993* (the Act). The Department of Treasury and Finance appreciates the opportunity to review and provide advice on the proposal.

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 the Act 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.

I note that the proposal, prepared by ERA Planning & Environment on behalf of the proponents, estimates that the project, to be delivered in stages, will require approximately \$5 billion in capital investment and provide a significant economic benefit to the West Coast region, generating employment in project planning, construction, and operation.

From the information provided, the proposed Whaleback Ridge Renewable Energy Project has the potential to significantly impact the region's economy and to therefore satisfy this aspect of criterion (a). However, this assessment is only valid in relation to the full scope of the project and would need reassessment should only Stage 1 of the project be considered feasible.

I do not have sufficient information to comment on the project's likely impact or contribution to the region's environment or social fabric (criterion (a)) but note there is likely to be a range of possible environmental impacts of the proposal.

Further, the project's apparent alignment with strategic goals under the Tasmania Renewable Energy Action Plan and significant scale and complexity, suggests that it is likely to satisfy eligibility criterion (b) and (c).

Therefore, I am not aware of any reason relating to the application that would indicate that the project is ineligible to be declared a major project under the Act. There are, however, various elements of the proposal that may require further consideration during the assessment process.

In response to your inquiry as to any further approvals, permissions, licences, or authorities that may be required by the proponent, in addition to the project related permit, I expect there to be several additional requirements. The proponent will need to apply to the Tasmanian Economic Regulator for an electricity generation licence under the *Electricity Supply Industry Act 1995* and agree to comply with the Tasmanian Electricity Code. Further, if the proponent is a foreign person for the purposes of the *Foreign Acquisitions and Takeovers Act 1975* (Cth) then, should the proponent seek to acquire an interest in Tasmanian land as a lessee or licensee, it may be required to apply for foreign investment approval. The proponent should seek its own legal advice on what licences and other regulatory approvals are required for the project.

Should you have any queries or require any further information regarding this matter, please contact Dean Burgess on (03) 6145 5833 or email dean.burgess@treasury.tas.gov.au.

Yours sincerely



for Gary Swain
Secretary

7 February 2024

13 February 2024

State Planning Office
Department of Premier and Cabinet
Executive Building, 15 Murray Street, Hobart
By email: stateplanning@dpac.tas.gov.au

Re: Major Project Proposal – Whaleback Ridge Renewable Energy Project

I refer to the letter from Michael Ferguson MP, Minister for Planning dated 18 January 2024 seeking the advice of Aboriginal Heritage Tasmania as a relevant State agency (under Section 601(2) of the *Land Use Planning and Approvals Act 1993*) on whether the Whaleback Ridge Renewable Energy Project (the Project) is eligible to be declared a major project.

Under its remit to administer the *Aboriginal Heritage Act 1975*, the scope of Aboriginal Heritage Tasmania's (AHT) advice is limited to matters concerning the regulation of impacts to Aboriginal cultural heritage established under the Act.

AHT has considered the Project proposal and the land to which it relates against the 3 eligibility criteria contained in the *Major Projects – Eligibility Assessment Process Infosheet* provided with your letter. While noting the limitations of the *Aboriginal Heritage Act 1975* to consider landscape and intangible values, a desktop review of the data contained in the Aboriginal Heritage Register indicates a high likelihood of impact to significant Aboriginal cultural heritage, expected to require lengthy and multifaceted assessment processes. In particular we emphasise the proximity of the Project location to the nationally-listed Western Tasmania Aboriginal Cultural Landscape, the scale and complexity of the Project and the strong likelihood of significant unregistered heritage being revealed as the Project progresses.

Accordingly, from an Aboriginal heritage perspective, AHT advises that the project meets two of the three eligibility criteria to be declared a major project. Please see **Attachment A** for a detailed response to each of the criteria.

We note that if declared a major project, any permits required for the Project to impact Aboriginal heritage would be incorporated into the major project permit process. No other relevant permissions, licences or authorities are relevant within the Aboriginal heritage regulatory framework other than the Unanticipated Discovery Plan process applicable in all circumstances.

Regards,



Rachael Alderman
A/Director Aboriginal Heritage Tasmania
aboriginalheritagetasmania@dpac.tas.gov.au

cc: Michael Ferguson MP
Minister for Planning
By email: Michael.Ferguson@dpac.tas.gov.au

ATTACHMENT A – WHALEBACK RIDGE MAJOR PROJECT ELIGIBILITY ADVICE

The following advice has been prepared by AHT on the basis of assessment of the Whaleback Ridge Major Project Proposal against the three eligibility criteria provided in the *Major Projects – Eligibility Assessment Process Infosheet*, using data available in the Aboriginal Heritage Register (AHR).

Criterion 1: The project will have a significant impact on, or make a significant contribution to, a region's economy, environment or social fabric.

The Project study area is situated on the west coast of Tasmania, within a known culturally rich and sensitive landscape. It contains significant registered shell middens of a scale not known to occur anywhere else in Tasmania, as well as evidence of a sedentary lifestyle in the form of hut depressions, seal hides and large artefact scatters. This landscape is of such immense scientific and cultural significance that approximately 100km of the coastline stretching between West Point and Duck Creek was added to the National Heritage List in 2013 as the Western Tasmania Aboriginal Cultural Landscape.

The AHR currently contains 9 Aboriginal heritage site registrations within the study area. These include artefact scatters and shell middens, which are recognised cultural living places reflecting the past cultural practices and lifeways of Tasmanian Aboriginal people in this region (specifically the North West Nation). Significant Aboriginal heritage is also registered in the vicinity of both Trial and Granville Harbours.

It should be noted that the current registrations within the AHR do not reflect the full potential scope and scale of Aboriginal heritage present within the study area and the region, as there have been relatively few heritage assessments carried out. Additionally, previous assessments have been constrained by poor surface visibility due to dense ground vegetation. Landscape modelling suggests that the majority of intensive occupation would have occurred along the coastline and coastal hinterland. The inland areas would also have been occupied, particularly at the transition zone between forests and button grass plains, as well as valleys and along major creeks and rivers, such as the Pieman River. It is expected that further detailed landscape modelling and survey assessments would reveal many more Aboriginal heritage sites within this region.

It is therefore Aboriginal Heritage Tasmania's view that the proposed Whaleback Ridge Renewable Energy Project has the potential for significant impact on the region's cultural heritage values (both environmental and social).

Criterion 2: The project is of strategic importance to a region.

Not applicable to AHT.

Criterion 3: The project is of significant scale and complexity.

It is AHT's advice that all large infrastructure projects undertake detailed cultural heritage assessments to identify whether the project or its related infrastructure will impact Aboriginal heritage, and to determine any requirements under the *Aboriginal Heritage Act 1975*. This has been particularly applicable to previous wind farm projects due to their large overall footprint and proximity to the coast – where heritage is often most dense and susceptible to impact.

It is AHT's experience that wind farm projects usually require multiple levels of assessment as the project progresses and infrastructure is sited; including desktop reviews, on-ground assessment surveys (including micro-siting of infrastructure) conducted by Aboriginal heritage consultants and in some cases sub-surface investigation. These assessments can take many months or years, and require extensive consultation with the Aboriginal community, as well as between the proponent, heritage consultant and regulator.

Given the Aboriginal heritage significance of the west coast region (detailed in the response to Criterion 1), and the scale of the proposed windfarm, AHT expects that the cultural heritage assessment and consultation processes within the regulatory framework will be lengthy and complex. If Aboriginal heritage cannot be completely avoided in this culturally rich landscape, permit processes in accordance with the *Aboriginal Heritage Act 1975* will be required.

Any other information that is reasonably necessary to determine whether the major project proposal should be declared or not declared as a major project.

Should the Whaleback Ridge project be declared a major project, AHT considers it imperative that the proponent and AHT as the regulator be able to have detailed, direct and frequent exchanges throughout the project development, such as would occur under the standard regulatory process. Given the anticipated complexity of Aboriginal heritage in the area, this will be essential to managing heritage considerations effectively and efficiently for both the proponent and the protection of heritage.

13 February 2024

Michael Ferguson MP
Minister for Planning
GPO Box 123,
Hobart TAS 7001

RE Major Project Proposal – Whaleback Ridge Renewable Energy Project

Dear Michael,

On behalf of Bluestone Mines Tasmania Joint Venture (BMTJV), I would like to advise that we believe that the proposed Whaleback Ridge Project (Project) should be considered as a major project under the *Land Use Planning and Approvals Act 1993*.

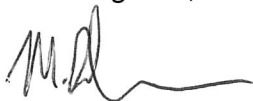
As the Lessee of the land where a portion of the development is proposed to occur, we have significant interest in the Project and would like the opportunity for input as to the proposed development. Additionally due to the size and scope of the project we believe there will be significant impact directly on the proposed development footprint and to the West Coast Community in general.

BMTJV are actively working to reduce our carbon footprint through embracing energy efficient methods, capital upgrades of equipment, and support the use of renewable energies. However, if the Project progresses as currently planned there will be significant impacts on the future viability of the project site for BMTJV's proposed use. We will need to fully understand and potentially restrict the Projects' reach to allow the full potential of our exploration leases to be realised.

The area of proposed works is overlaid by deep geological cover through which the only cost-effective means of exploration is utilising geophysical techniques. BMTJV is of the understanding that these techniques cannot be utilised once the infrastructure has been built (even if the system is deenergised). The proposed Project therefore will render our exploration prospects valueless unless either the area of influence is severely restricted or significant exploration prework is completed as part of the Projects pre-production development.

I look forward to further discussion on the Project.

Kind regards,



Mark Recklies
Chief Operating Officer
Bluestone Mines Tasmania JV Pty Ltd

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, Devonport, Tasmania, 7310

Ph 1300 368 550

Web nre.tas.gov.au

Inquiries: Sonia Mellor

Phone: 0436 636 279

Email: Sonia.Mellor@nre.tas.gov.au

Our ref: D24-20894

Your ref: 23/535093/4



Hon Michael Ferguson MP
Minister for Planning
stateplanning@dpac.tas.gov.au

Dear Minister

Major Project Proposal – Whaleback Ridge Renewable Energy Project

I refer to your correspondence of 18 January 2024 advising that Westcoast Renewable Energy Pty Ltd is seeking to have the Whaleback Ridge Renewable Energy Project (the Project) declared a major project under the *Land Use Planning and Approvals Act 1993* (LUPAA). Your correspondence was accompanied by a copy of the Major Project Proposal (MPP).

As the Secretary of the Department of Natural Resources and Environment Tasmania (the Department), 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*, including 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 has provided consent to the affected Crown land being included in the Project land.

The Department considers that the Project, as proposed by Westcoast Renewable Energy Pty Ltd, is eligible to be declared a major project.

In relation to natural heritage values, the MPP acknowledges that the Project may have an impact on a range of native vegetation communities and flora and fauna listed under the NCA, the *Threatened Species Protection Act 1995* (TSPA) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). This includes the potential for direct and indirect impacts that may temporarily and/or permanently alter the available habitat for threatened terrestrial and aquatic flora/fauna and create collision risks for avifauna during both the construction phase and the operational phase.

In addition, the Project has the potential to impact aquatic environments and sites of geo-conservation value.

The scale of the Project increases the likelihood of impacts to natural values, thereby increasing the complexity associated with the assessment of impacts and the application of avoidance and/or mitigation measures, along with the need to seek the required approvals to proceed.

In accordance with Section 60M(2)(a)(ii) of LUPAA at least two project related permits are likely to be required including permit/s to take threatened flora and fauna under the TSPA and permit/s to take products of wildlife under the NCA.

In addition, as stated in the MPP, the Project is likely to require assessment and approval under the EPBCA based on its scale and the potential impacts to matters of national environmental significance, including listed threatened species and ecological communities, listed migratory species and cultural landscapes.

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 MPP has indicated that the Carn Brea Tin Mine, a permanently entry (THR #9881) on the Tasmanian Heritage Register (THR), is mapped within the Wind Turbine Generator Exclusion Zone. The MPP also states that the specific location and management of infrastructure can be adjusted to avoid any direct impact.

Under the *Historic Cultural Heritage Act 1995*, heritage approvals will only be required if any development is proposed within the THR boundary, which is unlikely in this case as indicated by the Project proposal.

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 (for example, 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, Principal Advisor Policy, Strategic Projects and Policy Branch, Strategy and Business Services Division. Ms Mellor can be contacted on mobile on 0436 636 279 or via email at sonia.mellor@nre.tas.gov.au

Yours sincerely



Jason Jacobi
SECRETARY

13 February 2024

13th February 2024

Michael Ferguson MP
Minister for Planning

By email: StatePlanning@dpac.tas.gov.au

Dear Minister Ferguson,

RE: Major Project Proposal - Whaleback Ridge Renewable Energy Project

We refer to your correspondence dated 18 January 2024 regarding a proposal to declare a major project under Section 60C of the *Land Use Planning and Approvals Act 1993* (the Act).

Under Section 601(2) of the Act, TasNetworks wish to advise that:

- (a) As a State Agency, we consider that the project is eligible to be declared a major project under the Act; and
- (b) As a State Agency, we consider the information provided is relevant and necessary to determine whether the major project proposal should be declared as a major project.

If you have any queries in relation to this letter, please do not hesitate to contact Anita Bourn on 03 6271 6413 or at anita.bourn@tasnetworks.com.au.

Yours faithfully,



Peter Stuckey
Executive Governance

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 Web www.stategrowth.tas.gov.au
Your Ref: / Our Ref: D24/14511



State Planning Office
144 Macquarie Street
HOBART TAS 7000
1300 703 977
By email: stateplanning@dpac.tas.gov.au

Response to notification – Major Project Proposal – Whaleback Ridge Renewable Energy Project

This response refers to correspondence of 18 January 2024 from the then Minister for Planning, regarding a proposal for declaring the Whaleback Ridge Renewable Energy Project (WRREP) a Major Project under **Section 60C** of the *Land Use Planning and Approvals Act 1993* (TAS) (the Act).

Pursuant to **Section 60I(3)**, State Growth welcomes the opportunity to provide comment on the below sub-clauses:

Sub-clause 60I(3)(a) - whether the council or relevant State entity considers that the Minister ought not to be of the opinion that the project is eligible to be declared to be a major project.

State Growth supports, in principle, the declaration of the WRREP as a Major Project under the Act. Noting that further discussions between the proponent, Mineral Resources Tasmania (MRT), and the Department of Natural Resources Tasmania (NRFE) are needed to ensure that the project and existing land uses can co-exist and continue to achieve best outcomes for the region as well as renewable energy production.

Wind farm developments are incompatible with mineral exploration, as WRREP is coincident with land considered to be highly prospective for economic accumulations of minerals, the locating of infrastructure associated with the proposal will need to be carefully considered to minimise the potential negative impacts on the minerals industry. It is considered possible to have less impact on future potential resource discoveries if the area sought is refined to reflect those areas of only moderate prospectivity. Accordingly, further discussions involving all parties are needed in order to meet the policy objectives of a multiple land use for the WRREP.

Sub-Clause 60I(3)(b) - the reasons why the council or relevant State entity is of that opinion.

The complexity and extensive project footprint of the infrastructure technically places the WRREP as a candidate for declaration as a Major Project. The project's physical footprint spans across Crown land of several reserve classes (including statutorily defined mining interests with associated management requirements). As noted in the proponent's proposal, the requirement for

the issuance of Crown leases within a defined Strategic Prospectivity Zone (under the requirements of the *Mining (Strategic Prospectivity Zones) Act 1993*), adds further licencing and legislative complexities for the project to be realised.

The WRREP would also make a significant contribution to the achievement of the newly legislated Tasmanian Renewable Energy Target (TRET). Once fully operational, WRREP's full 3000 Megawatt wind farm component would entirely meet the TRET. The project also has the potential to assist the hydrogen production sector reach export scale by late in the decade.

The project would also have a significant impact on the Cradle Coast economy, particularly through job creation in the construction phase, ongoing activity on the West Coast in particular and through any community benefit scheme (CBS) developed as part of the wind farms' operation. Development of CBS's are expected of developers under draft engagement, benefit sharing and local procurement guidelines for renewable energy.

As noted in Minister Ferguson's correspondence, declaration of the WRREP as a Major Project under the Act is an early step to the project's progression. Given the complexities highlighted above, particularly in relation to land use planning and mineral extraction, State Growth looks forward to further opportunities to comment and provide advice on this project.

Thank you once again for the opportunity to provide comment on this proposal.

Further information, please contact:

Brett Stewart
Deputy Secretary, Resources, Strategy and Policy
Department of State Growth
Level 6, 4 Salamanca Place, Hobart | GPO 536 Hobart, Tasmania, 7001
Phone: (03) 6165 5259 | Email: brett.stewart@stategrowth.tas.gov.au

Yours sincerely



Craig Limkin
Secretary

15 February 2024



Venture Minerals Limited (ASX:VMS)
ABN 51 119 678 385

Level 2 | 16 Altona Street | West Perth | WA 6005

P O Box 1175 | West Perth | WA 6872
T: + 61 8 6279 9428 | F: + 61 8 6500 9986

E: admin@ventureminerals.com.au
W: www.ventureminerals.com.au

14 February 2024

Michael Ferguson
Minister for Planning

Via email: michael.ferguson@dpac.tas.gov.au

Dear Minister

I write in response to your letter of 18 January 2024 relating to the Major Project Proposal – Whaleback Ridge Energy Project (**the Project**).

Venture Minerals as a occupier of leased land adjoining the proposed Project does not feel that you as Minister should declare the Project as a Major Project. We take this view on the basis that the Project has not been adequately discussed with adjacent land users and has not been adequately planned nor funded to the point where we believe it has a realistic opportunity of going ahead.

If the proponents can demonstrate any of the above preparedness, then Venture Minerals would be fully supportive of you declaring the Project as a Major Project.

Having developed the nearby Riley Mine and being in the process of completing a second Feasibility study on the nearby Mt Lindsay, and having the Livingstone Project also in the development pipeline, we know all too well the hurdles that are required to be jumped in order to gain environmental and planning approvals, let alone the litigious nature of the opposition groups to development in the Tarkine.

It is for these reasons that we believe that you as Minister should only consider projects that are genuine and at a stage of serious development for the Major Projects pathway.

Venture Minerals has a lengthy and strong commitment to the sustainable development of the North West of Tasmania and we will continue to work closely with the Tasmanian Government to invest in the North West and create jobs. We will always support any project in the region which is genuine and real.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Andrew Radonjic', with a stylized flourish at the end.

Mr Andrew Radonjic
Managing Director
Venture Minerals Limited

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
Web: www.epa.tas.gov.au
Our Ref: D24-41936



ENVIRONMENT PROTECTION AUTHORITY

14 February 2024

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

By Email: Michael.Ferguson@dpac.tas.gov.au

Dear Deputy Premier

MAJOR PROJECT PROPOSAL – WHALEBACK RIDGE RENEWABLE ENERGY PROJECT

I refer to your letter, received on 18 January 2024, regarding the proposal to declare the Whaleback Ridge Renewable Energy Project (the Project) as a major project under section 60C of the *Land Use Planning and Approvals Act 1993* (LUPAA). I note that your letter requests any information in relation to the Project that is reasonably necessary to determine whether the Project should be declared or not declared a major project.

In response to your query about whether any further approvals, permissions, licenses, or authorities may be required by the proponent, in addition to the project related permit, I can advise of the following:

- It is understood that in accordance with sections 60Z and 60ZB of LUPAA, the Board of the Environment Protection Authority (EPA) (the Board) is a relevant regulator, and can become a participating regulator, in relation to each major project. If the Board becomes a participating regulator by issuing an assessment requirement notice or a notice recommending revocation, it must carry out an environmental impact assessment of the major project in accordance with Part 5 of the *Environmental Management and Pollution Control Act 1994* (EMPCA), as modified by section 60ZC of LUPAA, and provide final advice as to the major project permit.
- It is noted that the Project involves the construction and operation of up to 500 wind turbine generators with a projected generating capacity of approximately 3,000 megawatts which constitutes a Level 2 activity in accordance with clause 7(f), Schedule 2 of EMPCA. Other Level 2 extractive and materials handling activities are also likely to be involved to support the required infrastructure of the Project. If the Project is not subject to the major project pathway, section 25(1) of EMPCA would require the planning authority to refer planning permit applications for such proposals to the Board of the Environment Protection Authority (EPA) (the Board) for assessment and approval.

The Major Project Proposal document states that the Project will be staged to meet demand in the market and capacity on the transmission network, with the existing Farrell-Reece transmission line having sufficient capacity to transfer electricity generated from Stage 1 of the Project to the Tasmanian and national energy market. I also understand from the Major Project Proposal document that as market demand increases and subsequent stages of the Project progress, additional transmission capacity will be required to export electricity from the site, however, it is noted these opportunities are being considered separately and will be subject to separate assessment and approval pathways. With a view to undertaking a robust environmental impact assessment for the Project, it is considered best practice to assess the Project in its entirety, including all proposed stages and the associated cumulative impacts of future transmission infrastructure.

The Major Project Proposal document notes that assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) will likely be required based on the scale of the Project and the potential for impacts to matters of national environmental significance, including listed threatened species and ecological communities, listed migratory species and cultural landscapes. It is understood that the proponent intends to refer the Project to the Commonwealth Minister for the Environment independently of the major project pathway.

In response to your query as to my opinion about the eligibility of the Project to be declared a major project, I note that section 60N of LUPAA requires major projects 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, it is considered that the Project has the potential to significantly impact the region's environment which would satisfy this aspect of criterion (a). The significant scale and complexity of the Project also indicates 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 I am therefore unable to draw any conclusion on whether the Project is eligible to be declared a major project.

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.

Yours sincerely



Wes Ford
DIRECTOR & CHIEF EXECUTIVE OFFICER
ENVIRONMENT PROTECTION AUTHORITY



Tasmanian
Government

Department of Premier and Cabinet
State Planning Office

Phone:

1300 703 977

Email:

Stateplanning@dpac.tas.gov.au

www.planningreform.tas.gov.au