



CIRCULAR HEAD COUNCIL

Please quote our ref: DA 2019 / 00052 PID 2629136,
2631236, 2948399, 2787070, 9506481
Your ref:

Enquiries to: Development Services 6452 4885 | council@circularhead.tas.gov.au

24 June 2020

David Pollington
UPC Robbins Island Pty Ltd
Suite 2, Level 2
15 Castray Esplanade
HOBART TAS 7004

Dear David

APPROVED PLANNING PERMIT - DA 2019 / 00052

The Council is pleased to inform you that the above planning permit has been issued (enclosed). Please read in full and contact this office if you have any questions.

Any person who made a representation to Council about this application may also appeal to the Tribunal within 14 days after notice of the decision is served on them.

This permit does not take effect until either:

1. Appeal period of 14 days has expired (or been waived), or
2. If an appeal has been made, until this is determined; or
3. Any other approvals required to commence the use or development have been granted (eg Building and/or Plumbing Approvals).

This permit provides you 2 years to substantially commence the use or development. The development and use must be developed and then used in accordance with the details contained within your application, and the conditions of this permit.

Please contact this office on (03) 6452 4820 if there are any questions.

Yours sincerely

Daniel Summers
DIRECTOR INFRASTRUCTURE & DEVELOPMENT SERVICES
(Council Delegate)

Enc:

CIRCULAR HEAD COUNCIL

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PLANNING PERMIT

Circular Head Interim Planning Scheme 2013

Land Use Planning and Approvals Act 1993

Property No & CT:	2629136, 2631236, 2948399, 2787070, 9506481 & CT 124651/13; 124651/11; 124651/14; 126961/12; 142621/1; 176467/1; 124641/101; 126961/20
Application No:	DA 2019 / 00052
For:	Construction of a wind farm and solar array, including a range of ancillary infrastructure, such as a substation, site roads, and a maintenance and service facility - 26.2 Use Table (Utilities), 26.3.1 (P1) requirement for discretionary non-residential use to locate on rural resource land, 26.4.2 (P3.2) location and configuration of development, E9.6.1 (P1) and (P2) design of vehicle parking and loading areas & E10.6.1 (P1) development in proximity to a water body, watercourse or wetland
Site:	Little Harcus Road, West Montagu, 300 & 456 Little Harcus Road, West Montagu
Applicant:	UPC Robbins Island Pty Ltd
Postal Address:	Suite 2, Level 2 15 Castray Esplanade HOBART TAS 7004
On land owned by:	MCH (Tas) Pty Ltd, The Cape Grim Water Company Pty Ltd, MJ & RD & SJ & MJ Murrell (formerly Murrell Holdings Pty Ltd), Circular Head Council & Rancho Six Pty Ltd
Planning Scheme Use of Land	Utilities
Zone:	Rural Resource
Type:	Discretionary

Subject to the following conditions:

Planning

1. Use and Development, being the **Construction of a wind farm and solar array, including a range of ancillary infrastructure, such as a substation, site roads, and a maintenance and service facility - 26.2 Use Table (Utilities), 26.3.1 (P1) requirement for discretionary non-residential use to locate on rural resource land, 26.4.1 (P1) and (P3) Suitability of a site or lot on a plan of subdivision for use or development, 26.4.2 (P3.2) location and configuration of development & E10.6.1 (P1) development in proximity to a water body, watercourse or wetland,** must be substantially in



accordance with Planning Permit No DA 2019 / 00052 and the following endorsed documents, except as otherwise required by this permit:

- (a) UPC Robbins Island Pty Ltd Jim's Plain Renewable Energy Park, Development Proposal and Environmental Management Plan (Revision 4) prepared by GHD dated 18 November 2019 and inclusive of Appendices A through to R.
2. Prior to a building permit being issued under the *Building Act 2016*, an amended site plan must be submitted to the satisfaction of Council's General Manager to replace the endorsed site plan and attached to the Permit. The amended site plan must show the final location of each turbine within the Development Zone illustrated in Figure 3 Wind Turbine Development Zone (Job Number 32-1855800 Revision G dated 27 November 2019). The amended site plan must demonstrate that:
 - (a) all parts of each turbine are located a minimum of 10m from all external side and rear boundaries;
 - (b) all parts of each turbine are located a minimum of 20m from all frontage boundaries;

The final location of each turbine must satisfy all conditions and requirements contained in this permit and in Schedule 2 of Permit Part B. Once approved, the amended plan will be endorsed by Council and will then form part of the Permit.

3. The wind turbines must be finished with a material or paint that has low reflectivity or low contrast when viewed within the landscape. Prior to the issuance of a building permit under the *Building Act 2016*, the information must be submitted to Council detailing how this condition is met to the satisfaction of the General Manager.
4. All buildings and structures associated with the maintenance and services facility and electrical substation facility must be clad and roofed with materials or finishes that have a light reflectance of less than 40%. At, or prior to the lodgement of a building application under the *Building Act 2016* for these buildings or structure, a material colour and/or finish schedule must be submitted to Council for approval by the General Manager.
5. Any changes to internal access roads, electricity cabling and associated infrastructure arising from micro-siting of the turbines as allowed by Condition 2 of this permit are permitted without requiring the additional consent of Council.
6. The use and development permitted by this permit is limited to up to of 27 wind turbines that have a maximum height of 220m or up to 31 wind turbines that have a maximum height of 160m. In this regard, height is measured from natural ground level at the base of the tower to the blade tip at its highest point.

Engineering

7. At least 12 months prior to the anticipated start date of construction, the proponent is to provide Council with a notice of intent to commence works. 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.

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 a Road Assessment Report which 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 pavement deflection assessments in accordance with relevant Austroads Publications and Guides (as amended) with of the transport routes which details the current condition and remaining life of all Council maintained roads.
 - (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.
8. 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 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 or guidelines set by the Department of State Growth as determined by the General Manager.

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.

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.

9. 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 have 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.
10. 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 7 of Permit Part A. 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.
11. Prior to the issuance of a building permit under the *Building Act 2016*, the proponent 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 Condition 9 and 10. 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.

12. 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 in accordance with the conditions listed in Schedule 2 of Permit Part B, 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 decommissioning period of the development in accordance with the conditions listed in Schedule 2 of Permit Part B, 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.

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 Condition 13(b) and to satisfaction of the General Manager with all costs associated with the works to be borne by the proponent.

13. 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.
- (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 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.

14. 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



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transport routes as nominated in the approved Construction Transport Management Plan required by Condition 13 of this Permit.

15. 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 and in accordance with any requirements of the General Manager.

PART B CONDITIONS

1. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B (Permit Conditions - Environmental No.9774), which the Board of the Environment Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

Daniel Summers

DIRECTOR INFRASTRUCTURE & DEVELOPMENT SERVICES

(Council Delegate)

Please see notes on following page

Decision Date: 18/06/2020

Council Acting as Planning Authority

Permit Issued: 24/06/2020



NOTES PAGE

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

- A. This permit is based on the information contained application for Planning Permit DA2019/0052. Any variation from these conditions may require a further planning permit, please contact Council prior to making changes to find out what standards and permits may apply.
- B. This project must be substantially commenced within two years of the issue of this permit. An extension may be applied for accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
- C. The applicant is advised to consult with a Building Surveyor and Council's Plumbing Compliance Officer to ensure the development is constructed in accordance with *Building Act 2016*.
- D. During the construction period, all portable toilet facilities onsite must be regularly pumped out by an authorised waste contractor and kept in a clean and sanitary condition as to not pose a risk to Public Health.
- E. Prior to the commencement of any works within a Council maintained road reserve, the developer must obtain a 'Works within the Road Reservation' Permit from Council.
- F. Plumbing permits are required for domestic onsite wastewater management systems and must be applied for in accordance with the requirements of the *Building Act 2016*.
- G. Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, you may lodge an appeal against this decision within 14 days from the date of this cover letter with the Resource Management and Planning Appeal Tribunal, www.rmpat.tas.gov.au, GPO Box 2036, Hobart, 7001 (Ph 6165 6794).
- H. This region may contain sites of Tasmanian Aboriginal Heritage. It is recommended that if an Aboriginal Heritage Assessment has not been undertaken, that an 'Aboriginal Heritage Property Search' (see www.aboriginalheritage.tas.gov.au/propertysearch), or a Dial Before You Dig referral (see www.1100.com.au) is completed to ensure that known sites of Aboriginal Heritage are not disturbed. If areas of Aboriginal Heritage are encountered during construction, it is the proponent's responsibility to ensure compliance with the *Aboriginal Heritage Act 1975*.
- I. Council recognises that UPC is a signatory to the Best Practice Charter for Renewable Energy Developments and in conjunction with fulfilling the obligations of Commitment 20 of the DPEMP, the proponent will:
 - i. continue to commit to the principles of the Best Practice Charter for Renewable Energy Developments including, but not limited to the following:
 - a. We will engage respectfully with the local community, including Traditional Owners of the land, to seek their views and input before finalising the design of the project and submitting a development application;
 - b. We will provide timely information, and be accessible and responsive in addressing the local community's feedback and concerns throughout the lifetime of the development;



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- c. We will be sensitive to areas of high biodiversity, cultural and landscape value in the design and operation of projects;
 - d. We will minimise the impacts on highly productive agricultural land where feasible, and explore opportunities to integrate continued agricultural production into the project;
 - e. We will consult the community on the potential visual, noise, traffic and other impacts of the development, and on the mitigation options where relevant;
 - f. We will support the local economy by providing local employment and procurement opportunities wherever possible;
 - g. We will offer communities the opportunity to share in the benefits of the development, and consult them on the options available, including the relevant governance arrangements;
 - h. We commit to using the development to support educational and tourism opportunities where appropriate;
 - i. We will demonstrate responsible land stewardship over the life of the development and welcome opportunities to enhance the ecological and cultural value of the land;
 - j. At the end of the project's design or permitted life we will engage with the community on plans for the responsible decommissioning, or refurbishment/repowering of the site.
 - ii. It is Council's expectation that the owner / developer will make annual contribution to the Circular Head Community and the Circular Head Community Fund for the project to a total value of \$1,500.00 per megawatt of installed capacity for the operational life of this project. Contributions are to begin from the commencement of construction. All contributions are to follow industry practice as stated in *A Guide To Benefit Sharing Options for Renewable Energy Projects* (published by the Clean Energy Council). The breakdown of the contributions components and value proportions are to be negotiated, finalised and mutually agreed with Circular Head Council prior to the commencement of project development construction.
- J. For more information please phone Council on 6452 4800 or visit www.circularhead.tas.gov.au