

Anne Cunningham  
Chairperson  
Development Assessment Panel – North East Wind  
Tasmanian Planning Commission  
Level 3, 144 Macquarie Street  
Hobart TAS 7000

10 July 2023

Dear Anne,

**Representation on Draft Assessment Criteria for the North East Wind Major Project**

Thank you for the invitation to provide a representation on the draft Assessment Criteria (**Assessment Criteria**) for North East Wind (**the Project**).

The Project represents a major investment in north-east Tasmania, supporting the Tasmanian Government's legislated 200% renewable energy target. Leveraging Tasmania's world class wind resource, the Project would have capacity to generate up to 1,260 megawatts (MW), supporting existing major industries and new industries (including green hydrogen).

The Waterhouse and Rushy Lagoon sites have been selected due to their wind resource, along with the relatively small population in the surrounding area. These properties largely comprise predominantly cleared non-prime agricultural land, which can co-exist with wind turbines, making them an ideal location for a wind farm. The Project will locate wind turbines and other Project infrastructure in areas that avoid key environmental values, key farming infrastructure (e.g. centre-pivot irrigators) and locations of residences. This approach validates the early considerations made in selecting the location of the Project, as outlined above and detailed in the Major Project Proposal.

I have provided comments on the Assessment Criteria for the Project in Attachment A to this letter. This provides additional input on the Assessment Criteria to provide clarification on specific elements, largely around the co-ordination of impact assessment under the Major Projects process under the *Land Use Planning and Approvals Act 1993* and the assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

I would be happy to further discuss any aspects of our representation. I look forward to receiving the final Assessment Criteria and commencing the assessment of the Project.

Kind regards,



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## Attachment A: Comments on Assessment Criteria

Section	Relevant text within the Assessment Criteria	Comment	Suggestion to resolve
Section 3.2 Design and Management, Social and environmental management practices	If any offset is proposed in the MPIS to address a biodiversity or ecological assessment criterion, it should be informed by the principles and matters for consideration outlined in the <i>Environment Protection and Biodiversity Control Act 1999</i> Offset Policy, October 2012	<p>The Development Assessment Panel (<b>the Panel</b>) is assessing the Project separate to the assessment by Department of Climate Change, Energy, the Environment and Water (<b>DCCEEW</b>) under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (<b>EPBC Act</b>).</p> <p>Given that biodiversity or ecological matters may require offsetting under the Major Projects process, and the EPBC Act assessment, the ability to provide offsets to meet all approval requirements is essential. Separate offset requirements have the potential to be costly to develop and complex to administer.</p> <p>It is also noted that the Tasmanian Government's Guidelines for Natural Values Surveys<sup>1</sup> includes some guidance on offsetting, which is not referenced in the Assessment Criteria.</p>	<p>Update this Section to include co-ordination of offset requirements between DCCEEW and the Panel.</p> <p>Update this Section to include reference to offsetting requirements in the Tasmanian Government's Guidelines for Natural Values Surveys.</p>

<sup>1</sup> Natural and Cultural Heritage Division (2015) Guidelines for Natural Values Surveys - Terrestrial Development Proposals. Department of Primary Industries, Parks, Water and Environment

Section	Relevant text within the Assessment Criteria	Comment	Suggestion to resolve
Section 4.2 Specific assessment criteria – Biodiversity	...include results of flora and fauna surveys, excluding for Tasmanian devils and quolls, undertaken in accordance with the Natural and Cultural Heritage Division (2015) Guidelines for Natural Values Surveys – Terrestrial Development Proposals. Department of Primary Industries, Parks, Water and Environment;	It would be helpful to clarify which guidelines are applicable to assessment of Tasmanian devil and quoll species.	Amend to include note that under Section 4.2.1 defines the relevant guidance for Tasmanian devil and quoll species as:  Natural and Cultural Heritage Division (2015) Survey Guidelines and Management Advice for Development Proposals that may impact on the Tasmanian Devil ( <i>Sarcophilus harrisii</i> ). Department of Primary Industries, Parks, Water and Environment.
Section 4.2.1 Specific assessment criteria – Biodiversity Key Species	...significance of, and extent to which the site, adjoining land and transport routes contain...	Ideally, adjoining land would be defined to a reasonable point.  Further comments have been provided below on eagle nests and potential dens, however, it would be useful to be less ambiguous on the definition of adjoining land in the context of the Project.	Consider amending to:  <i>“adjoining land (as appropriate to each Key Species)”</i>
Section 4.2.1 Specific assessment criteria – Biodiversity Key Species	<ul style="list-style-type: none"> <li>nests within 4km of the project land</li> </ul>	<p>It is assumed that this is relevant to the potential impact from wind turbines on nests for threatened raptors. If so, this radius should apply from the project turbine envelope (or the nearest proposed wind turbine) rather than from the project land.</p> <p>Where the assessment applies to other components or infrastructure outside the turbine envelope having a potential impact, a distance of 1 km should apply, consistent with the assessment approach on other projects.</p>	<p>Clarify distance for assessment of nests to:</p> <ul style="list-style-type: none"> <li>Nests within 4km of the wind turbine envelope or any proposed wind turbine</li> <li>Nests within 1km of Project-related infrastructure, other than wind turbines.</li> </ul>

Section	Relevant text within the Assessment Criteria	Comment	Suggestion to resolve
Section 4.2.1 Specific assessment criteria – Biodiversity Key Species	<ul style="list-style-type: none"> <li>den sites (within and adjacent to the project land);</li> </ul>	<p>The Assessment Criteria should define “adjacent” in this context.</p> <p>The Tasmanian Devil survey guidelines<sup>2</sup> indicate that 50 m is an appropriate survey buffer.</p> <p>Similar to the above discussion around eagle nests, this should also reference the distance from Project-related infrastructure.</p>	<p>Clarify distance for assessment of den sites to:</p> <ul style="list-style-type: none"> <li>Den sites within 50 m of the wind turbine envelope, or any Project-related infrastructure.</li> </ul>
Section 4.2.1 Specific assessment criteria – Biodiversity Key Species	<ul style="list-style-type: none"> <li>habitat suitable for establishing future nesting sites,</li> </ul>	<p>It is assumed that this is relevant to the potential impact from wind turbines on nesting habitat for threatened raptors. If so, this radius should apply from the project turbine envelope (or the nearest proposed wind turbine) rather than from the project land.</p>	<p>Clarify distance for assessment of nests to:</p> <ul style="list-style-type: none"> <li>habitat suitable for establishing future nesting sites within 4 km of the wind turbine envelope or any proposed wind turbine.</li> </ul>
Section 4.2.1 Specific assessment criteria – Biodiversity Key Species	<ul style="list-style-type: none"> <li>include results for eagle nest searches that are conducted outside the eagle breeding season (July-January inclusive), in accordance with the Forest Practices Authority, Fauna Technical Note 1 – Eagle Nest Management;</li> </ul>	<p>It is noted that the link provided for reference lead to a superseded version of this Technical Note. There is an April 2023 (Version 4) that should be included as the current reference.</p>	<p>Update link provided to:</p> <p><a href="https://fpa.tas.gov.au/Documents/Fauna%20Tech%20Note%201_Eagle%20nest%20management%20V4.0_PDF_Website.pdf">https://fpa.tas.gov.au/Documents/Fauna%20Tech%20Note%201_Eagle%20nest%20management%20V4.0_PDF_Website.pdf</a></p>

<sup>2</sup> Natural and Cultural Heritage Division (2015) Survey Guidelines and Management Advice for Development Proposals that may impact on the Tasmanian Devil (*Sarcophilus harrisii*). Department of Primary Industries, Parks, Water and Environment.

Section	Relevant text within the Assessment Criteria	Comment	Suggestion to resolve
Section 4.2.2 Specific assessment criteria – Biodiversity Other avian fauna	<p>(Other avian fauna) defined as:</p> <ul style="list-style-type: none"> <li>birds that are threatened species under the <i>Threatened Species Protection Act 1995</i>; or</li> <li>birds that are listed threatened species under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</li> </ul>	<p>The Panel is assessing the Project separate to DCCEEW's assessment under the EPBC Act.</p> <p>It is understood that EPBC Act listed threatened species would be considered in DCCEEW's assessment. Any species listed under State legislation (i.e. the <i>Threatened Species Protection Act 1995</i> (<b>TSP Act</b>)) are covered in the first part of the definition.</p> <p>To simplify the assessment process, it is recommended that EPBC Act species be removed from this definition, as impacts to these species are being assessed through a separate process.</p>	Remove reference to EPBC Act listed species.
Section 4.2.2 Specific assessment criteria – Biodiversity Other avian fauna	The significance of, and extent to which the site and adjoining land contain, habitat or nests for other avian species.	Adjoining land should be considered in the context of the Project's footprint along with proposed wind turbine locations.	Provide a definition for "adjoining land" in the context of the Project's footprint and wind turbine locations.
Section 4.2.3 Specific assessment criteria – Biodiversity Other listed flora and fauna species	Whether the site, nearby land and transport routes contain habitat or is likely to contain, be used by, or passed through by other listed flora and fauna species	"Nearby land" should be considered in the context of the Project's footprint along with proposed wind turbine locations.	Provide a definition for "nearby land" in the context of Other listed flora and fauna species.

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Section 4.2.3 Specific assessment criteria – Biodiversity Other listed flora and fauna species	flora and fauna that are listed threatened species under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	<p>The Panel is assessing the Project separate to DCCEEW's assessment under the EPBC Act.</p> <p>It is understood that EPBC Act listed threatened species would be considered in DCCEEW's assessment. Any species listed under State legislation (i.e. TSP Act) are covered in the first part of the definition.</p> <p>To simplify the assessment process, it is recommended that EPBC Act species be removed from this definition, as impacts to these species are being assessed through a separate process.</p>	Remove reference to EPBC Act listed species.
Section 4.2.3 Specific assessment criteria – Biodiversity Other listed flora and fauna species	<p>Whether the site or nearby land contains, is used by, or passed through by migratory fauna species protected under international agreements.</p> <p>The significance of, and extent to which the major project has the potential to cause, adverse effects on migratory fauna species.</p>	<p>The Panel is assessing the Project separate to DCCEEW's assessment under the EPBC Act.</p> <p>It is understood that EPBC Act listed migratory species would be considered in DCCEEW's assessment. Any species listed under State legislation (i.e. TSP Act) are covered in the first part of the definition.</p> <p>To simplify the assessment process, it is recommended that the species definition be amended to cover species listed under Tasmanian Government legislation.</p>	Amend migratory fauna species definition to include only species that are listed under Tasmanian legislation.

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Section 4.2.3 Specific assessment criteria – Biodiversity Other listed flora and fauna species	<ul style="list-style-type: none"> <li>the potential for the major project to cause adverse effects on other listed flora and fauna species and migratory fauna species, and the significance of those effects, including...</li> </ul>	<p>The Panel is assessing the Project separate to DCCEEW's assessment under the EPBC Act.</p> <p>It is understood that EPBC Act listed migratory species would be considered in DCCEEW's assessment. Any species listed under State legislation (i.e. TSP Act) are covered in the first part of the definition.</p> <p>To simplify the assessment process, it is recommended that the species definition be amended to cover species listed under Tasmanian Government legislation.</p>	Amend migratory fauna species definition to include only species that are listed under relevant Tasmanian Government legislation.
Section 4.2.4 Specific assessment criteria – Biodiversity Listed communities and native vegetation	<p>native vegetation, listed communities and habitat for species that are:</p> <ul style="list-style-type: none"> <li>threatened species under the <i>Threatened Species Protection Act 1995</i>...</li> </ul>	The definition under this section seems to partially overlap with Section 4.2.3, which also covers native threatened flora.	Amend definition under either Section 4.2.3 or Section 4.2.4 to resolve any overlap in the Assessment Criteria.

Section	Relevant text within the Assessment Criteria	Comment	Suggestion to resolve
Section 4.2.4 Specific assessment criteria – Biodiversity Listed communities and native vegetation	ecological communities listed as: <ul style="list-style-type: none"> <li>endangered or critically endangered under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> </ul>	<p>The Panel is assessing the Project separate to DCCEEW's assessment under the EPBC Act.</p> <p>It is understood that EPBC Act listed communities would be considered in DCCEEW's assessment. Any species listed under State legislation (i.e. TSP Act) are covered in the first part of the definition.</p> <p>To simplify the assessment process, it is recommended that EPBC Act communities be removed from this definition, as impacts to these species are being assessed through a separate process.</p>	Remove reference to EPBC Act listed communities.
Section 4.2.4 Specific assessment criteria – Biodiversity Listed communities and native vegetation	<p>The likelihood for clearance and conversion of native vegetation to have an adverse effect on species that are:</p> <ul style="list-style-type: none"> <li>threatened species under the <i>Threatened Species Protection Act 1995</i></li> <li>listed threatened species under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</li> </ul>	<p>See above comments on</p> <ul style="list-style-type: none"> <li>Assessment in relation to EPBC Act listed species and communities</li> <li>Overlap between assessments under Section 4.2.3 and 4.2.4</li> </ul>	<p>Amend definition under either Section 4.2.3 or Section 4.2.4 to resolve any overlap in the Assessment Criteria.</p> <p>Remove reference to EPBC Act listed communities.</p>
Section 4.2.4 Specific assessment criteria – Biodiversity Listed communities and native vegetation	c. if the clearance and conversion of native vegetation or listed communities will contribute to cumulative impacts on species that are threatened species under the <i>Threatened Species Protection Act 1995</i> , or listed threatened species under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> ;	<p>See above comments on assessment in relation to EPBC Act listed species and communities.</p> <p>Criterion should include a reference to threatened native vegetation community under Schedule 3A of the <i>Nature Conservation Act 2002</i>.</p>	<p>Remove reference to EPBC Act listed species.</p> <p>Add reference to threatened native vegetation community under Schedule 3A of the <i>Nature Conservation Act 2002</i>.</p>



Section	Relevant text within the Assessment Criteria	Comment	Suggestion to resolve
Appendix A: A.4 Native vegetation removal plans	<ul style="list-style-type: none"> <li>the location and recent photos of any large or remnant trees to be cleared.</li> </ul> <p>Mapping of vegetation should be informed by Appendix 6 of the Assessor's Handbook – Applications to remove, destroy or lop native vegetation, October 2018, Victorian Government.</p>	<p>Definitions of large and remnant trees under the Victorian guideline is unclear as it states mapping of vegetation should be informed by the guideline, and in this case, vegetation mapping would be as per TASVEG guidelines.</p> <p>The definition for large trees should refer to the TASVEG Vegetation Condition Assessment (<b>VCA</b>) method for respective communities, as they define large tree sizes.</p> <p>In terms of remnant trees, it is anticipated that the assessment can refer to the likely pre-clearance vegetation type and use the relevant benchmark from the TASVEG VCA.</p>	Amend text to utilise TASVEG VCA method.