



24 January 2024

ACEN Robbins Island Pty Ltd
Suite 2, Level 2
15 Castray Esplanade
HOBART TAS 7004

Dear David

**AMENDMENT TO EXISTING PERMIT - DA 2020 / 00042 – WIND FARM & ASSOCIATED
INFRASTRUCTURE - ROBBINS ISLAND, ROBBINS PASSAGE, RANSONNET BAY, 366 WEST
MONTAGU ROAD & ROBBINS ISLAND ROAD, WEST MONTAGU**

Pursuant to Tasmanian Civil and Administrative Tribunal decision dated 2 January 2024,
please find enclosed the Amended Planning Permit for DA 2022 / 00042.

Please contact Council's Planning Department on (03) 6452 4885 if you have any questions.

Yours sincerely

James Brewer
ACTING DIRECTOR INFRASTRUCTURE & DEVELOPMENT SERVICES
(Council Delegate)

Enc:



AMENDED PLANNING PERMIT

Pursuant to Tasmanian Civil and Administrative Tribunal
decision dated 2 January 2024

Tasmanian Planning Scheme – Circular Head

Land Use Planning and Approvals Act 1993

Property No & CT:	6253156, 1824204 & CT 110402/1; 50468/4
Application No:	DA 2020 / 00042
Description:	Wind farm, including up to 100 wind turbines with a total generating capacity of up to 900 megawatts (MW) of electricity, and a range of ancillary infrastructure, including a bridge, wharf, internal site access roads, transmission infrastructure and a maintenance and services facility
Site:	Robbins Island, Robbins Passage, Ransonnet Bay, 366 West Montagu Road & Robbins Island Road, West Montagu
Applicant:	ACEN Robbins Island Pty Ltd
Postal Address:	Suite 2, Level 2 15 Castray Esplanade HOBART TAS 7004
On land owned by:	Robbins Island Proprietary Limited, LBPC Services Pty Ltd, Crown Land and Circular Head Council
Land Use:	Utilities
Zone:	Rural Resource
Type:	Discretionary

Subject to the following conditions:

General

1. The use or development must be substantially in accordance with the documents and drawings that comprise the Development Application No. DA 2020/00042, as amended by order of the Tasmanian Civil and Administrative Tribunal dated 7 July 2023, except where modified below.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.



Environment Protection Authority

3. The use and/or development must comply with the conditions contained in Schedule 2 of Permit Part B, Permit Conditions - Environmental No. 9786, as attached to this permit, which the Board of the Environment Protection Authority has required the Planning Authority to include in this permit, pursuant to Section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

Bushfire Management

4. The storage of:
 - a. Hazardous chemicals, as defined in the *Work Health and Safety Regulations 2022*; and
 - b. Explosives, as defined in the *Explosives Act 2012*; must be in accordance with:
 - the Bushfire Hazard Management Plan, prepared by RM Consulting Group Pty Ltd, dated 22 January 2021; and
 - the Emergency Management Strategy, endorsed by the Tasmania Fire Service, dated 22 January 2021.

Wind Turbine Generators

5. This permit allows for up to 100 wind turbine generators that each have a maximum height of up to 212 m.

The height of a wind turbine generator is measured from natural ground level at the base of each tower of the wind turbine generator to the blade tip at its highest point.

Amenity

6. The proposed colour and finish of the Maintenance and Services Building (Colorbond Surfmist) is not approved.
7. Prior to the issue of building consent under the *Building Act 2016* or the commencement of works (whichever occurs first), amended elevations of the Maintenance and Services Building must be provided to and approved by the Council's General Manager.

The amended elevations must demonstrate that the Maintenance and Services Building is finished in materials that have a light reflectance value of no greater than 40%.

Once approved, the amended elevations shall form part of this permit and must be adhered to.



8. Prior to the issue of building consent under the *Building Act 2016* or the commencement of works (whichever occurs first), a colour and finishes schedule must be provided to and approved by the Council's General Manager.

The colour and finishes schedule must detail the proposed colours and finishes of the following buildings:

- a. The bridge
- b. Construction site office and workshop
- c. Refuelling facility
- d. Temporary accommodation buildings

The colour and finishes schedule must demonstrate that the buildings are finished in materials that have a light reflectance value of no greater than 40%.

Once approved, the colour and finishes schedule shall form part of this permit and must be adhered to.

Temporary Accommodation

9. Prior to the issue of building consent under the *Building Act 2016* or the commencement of works (whichever occurs first), a date for the removal of all temporary workers accommodation buildings must be submitted to and approved by Council's General Manager.

Once approved, this date shall form part of this permit and must be adhered to.

10. All temporary workers accommodation must be removed from the site by the date approved by Council's General Manager, or a date otherwise agreed to in writing by Council's General Manager.

Micro-siting

11. Prior to the issue of building consent under the *Building Act 2016*, or the commencement of works (whichever occurs first), a detailed site plan must be submitted to and approved by Council's General Manager.

The detailed site plan must show the final location of all wind turbine generators, internal access roads, and all associated supporting infrastructure following micro siting.



The detailed site plan must be substantially in accordance with the plans and documentation approved under this permit.

Once approved, the detailed site plan shall form part of this permit and must be adhered to.

External Lighting

12. Not including security lighting, navigational lighting or any other statutory lighting, the bridge and wharf approved under this permit must not be externally illuminated, including street lighting, spot lighting or similar.
13. Prior to the issue of building consent under the *Building Act 2016* or the commencement of works (whichever occurs first), a lighting plan must be submitted to and approved by Council's General Manager. The lighting plan must demonstrate the location, method and extent of all security lighting, navigational lighting or any other statutory lighting of the bridge and the wharf.

The lighting plan must incorporate measures consistent with those required by conditions FF5 and FF7 below, to minimise lighting impacts on birds, in accordance with the Commonwealth's National Light Pollution Guidelines for Wildlife.

Once approved, the lighting plan shall form part of this permit and must be adhered to.

Public Access to Robbins Passage Beach

14. Prior to the issue of building consent under the *Building Act 2016* or the commencement of works (whichever occurs first), a detailed design of the bridge across Robbins Passage must be submitted to and approved by Council's General Manager.

The detailed design must demonstrate that public vehicle access to Robbins Passage Beach, adjacent to Robbins Island Road, is maintained.

Once approved, the detailed design shall form part of this permit and must be adhered to.

15. During construction of the bridge, the developer must notify the Council's General Manager of any disruption (including the likely duration of disruption) to the public access of Robbins Passage Beach at least 10 working days prior to the disruption of access.

Internal Access Roads



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16. Access roads within the site must be maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's General Manager.

Services

17. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Engineering

18. Prior to the issue of building consent under the *Building Act 2016* or the commencement of works, the developer is to provide Council's General Manager with a notice of intent to commence works, including an anticipated start date for construction. Following the notification of intent, monthly updates are to be provided to inform Council of pre-construction progress and any delays that may be foreshadowed for the construction start date.
19. At least 8 weeks, prior to the commencement of any vehicle movements associated with the construction of the development, a Road Assessment Report must be submitted to and approved by the Council's General Manager. The Road Assessment Report must include, but not be limited to, the following information:
 - a. Identification of all transport routes that involve Council maintained roads that will be used by any vehicles associated with the construction of the development. In this regard, roads include, but are not limited to, sealed and unsealed roads, road shoulder, roadside drainage including culverts, bridges, furniture and any other structures associated with the road including any infrastructure or assets owned by others (such as TasNetworks, TasWater, Telstra or NBN).
 - b. The nominated construction period for the development.
 - c. Predicted traffic volumes and loads.
 - d. Investigation and identification of all necessary road upgrades, widening, improvements or rectification works that are required to be undertaken along the transport routes to facilitate safe and efficient heavy vehicle movement.
 - e. Road condition and pavement deflection assessments, in accordance with relevant Austroads Publications and Guides (as amended), of the transport routes detailing the current condition and remaining life of all Council maintained roads.



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- f. Traffic count and profile data along all Council maintained roads that form part of the transport routes. The traffic data must encompass a minimum period of 6 weeks and no older than 12 months prior to the commencement of construction works.

Once approved, the Road Assessment Report shall form part of this permit and must be adhered to.

20. Where immediate road upgrades, widening, improvement or rectification works are identified, including sections of the transport routes that have a remaining life span of less than the nominated construction period determined by the road pavement deflection assessment, the proponent must submit to Council's General Manager for approval:

- a. Engineering drawings detailing all identified road upgrades, widening, improvements or rectification works. The drawings must:
 - i. be designed and detailed by a suitably qualified civil engineer or by a person approved by the General Manager.
 - ii. be designed in accordance with the Local Government Association Tasmania (LGAT) Tasmanian Standard Drawings (as amended), Austroads Guidelines and specifications set by the Department of State Growth.
 - iii. All road works required to be undertaken by this condition must be completed to the satisfaction of the General Manager prior to the commencement of the transportation of any oversize and/or over- mass vehicles, plant, raw materials, machinery or components associated with the use and development.

Once approved, the engineering drawings shall form part of this permit and must be adhered to.

All costs associated with road works required to be undertaken by this condition are to be borne by the proponent, including cost incurred by Council in assessing and approving the engineering drawings for construction.

21. During the construction period, a road condition inspection report including an assessment against Council's service standards for maintenance intervention levels is to be prepared by a suitably qualified person every month. The inspection report is to cover all Council maintained roads within the transport routes and is to be submitted to Council's General Manager within 1 week of completion.



Where road damage has been identified as being reasonably attributed to the development, the proponent is to arrange for the maintenance and repair of the damaged sections of the road as soon as practical and no later than 2 weeks following approval by the Council to undertake the works.

All costs associated with the works and any inspections required as part of this condition is to be borne by the proponent.

22. Within 1 month following practical completion of the development, the proponent must undertake a final road condition inspection report against Council's service standards for maintenance intervention levels of all Council maintained roads within the transport routes. Any damage which is reasonably attributed to the development is to be rectified to pre-construction condition as established by Condition 19 of this permit. The works are to be completed to the satisfaction of the General Manager with all costs associated with the works to be borne by the proponent.
23. Prior to the issue of building consent under the *Building Act 2016* or the commencement of works (whichever occurs first), the developer is required to pay a road maintenance bond, to be held by Council during the construction period and based upon each kilometre of road in the transport routes on the following rates at 30 June 2020 and increased by Hobart CPI for every 12 months thereafter:
 - a. For sealed roads: \$5,308 per kilometre of road.
 - b. For unsealed roads: \$5,033 per kilometre of road.

The bond is a once off payment and will only be subject to CPI increases up to the date on which payment is made. The purpose of the bond is to guarantee any road works required by this permit. Any unexpended amount of the bond will be returned within 1 month of the final road condition inspection report requirements being met to the satisfaction of the General Manager.

24. At least 8 weeks prior to the commencement of any vehicle movements associated with the construction of the development, the proponent is to submit to Council for approval by the General Manager, a Construction Transport Management Plan which must include, but not be limited to, the following details:
 - a. The nominated construction schedule, transport routes and method of transportation.
 - b. Any conflicts that may arise with school bus routes.



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- c. Copies of all permits required for transport of oversize and overweight transport movements including all conditions imposed on those permits.
 - d. Details of any road closures and any traffic sign changes required during the construction period and their reinstatement.
 - e. A public contact plan in relation to public advice on times of travel, expected delays and alternate routes available to the general public during times of heavy vehicle movements or expected additional construction associated traffic. This plan should also consider any existing permitted heavy vehicle traffic on the affected roads.
 - f. Procedure for incident and public complaint management.
 - g. Predicted construction vehicle traffic including both heavy and light vehicle construction traffic and movements.
 - h. A list and relevant contact details of all contractors or companies involved in the transportation operations.
25. Unless otherwise approved in writing by the General Manager, all vehicle movements to and from the site that are associated with the construction stage must use the transport routes as nominated in the approved Construction Transport Management Plan required by this Permit.
26. Road condition pre and post decommissioning:
- a. At least 12 months prior to the anticipated start date of decommissioning, the proponent is to provide Council with a notice of intent to commence decommissioning works. Following the notification of intent, monthly updates are to be provided to inform Council of decommissioning progress and any delays that may be foreshadowed for the start date.
 - b. At least 8 weeks prior to the commencement of decommissioning of the development, the proponent is to undertake a condition assessment of all Council maintained roads within the transport routes, including road pavement deflection assessments.
 - c. Within 1 month following the decommissioning period of the development, the proponent is to undertake a second condition assessment of all Council maintained roads within the transport routes, including a road pavement deflection assessment or other equivalent.



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Any damage which is reasonably caused by the decommissioning process by way of comparing the pre and post road condition assessments is to be rectified to the pre-decommissioning condition as established by the conditions of this permit and to satisfaction of the General Manager with all costs associated with the works to be borne by the proponent.

27. All works in (or requiring the occupation of) Council road reserves that are required by this Permit must be carried out by a suitably qualified and experienced contractor, have all required permits in place, including Council Activity in Road Reserve permits and in accordance with any requirements of the General Manager.

James Brewer

ACTING DIRECTOR INFRASTRUCTURE & DEVELOPMENT SERVICES

(Council Delegate)

Please see notes on following page

AMENDED (TASCAT) – 2/01/2024 Decision

Date: 16/02/2023

Approved by Council Acting as Planning Authority



NOTES PAGE

This section is provided for information only and does not constitute condition(s) of permit:

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval.

- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- Please consult your private building surveyor to ascertain what approvals, if any, are required under the *Building Act 2016*. Should approvals be required, these must be obtained from Council prior to the commencement of any work.
- You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Should approvals be required, these must be obtained from Council prior to the commencement of any work.
- The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the Commonwealth *Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Natural Resources and Environment Tasmania or the Commonwealth Minister for a permit.
- This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.