



Media Release

EMBARGOED UNTL 06:00am, Tuesday 11 June 2024

State Government must not legislate to kill ongoing court case over Robbins Island wind farm

Tasmanian conservation organisations call on the State Government to halt plans to retrospectively amend the Tasmanian State Coastal Policy, commit to not interfering with the Robbins Island Supreme Court case and to release its legal arguments regarding the status of existing coastal structures.

In December 2023, the Circular Head Community Awareness Network Inc commenced a Supreme Court challenge to the Tasmanian Civil and Administrative Tribunal's November 2023 decision to uphold the approval of the proposed Robbins Island wind farm. In March 2024, the Environmental Protection Authority (EPA) joined the Robbins Island wind farm Supreme Court case, following advice from the Solicitor General regarding the interpretation of the Tasmanian State Coastal Policy.

On 6 May 2024, the Minister for Renewable Energy, Nick Duigan issued a media release announcing that "The Government will be looking to amend the Tasmanian State Coastal Policy to ensure that there we can both protect our coastal environment, and allow sensible and sustainable recreational and other infrastructure that is necessarily connected to our coasts."

The EPA issued a media statement on 17 May 2024 (in an email to the Tasmanian Conservation Trust) saying that they had received advice that the EPA had erred in law by not ensuring compliance with the Tasmanian State Coastal Policy, and thus they were required to join the Robbins Island Supreme Court case.

The Tasmanian Conservation Trust, Planning Matters Alliance Tasmania and the Australian Coastal Society are concerned that the Minister's reference to allowing "sensible infrastructure" actually means the Government wants to ensure the 500m wharf required to construct the Robbins Island wind farm is not threatened by the ongoing Supreme Court case.

The Minister's reference to supporting, "Tasmania's way of life" and the claims of validating previous approvals of jetties and wharves around Tasmania have been made without justification, and are believed to be a smokescreen for forcing changes to the Tasmanian State Coastal Policy to stop the Supreme Court case and ensure the approval of the controversial wind farm.

Rather than allowing the project to be assessed under the existing Tasmanian State Coastal Policy, the Government wants to intervene while the Supreme Court case is ongoing to change the policy to ensure the Robbins Island wharf can be constructed. Retrospectively changing the Tasmanian State Coastal

Policy to accommodate a proponent's development and potentially interfering in a community group's ongoing court action is a terrible abuse of the Parliament's powers.

"The State Government should let the Supreme Court decide the validity of the wind farm approval and should not attempt to amend the Coastal Policy while the court case is underway" Peter McGlone, TCT CEO said today.

"Any proposed amendment to the Coastal Policy must follow the normal consultative process. Changing the Coastal Policy before the Supreme Court has heard the case would potentially prejudice those involved in the court case" Mr McGlone added.

"The State Government should halt any planned changes to the Coastal Policy and let the Supreme Court decide the validity of the wind farm approval. The State Government needs to avoid any attack on the rights of a community organisation to continue its court case in relation to the Robbins Island wind farm" Tasmanian Conservation Trust CEO Peter McGlone said.

"We have the coast today here in Tasmania thanks to the State Coastal Policy, which has prevented inappropriate construction around Tasmania's coast for almost 30 years. The Tasmanian Government's proposed retrospective legislation undermines the protection afforded to our precious coast" Australian Coastal Society (Tasmania) co-convenor Dr Eric Woehler OAM noted with concern.

"Retrospective enabling legislation, as proposed by the Tasmanian Government to alter one of the key planning policies in Tasmania is an abuse of Parliamentary process" Planning Matters Alliance Tasmania (PMAT) State Director Sophie Underwood said. "If there are genuine concerns about the Tasmanian State Coastal Policy, then let's follow an informed consultative process, not push through retrospective legislation" she added.

The Tasmanian Conservation Trust, Planning Matters Alliance Tasmania and the Australian Coastal Society (Tasmania) requests that:

- The State Government immediately stops its attempt to amend the Tasmanian State Coastal Policy, ensuring there is no impact to the Robbins Island Supreme Court case.
- Any proposed changes to the Tasmanian State Coastal Policy must follow the existing, legislated public consultation process.
- If, as the State Government asserts, the legality of existing structures such as jetties and wharves is in doubt, they have a responsibility to the Tasmanian community to release the legal arguments (if not the legal advice) supporting these assertions to ensure transparency in the proposal.

Media contacts:

Peter McGlone, CEO, Tasmanian Conservation Trust 0406 380 545

Sophie Underwood, State Director, Planning Matters Alliance Tasmania 0407 501 999

Dr Eric J Woehler OAM, Co-convenor, Australian Coastal Society (Tasmania) 0438 204 565