

**LAND USE PLANNING AND APPROVALS (VALIDATION)
AMENDMENT BILL 2009 (No.**

Second Reading

Mr Speaker, the Dorset Council granted Hydro Tasmania a planning permit for the Musselroe wind farm project at Cape Portland on 21 December 2004. The Dorset Council's permit was appealed to the resource management and planning appeal tribunal with the tribunal allowing the project to proceed with the decision becoming effective on 7 May 2005.

The Land Use Planning and Approvals Act 1993 limits planning permits to a life of two years from the date on which the permit was granted by the planning authority - in this case the Dorset Council - unless an 'extension of time' is applied for and granted.

In June 2006 Roaring 40s Renewable Energy Pty Ltd, who had by that time taken over the project rights from Hydro Tasmania, applied to the Dorset Council for an 'extension of time' to the permit. The council granted the extension and calculated the period by reference to the date the appeal before to RMPAT was determined. Taking 7 May 2005 as the starting point, the council issued an 'extension notice' which stated that the permit was extended to 7 May 2009.

As a consequence of the Council's 'extension notice' Roaring 40s had been proceeding in good faith on the basis that it had until 7 May 2009 to 'substantially commence' development only to discover more recently that the extension to its permit could be argued to have expired on 20 December 2008.

Legal advice obtained by both the Dorset Council and the Government has it that an 'extension of time' granted in respect of a planning permit is to be taken from the time of the granting of the permit by council. The legal advice also indicates that in a case where an appeal has been instituted against a council permit any 'extension of time' is still taken from the time the permit was originally granted by council rather than from the time the appeal was determined.

It is apparent that a proponent whose permit has been the subject of a planning appeal could have the time available to 'substantially commence' a development severely reduced from the two-year time-frame intended by the act. In an extreme situation a planning permit could even expire whilst a planning appeal was still 'on foot'. This situation of course is a legislative anomaly. It is quite apparent that any 'extension of time' should be consistently applied whether there has been a planning appeal or not.

This anomaly has come to the attention of the Government through the unfortunate experience of Roaring 40s. The amendment to prevent it happening in future of course does not specifically address the Roaring 40s situation. In

view of the fact that Roaring 40s has been proceeding in good faith based on the assumption that its extended permit was valid until 7 May 2009 as specifically detailed in writing by the Dorset Council, the Government considers that it is appropriate and reasonable to validate the council's 'extension' permit.

Before I commend the bill to the House let me outline the significance of this Roaring 40s project and what the amendment is supporting. The Musselroe wind farm project is located at Cape Portland in north-eastern Tasmania. The project will involve the construction of up to 60 turbines with a generating capacity of approximately 138 mw. The project also includes the construction of a transmission line to connect the wind farm site to the Tasmanian electricity grid at Derby.

This project will deliver significant environmental benefits to the State. It will, through the production of clean renewable energy, generate electricity equal to the requirements of up to 55 000 Tasmanian homes and reduce greenhouse gas emissions by around 300 000 tonnes each year.

The project will also deliver significant regional employment benefits. The project will create 150 direct jobs and several hundred indirectly during the construction phase a period of almost 18 months and will require ongoing operational and maintenance personnel over the 25-year life of the wind farm.

The project will immediately inject several million dollars into the local economy through the utilisation of local contractors and service providers as well as have the potential for further longer term investment via tourism-driven employment, as we have seen for the Woolnorth wind farm. The project enjoys strong local government and community support.

I commend the bill to the House.