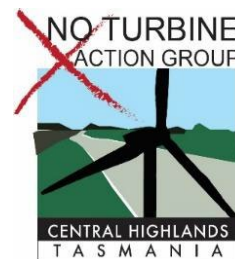


**COMMENTS ON DRAFT ASSESSMENT CRITERIA AND DRAFT MNES
GUIDELINES FOR CELLARS HILL WIND FARM, TASMANIA.**

By Keep Tasmania's Highlands Unique No Turbine Action Group Inc ¹



30/07/2025

The Chair
Paul West
Tasmanian Planning Commission
tpc@planning.tas.gov.au

Re:
Representation on Cellars Hill Wind Farm Major Project Draft Assessment Criteria and Draft MNES Guidelines.

Dear sir,

Thank you for the opportunity to comment on the draft Criteria and Guidelines so that the TPC Panel is in the best position to make an informed decision on whether the Project should proceed or not.

As drafted the Criteria and Guidelines do not achieve these objectives. They are industry friendly, result in an unnecessary cost to the environment, will not achieve a social licence to operate, and will not develop a renewable project suitable for the site. As drafted the Criteria and Guidelines will not provide the Panel with all the necessary information for a least cost outcome. Changes are needed.

The following advice puts forward the required Criteria and Guidelines and indicates the rationale for the changes.

If any clarification is required, please contact David Ridley Chair NTAG (ph [REDACTED]).

A meeting with the relevant officers to discuss the following would be most welcome.

Yours sincerely

[REDACTED]
David Ridley
Chair NTAG
Ph [REDACTED]
[REDACTED]

¹ NTAG Inc is a community group with 270 members and supporters from all electorates of Tasmania. NTAG Inc is a research-based organisation committed to maintaining the uniqueness of the Central Highlands of Tasmania.

PART A. ASSESSMENT CRITERIA.

The logical process is to first establish the need for the project; then, if proven, assess the alternatives available and choose that which has least impact. Relying on old information and hearsay evidence and to ignore recent information is not good enough. The criteria required must ensure up-to-date information is presented and unambiguous requirements are made so the Developer doesn't take shortcuts and the TPC Panel is not misinformed.

Preamble.

It needs to be said that the Proponent, Cellars Hill Wind Farm Pty Ltd, proposes construction and operation of the Cellars Hill Wind Farm, comprising up to 56 wind turbines with an installed capacity of up to 350MW. The turbine tip height will be up to 247m. A battery energy storage system (BESS) is planned with a storage and discharge capacity of up to 600 MW / 2400 MWh. The proposed development would connect to the existing 220 kV transmission line running through the site. Media releases of 5th February 2025 indicate local use of power involving plasma fertiliser production, data centres, sustainable fuel projects, or timber processing will occur. The Cellars Hill WF is proposed as part of a 'Highlands Renewable Energy Hub' that will be co-located with the Weasel Solar Farm and a future Renewable Energy Business Park.

The Preamble indicates granting or refusal of the project will be based on the outcomes of the Assessment and Criteria and Guidelines. **This Preamble needs to be expanded to indicate granting or refusal will also be based on new information, Hearing information, and requirements of the EPBC Act.**

[Rationale. The draft Criteria about granting/refusal is narrow. Furthermore, the EPBC Act requires the Commonwealth Minister to consider certain information.]

The Preamble also indicates 'Terms' in the document are provided to help the Panel interpret particular terms. The draft document acknowledges 'acceptable level' is a subjective assessment by the Panel and may be made in the light of the project as a whole. However 'acceptable level' is not defined in the document. This needs to be changed so **'Acceptable level' is included in the list of 'Terms' and should be defined as 'a not significant impact'.**

[Rationale. As written, 'acceptable level' is industry friendly, open to interpretation and misuse, and is unnecessarily subjective. Use of 'significant impact' as the definition is consistent with EPBC requirements. It is incorrect to say 'made in the light of the project as a whole' because if there is no Commonwealth Minister for Environment approval for part of the action, there is no project.]

Industry development (1.1).

This draft Criteria focusses on TRET, the need for 2500-3000MW by 2040, and the validity of Hydrogen production as a renewables driver. The draft Criteria refers to Green House Gas Reduction and Renewable Energy Targets. The clear implication is the Cellars Hill WF is needed for the renewables rollout.

This Criteria needs to be updated as it out-of-date and unproven.

[Rationale. The draft Criteria assumes, without the need for further investigation, that the Project is a necessary part of TRET/3000MW requirements and the Hydrogen industry in Tasmania is viable. It is out-of-date because TRET/3000MW goals will be met without Cellars Hill and from a number of initiatives - by pumped Hydro upgrades providing almost double the current capacity, by rooftop solar generation, and by other Tasmanian wind farms and solar farms. The Criteria fails to refer to a review of these matters by the Legislative Council and assumes Marinus will proceed, which is doubtful. Hydrogen development was a policy announcement and a political 'thought bubble' that has not progressed. It requires a low-cost electricity supply of \$20/MWh. Hydrogen has not occurred because it is not viable in Tasmania or on the Mainland.² The Criteria fails to consider the use of the Cellars Hill WF energy onsite at the new industrial development. It is out-of-date because no assessment has been made on the tidal wave of renewables, cheap battery storage, the massive boom in rooftop solar occurring on the Mainland; and the consequences for AEMO assumptions about the NEM, TRET and the 3000MW target.

² Renewconomy 25 July 2025. Oil giant BP walks away from \$55 billion wind, solar and hydrogen hub in Pilbara

Therefore, Criterion 1.1 needs to include:

- An evaluation of the current status of TRET, of the 3000MW target, and the viability of Hydrogen industrial development in Tasmania so as to inform the need for the Cellars Hill project.
- An evaluation of the energy requirements of the Highlands Renewable Energy Hub, energy supply options and need for the Cellars Hill project.
- Consideration of the current available information about Marinus including the Tasmanian Legislative Council review, Parliament's decision on Marinus, and Prof Mountain's expert information on Marinus and NEM costs.

[Rationale. The draft Criteria do not prove the need for the project but assume it. Speculation has no part in the TPC Panel's decision. The TPC Panel needs to consider best currently available information. It may be that the Highlands Renewable Energy Hub electricity demand can be met without the Project. Marinus and Mainland markets may not be available. Or the massive growth in rooftop solar and battery storage may displace assumptions about wind generation. The need for the Project must be proven so as to receive proper consideration by the TPC Panel and be based on current best available information].

Infrastructure (1.2).

The draft Criteria assumes co-ordination of the project with the National Electricity Market. This is out-of-date as indicated above, is not based on best current available information, and is not consistent with the Proponent's media statements. The use of this draft Criteria will mean the TPC Panel will not be properly informed. **Criterion 1.2 needs to be changed as indicated above.**

Location (1.3)

Again, the draft Criteria says the Project is linked to the NEM and AEMO assumptions. It says the cost of wind generated energy is low and at an acceptable level without any supporting data. The draft Criteria is incomplete and misleading and will mean the TPC Panel will not be properly informed.

Criterion 1.3 needs to include information on the cost of alternatives as well as wind energy, including solar farming and rooftop solar generation.

[Rationale. The cost of alternatives such as solar farming and rooftop solar energy needs to be stated. Solar farming has a smaller footprint and needs to be considered as an alternative for the whole of the project or as part of the project. Since the 'Proponent' is building Weasel Solar Farm next door, cost information is readily available and solar farming will be viable].

Criterion 1.3 needs to include the requirement to investigate the level of subsidies involved, if any, for wind generation.

[Rationale. The true cost of wind generation needs to be known. Granville Harbour Wind farm and Cattle Hill Wind Farm were supported by onerous contracts imposed on HydroTasmania and Aurora by the Premier Tasmania and reportedly at \$70/MWh when the market price was about \$40MWh.]

Workforce issues (1.4).

The draft Criteria consider the employment benefit of Cellars Hill WF and seek information from the Proponent about local employment.

Criterion 1.4 needs to require actual employment information to be provided including Fly-in-Fly-Out employment, and full-time local employment.

Criterion 1.4 also needs to include information on 'double counting' where employment is shared with the adjacent Cattle Hill Wind farm, Bashan Wind Farm, and Weasel Plains Solar Farm - so misleading of the TPC Panel does not occur.

[Rationale. The wind industry overstates both construction and ongoing employment and has avoided any requests by NTAG for validation. Actual employment data is readily available and

should be used. It is certain ongoing employment will be shared between Weisel Plains Solar Farm, Cattle Hill WF, Bashan WF and Cellars Hill WF.]

Design response (2.1).

The design response outlined in the draft Criteria is incomplete and means that the TPC Panel will not be in the best position to easily evaluate options and trade-offs.

Criterion 2.1 needs to require alternate turbine layouts and solar farming layouts and impacts to be documented as part of the assessment. This is to include 100% solar as well as the use of solar and turbines to avoid significant impacts (i.e. a part turbines and part solar layout).

Criterion 2.1 needs to require the development a Least Sensitive Area for electricity generation using a combination of solar and turbines that maximises exclusion of impacts as a priority.

[Rationale. Solar has been proven to be viable and appropriate as shown by approval of the 250MW Weasel Solar Farm that co-joins Cellar Hill WF. The footprint and impact of solar will be far less than turbines. It avoids collision impacts with Tasmanian wedge-tailed eagles, is less visually intrusive than 247m high turbines on ridgetops, allows MNES flora sites to be avoided, and would have a far smaller footprint of about 800ha. Various iterations of the design need to be provided so transparent evaluations, trade-offs, and options can be understood. A requirement for a Least Sensitive Area design as part of the Criteria will allow a win-win where environment, social, and economic values are maximised at least cost. It establishes a clear marker for TPC Panel deliberations].

Management practices (2.2).

This draft Criteria considers a number of management practices but has some key omissions.

Criterion 2.2 must require the Proponent to specify practices to be applied 'now' and avoid deferring to a future Management Plan that is subject to unknown Permit conditions.

Criterion 2.2 needs to specify management practices are to meet the requirements of the EPBC Act including a precautionary approach and certainty.

Criterion 2.2 must require the Proponent to indicate the legal management arrangements on host landholder land where Permit approved management practices are required.

[Rationale. Deferring management to a future decision under an unknown Management Plan outcome and with unknown approval conditions is a non-decision. It is an uncertain outcome that does not guarantee protection of values and circumvents the assessment and approval process. The need to implement the requirements of the EPBC Act should be made in a clear statement in the Criteria and Guidelines and also flag the use of the precautionary principle which has been informed by judicial decisions. The legal requirement for host landholders to implement controls on farmland needs to be clearly stated i.e. how will the Operator legally ensure Permit conditions are enforced on the host's land. For example, are lease arrangements applied only for turbine footprints and road infrastructure? Are lease or other legal arrangements in place so the Proponent can implement practices such as culling and protection of MNES flora sites on host landholder land? Host landholders need to be legally required to implement management practices and Permit conditions adopted under any Project approval. For example, no host landholder should be allowed to drain *Poa* grassland / Ptunarra Brown Butterfly habitat when it has been assumed to be protected as part of the deliberations in Project approval.]

Criterion 3.0. Planning assessment. Noise

Noise from wind farms is a major issue for neighbours and the community. Experience with Cattle Hill WF is that nuisance noise occurs for at least 7km away such as at the Penstock settlement. It is completely unacceptable that there is not a separate section in Criteria 3.0 to address noise and nuisance noise. It must not be hidden in other Criteria but overtly considered and addressed. This major omission needs to be corrected.

The Criteria needs to indicate solar farming must be used as part of the Project or for all of the Project to avoid noise impacts (and protect MNES values such as eagle nest disturbance and avoid collisions).

Where turbines are used, the Criteria needs to indicate the need for two assessments. One that requires compliance with the requirements of the Tasmanian Noise Measurement Manual; and a second assessment to address nuisance noise (being noise above background noise caused by the wind Farm that disturbs sleep).

The Criteria needs to require noise modelling to be conservative; and require the use of G=0 and a SAC/tonality adjustment of 6dB. Furthermore the Criteria need to ensure the Proponent provides a sensitivity analysis on the assumptions used in noise modelling so an assessment of likely compliance and error margins can be considered.

In regard to cumulative noise impacts, the Criteria need to specifically require test noise power data to be used and not modelled data when assessing the cumulative impacts by Cattle Hill WF and Bashan WF.

In regard to nuisance noise, the Criteria need to require compliance with 33 dB Leq and monitoring and reporting in Leq so nuisance noise events can be recognised and addressed. The Criteria needs to say infrasound impacts are to be avoided.

Land use capability (3.1).

The draft Criteria focus on the project site and adjoining properties (but has not defined 'adjoining').

Criterion 3.1 needs to include compatibility of the Project with the existing and potential use by the public and community in the wider area (beyond the immediate neighbour).

Criterion 3.1 needs to includes assessment of the impact of the height of the turbines as well as the density of turbines (density is in the draft Criteria).

[Rationale. Turbines are 247m tall and 10 km from Bothwell and located close to Ouse and Hamilton. Visual impacts occur further than common-boundary neighbours. Concerns raised by Scott Ashton-Jones about visual impacts, ecotourism impacts and loss of Ouse Gorge values in the TPC supporting document [Ashton s60Zj] have not been addressed in the draft Criteria].

Landscape visual assessment (3.3).

The draft Criteria include consideration of the density of the turbine layout but not height or alternative layouts or use of solar generation to reduce visual and landscape impacts.

Criterion 3.3 needs to clarify that change to the windfarm design (layout) is to occur to implement the Landscape Visual Impact Assessment outcomes and the Tasmanian Planning Scheme Zone requirements.

Criterion 3.3 needs to include an assessment of impacts of the Project on World Heritage Area values.

Criterion 3.3 needs to require an assessment of the use of solar generation as well as reduced height and turbine location to avoid landscape and visual impacts, particularly on ridgeline and skyline areas.

Criterion 3.3 needs to include an evaluation of the limitations of photomontage and require the use of 75mm full frame image format to address such limitations. ³

[Rationale. The Tasmanian Planning Scheme does not address visual impacts of wind farms, nor ridge and skyline impacts, nor height impacts for other than for immediate neighbours. Landscape visual impacts need to be incorporated into the wind farm design and impact assessments but have not been required to be included in the draft Criteria. The lowest visual impacts will occur by use of solar farming as it has a lower height and footprint. Photomontage are used by the wind industry to show visual impacts but they will not properly inform the TPC Panel. Better assessment methods are needed as indicated by Takacs (2019) below].

³ See B Takacs, 2019. *Accuracy of wind Farm visualisations*. <https://ueaeprints.uea.ac.uk>

Results show that panoramic photomontages are perceived as the least accurate, while images taken at 75mm focal length in full frame format are perceived as the most accurate form of representation of the scale and visual impact of wind turbines. These findings imply that the panoramic visualisation technique, which has been used for decades to predict the scale of wind turbines in VIAs, is ineffective in predicting accurately the visual impact of wind farms, and an alternative predictive technique is needed. For wind farm visualisations the use of 75mm full frame image format is recommended in order to improve the accuracy, enable better informed decision making and avoid the loss of credibility of visualisations and VIAs.

Natural values flora (3.7).

The draft Criteria indicate the TPC Panel is to 'have regard' to a number of matters but they need strengthening and omissions corrected.

Criterion 3.7 must require a design layout and resulting MW generation capacity to be presented where threatened flora areas are excluded from disturbance and so best flora protection outcomes can be considered.

Criterion 3.7 must require alternatives to use of wind turbines such as solar generation to be evaluated so as to avoid areas of threatened flora and so best flora protection outcomes to be considered.

Criterion 3.7 must require best practice EPBC Act requirements to be adopted to protect threatened flora species.

Criterion 3.7 must require the impact on threatened flora caused by onsite and offsite drying by the wind farm to be investigated, including the cumulative impact of climate change and the drying effects of turbines.

[Rationale. The hierarchy of protection involves exclusion/avoidance as the highest priority. This needs to be evaluated – including changed design layout and electricity generation outcomes for a mixture of solar and turbines, and for 100% use of solar on the site. Solar has a reduced footprint and a reduced impact on flora. Also, the draft Criteria need to be strengthened to put beyond doubt to the Proponent that the TPC Panel will have regard to best practice EPBC Act requirements. The drying effect caused by turbines and its impact on threatened flora as well as the cumulative impact of such drying on top of climate change must be evaluated. See comments on this are made Part B Guidelines below.]

Natural values fauna (3.8).

The draft Criteria adopts the usual wind farm fauna assessments and surveys but does not require lessons learnt from existing wind farms to be considered.

Criterion 3.8 must require results from monitoring of existing wind farms (such as Identiflight mortality information) to be considered.

Criterion 3.8 must also require up-to-date mapping of the current fauna habitat to be assessed and reported.

Criterion 3.8 must require use of on-site and off-site surveys to assess mortality and injury from turbine collisions as there are gaps in the current survey methods used at Cattle Hill WF.

Criterion 3.8 must require use of collision avoidance system (Identiflight) to avoid killing of avifauna identified as threatened under the Tasmanian Threatened Species Act.

Criterion 3.8 must require the use of solar as an alternative to turbines in threatened species avian habitat so as to avoid collisions from turbine blades.

[Rationale. Up-to-date and accurate information on the extent of habitat is required so the TPC Panel is not misled. For example extensive areas of *Poa* (important for Ptunarra Brown Butterfly) which was previously present at Interlaken has largely disappeared. Changes to habitat resulting from host landholder irrigation and pasture improvement programs also needs to be assessed. Lessons learnt from dead bird monitoring at Cattle Hill Wind Farm, where over a three-year period (F22-F24) some 51 species of birds are known to have been killed and have included 116 to 130 birds each year. This is an underestimate given the shortcomings in the dead bird survey

methodology. The use of solar as part or all of the energy generation mix must be evaluated as it will avoid most avifauna collisions and fauna impacts].

Amenity and interference (3.12)

The Criteria need to recognise a number of key sensitive sites require special attention to preserve the amenity of the area.

‘Terms’. Amenity needs to be defined in ‘Terms’ in the document as it means different things to different people.

Criterion 3.12 should be modified to require the Proponent to assess and preserve the amenity of key sensitive sites including Ouse, Hamilton, Bothwell, primary access and tourist roads (Lyell Highway A10, Hollow Tree Road B110, Highland Lakes Rd A5, Waddamana Rd C178), Ashton heritage and ecotourism values, Ouse River Gorge, Shannon River fishing sites, and the High Country Game Management Association hunting area at Diamond Tier. The amenity values include absence of nuisance noise/quietness, naturalness, and maintenance of visual and scenic landscape values. The High Country Game area will be subject to cumulative noise from Cellars Hill WF, Bashan WF and Cattle Hill WF turbines.

Other Criteria.

The impact of blade throw and fire ignition has not been properly considered in the draft Criteria. Blade throw is considered in Part B Guidelines below.

In regard to turbines and fire, a new Criterion is required requiring an assessment to be made of incidents of turbines as a source of fire and a comparison with solar as a source of fire.

[Rationale. Turbines are a new source of ignition and on a high or extreme fire danger day may be catastrophic for Bothwell and rural dwellings as the Project is located west of Bothwell. The presence of 247m high turbines will restrict aerial control efforts in such weather events. The risk is real - a serious turbine fire occurred in Victoria’s Bulgana Green Power Hub this year in May 2025 and resulted in a statewide inspection blitz.⁴

A new Criterion is required requiring the Proponent to pay Council rates on behalf of the host landholders.

[Rationale. Turbine infrastructure will be present on the Project area for 25+ years but no rates are paid because of lease arrangements with host landholders by the Proponent. Payment of rates would mean about \$200,000 in additional funding to Council each year and is additional to Community Benefit payments. Community benefit funds are a PR exercise by the Proponent and should be made on top of payment of rates].

PART B. GUIDELINES FOR MNES ASSESSMENT.

The starting point of any Guidelines about Matters of National Environment Significance is **to use Guidelines already developed to implement the EPBC Act, to clarify what is a significant impact** (rather than the more palatable ‘acceptable level’ of impact as currently used in the draft TPC Guidelines), **and to ensure no impact occurs on EPBC listed species wherever possible.** Thus, nationally threatened MNES values are to be treasured rather than avoidably harmed. The draft Guidelines have very serious omissions. The implication is that the Proponent and the TPC Panel will not follow a proper process and the TPC Panel decision could be open to judicial appeal because of inadequacies in the draft Guidelines. Some changes to the draft Guidelines for MNES matters are outlined below.

⁴ RenewEconomy (July 27, 2025). Turbine fire sparks statewide wind farm “inspection blitz”

A new Guideline for Cellars Hill Wind Farm is needed that requires DCCEEW's document 'Onshore Wind Farm Guidance. Best practice approaches when seeking approval under Australia's national environmental law (May 2024)' is to be applied. Furthermore, this document needs to be included in Attachment C.

[Rationale. These best practice guidelines are not referenced in the draft Criteria and Guidelines document before us; nor in 'Attachment C. Guidance materials.' To put it bluntly, the Criteria and Guidelines document does not refer to DCCEEW's latest 2024 best practice draft guidance document developed to meet the EPBC Act requirements!. To put it simply, the draft MNES Guidelines in this TPC document do not refer to existing Guidelines developed by DCCEEW.

The DCCEEW document outlines the information necessary for the Commonwealth Minister for the Environment to assess environmental impacts of proposed wind farm projects such as Cellars Hill WF. This is vitally important because the Proponent and TPC Panel are required to ensure a number of mandatory requirements are met in their consideration, for example:

- The entire action must be referred (p5). This includes World Heritage Area impacts.
- Economic matters are mandatory considerations (p6) and alternatives and viability to the proposed 56 turbines need to be considered.
- The Minister is legally bound to make environmental approval decisions that are not inconsistent with species recovery plans etc (p7)
- The project is to be designed with the most up to date ecological information (p8).
- **Where there remains scientific uncertainty, the precautionary principle is to be applied (p10)**
- The hierarchy of avoid, mitigate, offset must be followed with each step addressed **to the greatest extent possible before moving to the next (p11)**. Solar as an alternative must be adopted to the greatest extent possible and must be included as a Criteria in the document.
- Avoiding impacts is the primary priority - including location of the wind farm and placement of turbines(p11). Thorough active intellectual consideration is required.
- Offsets are only to be used after all reasonable avoidance and mitigation measures have been considered (p11).]

Closely aligned to this, another Guideline needed for Cellars Hill Wind Farm: i.e. The Proponent and TPC Panel are to satisfy the requirement of EPBC Act including matters in Appendix F. Appendix F (EPBC Act and Regulation excerpts) needs to be updated for critical omissions and so no doubt exists on what is required.

[Rationale. The current draft Appendix F does not include some key matters required by the EPBC Act and Regulations, such as reference to 'irreversible environmental damage' and clarification of the precautionary principle which has occurred by judicial decisions. Attachment A of this Representation indicates matters which need to be included in a modified Appendix F.]

Some other new or changed Guidelines are needed as indicated below.

2.0. Description of Action. Solar needs to be included as a component of the action as it is required, has a smaller footprint, is a viable alternative (Weasel Plains Solar Farm adjoins the project area and is proof that solar is viable in the area), and use of solar rather than turbines for all or part of the project allows exclusion of MNES as the highest hierarchy action.

3.0 Feasible alternatives. The proposed Guidelines for Cellars Hill WF must require an assessment of solar as a mandatory requirement, including as a 100% alternative to wind turbines and also as a part of the mix with wind turbines so MNES values are excluded and protected. Also a layout is required where EPBC ecological hotspots sites with overlapping EPBC species present are excluded from any disturbance; and information needs to be provided to the TPC Panel based on an alternative design layout where 3km buffers on Tasmanian wedge-tailed eagle nests have been used to determine the placement of solar generators and wind turbine structures.

4.0. Description of the Environment. This Guideline needs to include the off-site environment such as the presence of Tasmanian wedge-tailed eagle nests; as well as the presence of World Heritage Area (only 35km distant). The draft Guideline is Project area centric.

5.0. Matters of National Environmental Significance.

As indicated earlier, the DCCEEW Guidelines for Onshore Wind farms need to be included in Appendix C.

Also habitat assessments need to include updated mapping of actual habitat present on the Project site and also updated mapping of actual Regional and State-wide areas. Current mapping of habitat is inaccurate and out of date. Reliable impacts decisions cannot be made with poor data. For example, extensive *Poa* grassland, which is a surrogate for Ptunarra Brown Butterfly, has all but disappeared at the nearby Interlaken area.

A more complete list of EPBC listed species known to occur or likely to occur in the Project area or known in the Project's hinterland should be included in the draft Guideline tables. This will indicate the ecological richness of the area. Other species which need to be included are the Australian bittern (endangered), Gallinago hardwickii (Marine, Migratory), Eastern Curlew (Critically Endangered), Grassland cupflower (vulnerable), and Riverbed watercress (endangered).

6.0. Impact assessment.

6.2.1 says the assessment is not to be inconsistent with Recovery Plans. This is misleading as it only refers to part of the EPBC requirement. **The Guideline must say it is not to be inconsistent with Conservation advices, recovery plans, review of Recovery Plans, Threat abatement plans, SPRAT information, and published guidelines.**

[Rationale. DCCEEW's 'Onshore Wind Farm Guidance. Best practice approaches when seeking approval under Australia's national environmental law (2024, p7)' says:

Conservation advices are plans for the recovery of threatened species and ecological communities, and identify actions required for their conservation and recovery. For some species and ecological communities with more complex planning needs, recovery plans may also be developed to guide recovery. Threat abatement plans provide for the research, management, and any other actions necessary to reduce the impact of a listed key threatening process on protected species and ecological communities. The conservation advice and recovery plan (if available) for each listed threatened species or ecological community can be found in the Species Profiles and Threats (SPRAT) database

The Minister is legally bound to make environment approval decisions that are not inconsistent with a species recovery plan or threat abatement plan, and you must refer to these documents (if available) for any species protected under the EPBC Act that may be impacted by your proposed wind farm. The Minister, in deciding whether to approve an action, must also 'have regard to' the relevant approved conservation advices of species and ecological communities significantly impacted by the proposal.

6.4. Impacts Associated with turbine strikes and site utilisation.

This Guideline needs to be changed to include a statement requiring turbine strikes on all EPBC listed species to be avoided by use of solar generation, by excluding any turbines from high probable Tasmanian wedge-tailed eagle flight habitat, and by the adoption of 3km nest buffers to locating solar infrastructure and turbines. This means the EPBC hierarchy of avoidance/exclusion is to be applied in the Cellars Hill WF assessments and can be readily achieved with the use of solar generation.

The Guideline must require the collision impact assessment to identify the eagle population makeup on the Project area (adults, breeding adults, juvenile, fledglings) and statistically assess the short term and long-term population impact of turbine strikes for each of these stages.

Because the Proponent has indicated Identiflight (IDF) will be used on the Project area, specific Guidelines about the use of IDF must be included in the Guidelines, including:

- The Guideline needs to require improvements to the IDF system following an independent review of use of IDF at Cattle Hill WF (including peer review and community consultation).
- The Guideline needs to require the use of Identiflight to avoid all collisions with all EPBC listed species and State listed Threatened species.
- The Guideline must require the Proponent to properly monitor collisions by installing impact detection systems on the blade (so all collisions can be followed up) and to require proper onsite and offsite 'dead bird' monitoring surveys rather than surveys that only provide an uncalibrated index of mortality events as currently occurs at Cattle Hill WF.

7.0 Avoidance, mitigation and management measures.

These Guidelines need to include:

- Avoidance as the highest priority including adoption of solar generation to exclude impacts from MNES areas (such as use of solar instead of turbines to avoid collisions/deaths of EPBC listed avifauna species; and use of solar so areas containing EPBC listed flora can be avoided).
- Identification and exclusion of EPBC species hotspots where multiple/overlapping species occur; and exclusion of turbines from high quality Tasmanian wedge-tailed eagle flight habitat.
- Improvements to Identiflight to avoid collisions with all EPBC listed species.

In regard to Management Plans, the Guidelines need to require:

- Public availability of all Management Plans and Annual Reports and supporting data.
- The Bird and Bat Management Plan to require adoption of on-site and off-site mortality surveys that allow mortality and injury information from all sources to be included (turbines, transmission lines, road deaths, nest mortality), rather than use an uncalibrated index that comes from the survey methodology practiced at Cattle Hill WF. Improved Cattle Hill WF mortality surveys must be adopted.
- Management Plans must be finalised before Project approval can be considered - rather than adopting unknown post-approval conditions which are made without public consultation.

9.0 Offsets.

Offsets are continually used by wind farm developers in place of avoiding / excluding the impact. The Onshore Wind Farm Guidance document (p11) says offsets are only to be considered **after all reasonable avoidance and mitigation measures have been considered**. This needs to be emphasised in the Guidelines. 'All reasonable avoidance' includes use of solar rather than turbines. **Furthermore, no offset should occur where offsets have already been adopted for other wind farms as it avoids proper protection practices.**

For example, payment of \$100,000 per bird for 'research' is routinely applied for each dead eagle found by 'mortality surveys.' Such offsets are applied rather than avoiding all highest probable flight use areas (high quality eagle habitat) or the precautionary use of 3.0km nest buffers. The use of the unproven 1km forestry nest buffer and use of offsets is routinely adopted. Use of such offsets is not appropriate because:

- Compensation does not replace a dead bird.
- Compensation is not paid for birds killed by indirect impacts from the wind farm.
- Funding for eagle research should occur by the Proponent as a normal part of business and not as blood money.
- Mortality surveys do not identify all eagles killed because it is only an onsite sample and does not consider offsite deaths and injuries. The survey is an uncalibrated index and a 'zero' survey result could mean 8 to 10 mortalities have occurred because of the survey method used.
- It has not been proven that use of offsets will not have a net negative effect on endangered species, as indicated by the Australian Auditor General.

12.0. Ecological Sustainable Development.

The Guidelines need to include reference to the matters outlined in Attachment A of this document as well as DCCEEW's 'Onshore Wind Farm Guidance. Best practice approaches when seeking approval under Australia's national environmental law (May 2024).'

OTHER MNES GUIDELINE CONSIDERATIONS.

Tasmanian wedge-tailed eagle (TWTE) impacts and Guidelines.

A separate section in the Guidelines is needed to address TWTE impacts and the use of Identiflight as planned by the Proponent. The Guidelines need to indicate the following.

- a. Offsets that permit killing TWTE must not be allowed because of the scale of wind Farm rollout in Tasmania and the impact on habitat and the species in the region. Use of TWTE offsets is not appropriate because all reasonable avoidance measures for TWTE need to be applied.
- b. Compensation does not replace a killed bird.
- c. Proper reporting of the status of Cattle Hill WF and use of Identiflight is required. Use of IDF is encouraging but yet to be proven because of the inadequate surveys conducted at Cattle Hill WF. The mortality surveys do not search offsite and, by Goldwind's own admission, the onsite mortality surveys are a compromise. The surveys only provide an uncalibrated index, the number of TWTE deaths are not accurately known, and a nil 'return' can mean TWTE have been killed. IDF is promising but is a trial with its impacts not yet proven with certainty.
- d. Thus the Guidelines need to require proper onsite and offsite mortality surveys to occur rather than adoption of compromised operational surveys that do not reliably determine the number of TWTE and other EPBC listed species killed such as Blue-winged parrot and White Throated Needletail.
- e. The total number of TWTE killed onsite and offsite need to be known including transmission line deaths, shootings, nest disturbance related deaths, and turbine deaths.
- f. The use of 3km nest buffers as a mandatory requirement needs to be applied as best practice in the Guidelines. The standard use of a 1 km forestry nest buffer has scientific uncertainty with serious potential impacts, and its effectiveness is not certain in avoiding breeding disturbance from height and noise from 247m tall turbines. Use of a larger buffer as a precautionary approach needs to occur under EPBC Act requirements. The Listing Statement for TWTE required the use of 1km buffer to be reviewed and informed by further research and monitoring. This needs to occur by the Proponent and be part of the requirements of the Guidelines.
- g. Plausible worst-case consequences need to be recognised and addressed by the Proponent for TWTE. For example, the adverse impacts from use of 1km nest buffers which cause line-of-sight disturbance from 247m tall turbines; breeding disturbance (deserting of chicks) because of noise disturbance and SACs caused by 247m turbines that tower over nests; and the impact of climate change on TWTE are all part of a cumulative impact on the TWTE population and need to be addressed.
- h. Solar has a lesser impact on TWTE and must be properly considered. It is a better fit to protect Cellars Hill eagles and other EPBC species than use of turbines.
- i. IDF has shown the use of human observations for flight paths is not reliable for Collision Risk Modelling. Use of observers incorrectly assesses site use and the population.
- j. The Proponent must also be required to identify the juvenile, adult, and breeding pairs for the Cellars Hill WF population as these are key drivers for TWTE recovery.
- k. Carcass management needs to be clearly stated – what is the current number of deer, wallaby and possum removals (and what is left on site as available TWTE 'prey'); what changes will occur to this available prey under Wind Farm management; and what is the impact of such culling practices on TWTE and Tasmanian devils? All need to be known.

Guidelines for White throated needle-tail and Blue-winged parrots.

Mortality survey results for Cattle Hill WF confirm killing of these species continues unabated and therefore specific Guidelines are required for the Cellars Hill WF Project to protect these species.

The Guidelines need to specifically require no killing of White Throated Needle-tail and Blue-winged parrots (both EPBC listed species) and use of solar rather than turbines in areas of known habitat.

It is not good enough to say work will be undertaken so IDF can better identify the species for improved collision avoidance. It is noted White Throated Needle-tail have night flights which occur at a time when IDF is ineffective for collision avoidance. Furthermore there have been 16 known Blue-winged parrots killed in the last three years at Cattle Hill WF including 12 in 2023-24. There were eight (8) White Throated Needle-tail killed in 2023-24. More birds are likely to have been killed but have not been recorded because of shortcomings in the mortality survey method. It is not acceptable that no changes in protection actions have occurred for Blue-winged parrot even though EPBC deaths have occurred for three years. Obviously solar is a better alternative and has a lesser impact.

Guidelines to address drying of the Project area by turbines.

The Guidelines need to require the developer to assess and document the indirect impact of drying caused by wind turbines on MNES. The micro-climate will be changed by turbines. This is acknowledged by the wind industry.

RES Australia owner of the Twin Creek Wind Farm (SA) in its submission to the SA Tribunal indicated frosts are unlikely because microclimate warming occurs,⁵ and indicates air is warming and drying out as it passes through the wind Farm. Warmer night-time temperatures and drier conditions occur downwind of turbines.⁶ Research indicates air warms consistently as it mixes throughout the wind farm during overnight and early morning hours. Also, as air travels through the wind Farm it also dries out and results in lower relative humidity and higher evaporation as the wind exits the wind farm. Since the air is warming and drying out as it passes through the wind farm, the impacts on EPBC Listed and State threatened species are real but unknown, there is uncertainty about the level of impact, and a precautionary approach is required (rather than relying on surveys and micro-siting of turbines as the mitigation action).

Qui⁷ as a result of studying 319 wind Farms in USA, found significant warming occurs with stronger warming in winter ranging from 0.21 °C to 0.14 °C and with detectable impacts up to 10 km from the wind Farm. Research by Bodini⁸ indicates wind farms can impact long-term local atmospheric conditions with atmospheric changes up to 30km downwind of the wind plants.

The Guidelines need the Proponent to indicate the extent of the impact on MNES listed flora species from micro-climate changes, to recognise the impact is uncertain, a threat of serious environmental damage exists, and a precautionary approach by the proponent is required. Thus, solar generation in lieu of wind turbines must be investigated by the Proponent.

Blade throw and turbine collapse.

Turbine collapse and blade throw of both blade parts and ice are known events for wind farms. A turbine collapsed at Berrybank Wind Farm in Victoria this year (5th February 2025). Photos show a large area of disturbance around the turbine. The extent of blade throw is not known. Blade throw

⁵ State Commission Assessment Panel (2019). RES Australia Tribunal submission Twin Creek Wind Farm Report and attachments.

⁶ Baidya et al (2004) Can large wind Farms affect local meteorology? J. Geophys. Res., 109, D19101, doi:10.1029/2004JD004763.

⁷ Qui et al (2022). Impacts of 319 wind Farms on surface temperature and vegetation in the United States Environ. Res. Lett. 17 (2022) 024026 <https://doi.org/10.1088/1748-9326/ac49ba>

⁸ Bodini et al (2021) Wind plants can impact long-term local atmospheric conditions. [www.nature.com/scientificreports](https://doi.org/10.1038/s41598-021-02089-2) Scientific Reports | (2021) 11:22939 | <https://doi.org/10.1038/s41598-021-02089-2>

and turbine collapse not only physically impacts on vegetation but disturbance occurs from recovery operations. Blade throw can occur over long distances. Sharlak⁹ says:

*At tip speeds of about 70 m/s (normal operating conditions), pieces of blade (with weights in the range of approximately **7-16 ton**) would be thrown out less than **700m** ... and turbines operating at the extreme tip speed of 150 m/s may be subject to blade throw of **up to 2 km** from the turbine. For the ice throw cases, maximum distances of approximately **100 and 600m** are obtained for standstill and normal operating conditions of the wind turbine, respectively, with the ice pieces weighting from **0.4 to 6.5 kg**.*

For the above reasons, adequate buffers and precautionary setback distances from turbines are required to protect Listed flora species. The extent of the impact on EPBCA Listed flora species from blade throw is uncertain, a threat of serious environmental damage exists, and a precautionary approach is required.

The Guidelines need to require the Proponent to investigate the distances involved in blade throw and ensure turbines are not located within throw distance of EPBC listed flora species.



End

⁹ Sharlak et al (2015) Analysis of throw distances of detached objects from horizontal-axis wind turbines, Wind Energy. 2016; 19:151–166, Published wileyonlinelibrary.com DOI: 10.1002/we.1828 s

ATTACHMENT A: Matters to be included in Attachment F of the Draft Criteria and Guideline document.

EPBC ACT requirements

Attachment fails to properly describe EPBC Act responsibilities so as to ensure they are met.

Under the EPBC Act an action will require approval from the Minister if the action **has, will have, or is likely to have**, a significant impact on a matter of national environmental significance. A 'significant impact' is an impact **which is important, notable, or of consequence**, having regard to its context or intensity and depends on the sensitivity, value, the quality of the environment which is impacted, and the intensity, duration, magnitude and geographic extent of the impacts.

To be 'likely', it is sufficient if a significant impact on the environment **is a real or not remote chance or possibility. If there is scientific uncertainty about the impacts of the action and potential impacts are serious or irreversible, then the precautionary principle is applicable.** Accordingly, a lack of scientific certainty about the potential impacts of an action will not itself justify a decision that the action is not likely to have a significant impact on the environment.

There is a need to also consider impacts including indirect impacts, **proposed measures to avoid or reduce impacts**, and whether the **effectiveness of these measures** are **certain enough** to reduce the level of impacts below the 'significant impact' threshold. Where there is a number of related activities, **the combined impacts of those activities need to be considered.**

Where possible and practicable it is best to avoid impacts. If impacts cannot be avoided then they should be minimised or mitigated as much as possible. The proponent needs to **consider site selection, the location of buildings** and the design of any buildings; and **not conclude that a significant impact is not likely** to occur because of mitigation measures **unless the effectiveness of those measures is well-established** and there is a **high degree of certainty** about the avoidance of impacts or the extent to which impacts will be reduced.

In addition to these EPBC Act considerations, the proponent should also consider 'significant impact criteria' under Guidelines 1.1.

It is noted for World Heritage properties, approval under the EPBC Act is required for any action occurring within **or outside** a declared World Heritage property that **has, will have, or is likely to have a significant impact** on the World Heritage values of the World Heritage property. An action is likely to have a significant impact on the World Heritage values of a declared World Heritage property if there is a real chance or **possibility** that it will cause one or more of the World Heritage values to be notably altered, modified, obscured or diminished. For example, wilderness, natural beauty or rare or unique environment values can be significantly impacted by the introduction of **noise or other intrusive elements with substantial, long term or permanent impacts.**

It is noted under Section 391 (1) of the EPBC Act the Minister must take account of the precautionary principle in making a decision to the extent he or she can do so consistently with the other provisions of this Act. Justice Moshinsky¹⁰ found Under s 391(1), the decision-maker has a mandatory obligation to take account of the precautionary principle in making a decision provided a **threat of serious or irreversible environment damage** as well as **scientific uncertainty** as to the environmental damage occurs. His Honour held the requirement in s 391(1) of the EPBC Act that the Minister "take account" of the precautionary principle in making a decision was interchangeable with a requirement to "consider" a particular matter **at least, with active intellectual processes**, if a threat of serious or irreversible damage and if scientific uncertainty as to the environmental damage exists.

¹⁰ Justice Moshinsky *Bob Brown Foundation Inc v Minister for the Environment* (No 2) [2022] FCA 873

It is also noted under section 87(3) of EPBC Act, the matters the Minister is required to consider include 'information relating to the action given to the Minister in the referral of the proposal to take the action; and **any other information about the impacts of the action considered relevant** (including information in a report on the impacts of the action under a policy, plan or program)". This includes Conservation Advice and Recovery Plans as well as published guidelines and other information.

A general overview of the way the EPBC Act is to be applied by the Proponent is summarised below.

Table 1. EPBC Act imperatives

EPBC Act imperative (Mandatory – not a guideline!)
The action has, will have, or is likely to have , a significant impact.
'Significant impact' is regarded as an impact which is important, notable, or of consequence , having regard to its context or intensity
To be 'likely', it is sufficient if a significant impact on the environment is a real or not remote chance or possibility .
Is there, as a result of considering with active intellectual processes; a threat of serious or irreversible environmental damage; and scientific uncertainty about the environmental damage? If so, the precautionary principle applies .
Where there is a number of related activities, the combined impacts of those activities need to be considered .
Priority is to avoid impacts where possible and practicable. .
Where not able to avoid, minimised or mitigated as much as possible', consider site selection, consider location of buildings, ensure measures to avoid or reduce impacts are effective and certain enough.
Only conclude a significant impact is not likely because of mitigation if: - effectiveness of measures is well-established, and - high degree of certainty exists - all on-site, off-site, and other sources of impact have been considered - degree of confidence with which the impacts are known and understood exists.
Is the action occurring outside a declared World Heritage that has, will have, or is likely to have a real chance or possibility that it will cause one or more World Heritage values to be notably altered, modified, obscured or diminished?