

29-7-25

Mr Paul West
Chairman
Development Assessment Panel
Tasmanian Planning Commission,
Level 3,
144 Macquarie Street,
HOBART, Tasmania. 7000
tpc@planning.tas.gov.au

Re: Representation on Cellars Hill Wind Farm Major Project Draft Assessment Criteria

Dear Sir,

I refer to your letter of 16-7-25, in which you explain that your panel has prepared draft Assessment Criteria and MNES Guidelines for the Cellars Hill Major Project and that you are seeking representations on these criteria.

I wish to make comment and representation under s60ZJ of the Act to ensure consideration of various assessment criteria that we would consider essential to the approval process.

- A submission dated **10 March 2025**, on behalf of Ashton Pty Ltd, was formally lodged.
- In that representation, Ashton Pty Ltd sought to introduce key assessment criteria regarding, amongst other things:
 - Effect on visual and heritage qualities, including the significance of Ashton House and the Ouse River Gorge.
 - Natural values, notably protection of **Peregrine Falcons, wedge-tailed eagles**, and other bird species.
 - Noise, flicker, shadow, and electromagnetic impacts.
 - Impacts on land values and future tourism/ecotourism potential
 - Social benefit eligibility area basis for local subsidies

Why do we have an interest in the final Assessment Criteria to be applied? The proposed project will have very significant impact on where we live and how we do business. The area proposed for the Cellars Hill windfarm and its adjacent area is

unique and includes the magnificent and significant Ouse River Gorge. We are the MAJOR neighbours to this project.

Mr Chairman, we respectfully submit the comments below for serious consideration as amendments to the draft Assessment Criteria.

We wish to draw your attention to the TASCAT proceedings in April, 2025, in relation to the St Patrick's Plains windfarm proposal. Whilst TASCAT has not presented its findings, there was much evidence presented that has material significance for consideration of the Cellars Hill proposal. **We SUBMIT that the evidence and eventual findings of TASCAT ought to be included in your deliberations, both now in amending your assessment criteria and in your final deliberations – particularly in relation to matters of environmental, acoustic, and amenity impact. SEE APPENDIX.**

Yours sincerely,



Scott Ashton-Jones
Ashton Pty Ltd.

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SUBMISSION

Ashton Pty Ltd and the Ashton-Jones family submit that the draft guidelines are still incomplete, do not adequately address some aspects of concern to us as the major neighbours of this project and to the local community.

1. Brief Background

- a. Ashton Pty Ltd owns two properties in the area – Ashton and Wellwood – collectively known as Ashton.
- b. Total land area – approx. 4000 Ha's.
- c. These contiguous properties lie on the western bank of the River Ouse and, therefore, bound on the Properties Clake's Run and Trap Hut – Parcel numbers 3 to 7 and 30. (Refer Site Details, P15 of the Major Project Proposal).
- d. Total Ouse River frontage – approx. 15 Km's - **almost all of which will be overshadowed by the planned turbines.**
- e. Parcel numbers 20 to 29 are also in the immediate vicinity of and substantially overlooking Ashton.

- f. We estimate that approximately 30 of the wind turbines proposed will have immediate impact on Ashton – depending on the final design of the project.
- g. Ashton PL is owned by the Ashton-Jones family who have lived at Ashton since the 1870's.
- h. The Ashton-Jones have enjoyed the peaceful and unscarred visual, recreational and economic amenity of the land they own for approximately 150 years.
- i. **Any large-scale industrial infrastructure development, as proposed, will fundamentally alter:**
 - The natural, economic, and social character of our property.
 - Its viability into the future.
 - Its ability to diversify into eco-tourism and other nature experiences with which Ashton has abundant potential and which the new generation at Ashton has been planning for some years now.

Assessment criteria comment

1. Assessment Criterion 1

- a. Preamble:
 - The concept of 'Acceptable level' is too subjective and despite the discussion of the necessity for some subjective decisions, to my knowledge, this is not consistent with other relevant legislation under LUPA and EPBC processes.
 - This criterion ought to read 'significant impact'.
- b. 1.1 Industry Development
 - The status of the Marinus link proposal is very unclear. This criterion makes the assessment of the need for Cellars Hill equally unclear.
 - Therefore, this needs review as the TRET is based on mainland connection.
- c. 1.3 Low cost renewable energy
 - Do these assessments include the level of Government subsidy which compromises the idea of low cost.?
 - True cost should be calculated.
- d. 1.4 Community...well being
 - (c) This criterion is incomplete.
 - The measure should include studies of actual jobs, construction and longer term, that have been achieved in other projects.
 - It requires a study of the net benefit, to establish if there is a disadvantage to existing employers in the district where labour is already very scarce.

2. Assessment Criterion 2

- a. Cumulative effect
 - The assessment criteria must consider district wide impacts on birds, other natural values, overall visual

amenity and public use amenity of having all 4 proposed windfarms in the same region.

- Why - the whole visual amenity of the district from the Penstock Lagoon to lake Echo to Bronte and to Ouse is effected by this cumulative cluster of wind farms.
- This virtually pristine landscape will be transformed into a largely industrial landscape. This is a fundamental change in the values of the district in a shorter time than ever seen before, including the low level forestry and agricultural practices that have been introduced to the region over the last 200 years.
- The principle of “cumulative effect” applies here. If all wind farms mooted for the district are approved there will be four of them well within Eagle range and also for other species. What will be the cumulative effect on the eagle population in the whole district?

3. Assessment criterion 3

a. There is no separate assessment for noise. This must be corrected.

- The noise assessment methodology used for Cattle Hill and proposed for St Patrick’s Plains is inadequate and certain aspects are wrong in science.¹
- **Given the evidence provided at TASCAT re St Patrick’s Plains it is vital that this evidence is considered in its own right in any assessment of Cellars Hill**
- It should include mandatory independent peer review of all acoustic modelling with specific criteria for infrasound and low-frequency noise.
- The TPC draft criteria are incorrect to reference the NZ standard ZS 6808_2010.² Expert witness, Mr L Huson, in evidence to TASCAT clearly made the case that the criteria should require compliance with 35 dB Leq and monitoring and reporting in Leq so nuisance noise events can be recognised and addressed.
- From experience at Cattle Hill, we know that nuisance noise and cumulative noise is experienced at least 7 Kms away.
- There should be two assessments in the criterion:
 - Compliance with the Tasmanian Noise Measurement Manual
 - Measurement of nuisance noise which is that noise emitted by generating turbines above background noise.

¹ Expert witness L Huson - TASCAT evidence

² This is despite our earlier submission in relation to noise standards. It is clear from the evidence at TASCAT that the standard best applied is the Tasmanian standard in the Tasmanian Noise Assessment Manual. Witness Huson clearly made the case that this standard is more recent and a proper fit for Tasmanian use than any of the other standards applying in like jurisdictions.

- These cannot be accurately measured without sensitivity analysis to ensure compliance.
- These assessment criteria are particularly important as the Ashton Homestead and much of the overall property are within 3 Kms of the nearest of the proposed turbines!
- As heard at TASCAT expert witness L. Huson raised serious concerns regarding tonal characteristics and infrasound, and **the lack of objective third-party verification of developer-supplied noise modelling.**
- **We request:**
 - **A separate assessment criterion for noise**
 - Including reference to all the above matter at least.
 - Mandatory independent peer review of all acoustic modelling.

b. Assessment Criterion 3.1 Land Use capability

- 3.1 is narrow in its application.
- It must include a study of the dominance of Cellars' Hill in the landscape. This Hill dominates the landscape for many kilometres in all directions. At approx. 800m altitude it is the highest in the district – without the construction of 247 m turbine on its summit. It therefore has an impact on land use capability on its neighbours but, also, on the towns of Bothwell, Ouse, Osterley, at least – as well all the landowners and land uses in between. This area is tens of thousands of Hectares in size.
- The wind turbines easily will be seen and impact the natural visual impact of the Mt Field range and the elevated areas of the Mt Field National Park.
- The effect of wind turbines en masse is not limited to the immediate neighbours.
- See APPENDIX B for our original submission. **The draft assessment criteria have ignored our original comment.**

c. 3.1 (a)

- Our original submission made comment on the natural values of the Ouse River Gorge. This is in a virtually pristine state from a position on the river approx. 4-5 Kms from Ashton house to Waddamana.
- Much of it would/should be 'available' for nature conservation. Not very many Europeans have ever been in most of it. The proposed wind turbines are within close proximity to it at the southern end. Their impact on the natural values, visual amenity, probably cultural heritage and more would most likely be unacceptable to any reasonable person.
- We are aware that the Tasmanian Planning scheme does not include visual impacts of wind farms, nor ridge and skyline impacts, nor height impacts for other than immediate neighbours. Given the range of impact that turbines will have consideration of height, visual impact over long distances and effect on towns nearby must be considered and included the assessment.

- Of all the four wind farms proposed (or already commissioned) in our district, Cellars Hill is easily the most conspicuous and for the biggest distances. It fundamentally changes the larger landscape for many thousands of hectares.
- **This certainly needs inclusion in the assessment criteria.**

d. **3.1 (c) – an acceptable level of compatibility...**

- **This criterion to be amended to include private landowners adjoining.**
- The reference limits consideration of land use compatibility to 'public' land, mining and other land use tenure but not private land use tenures.
- We note the later 'dot points' that the Panel may include consideration of the effect on "public recreation" but not private recreation or public recreation on adjoining private land!
- We note the dot point that refers to the panel taking "advice from "landowners" and managers.

e. **3.3 Landscape and Visual**

- (a) Uses the test of "an acceptable level". We strongly submit that this is an unreasonably subjective test. Acceptable to whom? The Panel who has no immediate interest in the impact of the proposed development? This is not the test of a reasonable person nor is it consistent with other relevant statutes. (See 3 a. above).
- The assessment criterion should be amended to **remove the "acceptable level" test to include the idea of whether the project has a "significant Impact" on the visuals of the landscape – near and far.**
- It must include a study of the dominance of Cellars' Hill in the landscape. This Hill dominates the landscape for many kilometres in all directions. At approx. 800m altitude it is the highest in the district – without the construction of 247 m turbine on its summit. It therefore has an impact on land use capability on its neighbours but, also, on the towns of Bothwell, Ouse, Osterley, at least – as well all the landowners and land uses in between. This area is tens of thousands of Hectares in size.
- The wind turbines will be easily seen and impact the natural visual impact of the Mt Field range and the elevated areas of the Mt Field National Park.
- The effect of wind turbines en masse is not limited to the immediate neighbours.
- See APPENDIX B for our original submission. **The draft assessment criteria have ignored our original comment.**

As submitted above, we repeat for this criterion

- Our original submission made comment on the natural values of the Ouse River Gorge. This is in a virtually pristine state from a position on the river approx. 4-5 Kms from Ashton house to Waddamana.
- Much of it would/should be 'available' for nature conservation. Not very many Europeans have ever been in most of it. The

proposed wind turbines are within close proximity to it at the southern end. Their impact on the natural values, visual amenity, probably cultural heritage and more would most likely be unacceptable to any reasonable person.

- We understand that the Tasmanian Planning scheme does not include visual impacts of wind farms, nor ridge and skyline impacts, nor height impacts for other than immediate neighbours. Given the range of impact that turbines will have consideration of height, visual impact over long distances and effect on towns nearby must be considered and included the assessment.
- Of all the four wind farms proposed (or already commissioned) in our district, Cellars Hill is easily the most conspicuous and for the biggest distances. It fundamentally changes the larger landscape for many thousands of hectares.
- **This certainly needs inclusion in the assessment criteria.**

f. **3.6 Historic cultural heritage**

- The proponents' Project Proposal document does not include the consideration of Ashton as a heritage listed site.
- To repeat our earlier submission:
 - The Project has an impact on the Ashton and Wellwood houses. Ashton house is Heritage listed. This is not mentioned in the heritage section of the Project Proposal. (P30 of the project proposal).
- **Ashton's heritage status must be considered in the assessment criteria.**

g. **3.7 Natural Values - Flora**

- We note the assessment criteria under this heading but it fails to address the emerging research from around the world that wind farms can effect soil moisture and dryness in the surrounding area due to their physical and environmental impact.
- **Turbine-induced Wind Patterns:**
 - Wind turbines create localized changes in wind patterns. This can lead to increased wind speed near the ground, which might accelerate evaporation of moisture from the soil. This is particularly true if turbines are located in already dry or semi-arid regions, where soil moisture can be significantly reduced over time.
 - **Temperature Changes:**
Wind farms can effect local microclimates, potentially increasing local temperatures. The turbines can mix the air, which can change the temperature at the soil surface. In some cases, this can lead to warmer conditions and greater evaporation of water from the soil.
- This is vitally important in the dry or semi-arid environment in which many of the turbines are proposed to be placed.
- **This criterion must be amended to include studies in how soil moisture will be effected.**

h. 3.8 Natural Values – Fauna

- This assessment criterion should be amended to **remove the “acceptable level” test to include the idea of whether the project has a “significant Impact”**.
- Is there an acceptable level of Wedge Tail Eagle kill? If so, what is it?
- **This answer should be included in the assessment criteria. The proponents and the public need to know what an “acceptable” level is. It is a subjective, almost irrelevant test in this case.**
- At Cattle Hill the killing of 8 eagles in three years plus many deaths of other species might not be considered acceptable by a reasonable person.
- The principle of “cumulative effect” applies here. If all wind farms mooted for the district are approved there will be four of them within Eagle range and also for other species. What will be the cumulative effect on the eagle population in the whole district?
- Peregrine Falcons (see our original submission – APPENDIX B)
 - The area of the project is only a short distance from a known Peregrine Falcon nesting habitat. These are a protected species in Tasmania.
 - While the use of IdentiFlight technology has reduced eagle fatalities at wind farms, its effectiveness for smaller and faster species like the peregrine falcon is not yet established. This should be included in the assessment criteria.
- **Assessment criteria should include objective evaluation of the bird avoidance technology used in other wind farms.**
- **These criteria must be amended in the assessment criteria.**

i. 3.9 Wildlife...

- See submission in ‘h’ above.

j. 3.11 Aviation...

- The Upper Derwent Valley is **possibly the most fire prone district in AUSTRALIA (Ref TFS)**.
- At Ashton, we have occasion to have to fight fires almost every year.
- The use of firefighting aircraft is a beneficial revolution in our ability to control wild fires.
- The proposed wind farm is right in the flight path of fire-fighting aircraft from Hobart to this region.
- The highest turbines will be at 800 m altitude plus the height of the turbines makes them up to 1000m approx .
- **This criterion must include how the turbines will be made safe and visible for aircraft and how the wind farm will not inhibit or slow aircraft accessing the fires in the region in a high smoke environment.**
- This also applies to criterion 3.13 (b)

k. **New criterion – Fire assessment**

- There is no assessment required to study or measure the increased risk of fire from wind turbines. We know that failure and other malfunction has caused fire in other regions.
- **A new criterion is required to assess the impact of turbines as a source of fire.**
- (see above comment on Upper Derwent fire risk).

l. **3.12 (b) Shadow flicker. (Amenity and interference)**

- Again, the test of 'acceptable level' is NOT acceptable in this case. A stricter test must be applied
- For those who have to live or work in proximity of wind turbines there is probably no acceptable level of blade flicker.
- Planning evidence presented by H. Goess to TASCAT in March 2025 highlighted the unacceptable amenity impact on immediately adjoining private properties, even where visual impacts were deemed "moderate" in standard assessments.
- Note that the use of tree screening will not adequately reduce flicker of other visual impact.
- This criterion must include:
 - Visual impact criteria to mandate assessment from key private dwellings, including Ashton Homestead and hilltop viewpoints.
 - Photo simulations and Zone of Visual Influence (ZVI) modelling from these positions.
 -

m. **New Criterion - Impact on Land Values and Diversification Opportunities**

- As presented to the St Patrick's Plains TASCAT hearing in March 2025, neighbouring landowners demonstrated credible loss of market value and tourism development viability.
- **The new criterion must include**
 - **Inclusion of land value and diversification potential in social and economic impact assessments.**
 - **Assessment of opportunity cost where visual and acoustic impacts prohibit sustainable rural enterprise.**

4. **Social Licence**

- Whilst the Cellars Hill windfarm is doing what others have done and offering incentives to the community for its support, the national and international debate on the impact of windfarms in the regional districts for a questionable net environmental outcomes is indication s significant reduction in social licence for windfarms.
- **An assessment of community attitudes to this project should be included.**

Conclusion

Ashton Pty Ltd submits:

1. **That the broad application of the test “acceptable level” is not acceptable.** In most cases, a reasonable person is highly likely to have a different view of ‘acceptable’ in relation to various impacts of windfarms on neighbours and the broader community. This is unfairly subjective. **It is not a fair test.**
2. **This test must be amended to consider ‘significant impact’.**
3. The St Patricks Plains case before TASCAT in March 2025 has made clear that insufficient scrutiny of private impacts, acoustic realism, and ecological risk can result in unacceptable and lasting damage to neighbours and the environment.
4. Of all the four wind farms proposed (or already commissioned) in our district, **Cellars Hill is easily the most conspicuous and for the biggest distances.** It fundamentally changes the larger landscape for many thousands of hectares
5. **Therefore,** the Cellars Hill project has a very major overall impact on a very large area of central Tasmania and the assessment criteria should include:
 - a. A strict assessment of all the visual impacts to neighbours and the district.
 - b. A separate assessment of noise using the best practice noise evaluation contained in the Tasmanian Noise Management Manual.
 - c. Include a assessment of all the birds and wildlife that are in the region.
 - d. Serious consideration of cumulative impacts on the environment, social and amenity of the district in the event that all the proposed wind farms are approved

We request the Commission:

- Amend the draft criteria accordingly,
- Integrate any precedents that are set by the TASCAT hearing on St Patick’s Plains precedents into its final policy framework.
- Ensure robust protection for landholders, biodiversity, and regional integrity.

GS Ashton-Jones
Ashton Pty LTD

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APPENDIX A. St Patrick's Plains TASCAT hearing - evidence

Lessons from TASCAT – St Patricks Plains Wind Farm (March and April 2025)

The Tribunal heard extensive expert evidence on:

- Noise and infrasound exceedances effecting neighbouring properties.
- Failure to account for private receptors in visual and acoustic modelling.
- Inadequate bird protection measures, particularly relating to raptors.
- Cumulative amenity and environmental impacts across multiple wind farm projects in the Central Highlands.

These issues mirror the risks posed by the Cellars Hill proposal and should inform any finalisation of assessment guidelines.

APPENDIX B

Ashton Pty Ltd Submission – March 2025 - extract

1. Assessment Criteria

a. Impact on surrounding land values.

- We submit that this impact be included as an Assessment Criterion.
- There is mixed evidence from other jurisdictions as to the effect on land values of immediate neighbours.
- Clearly there will be an effect on a business plan for eco-tourism, for example, and the consequent effect on land value.
- Impact on planned or future tourism ventures

b. Visual and aesthetic impact.

- Assessing the visual and aesthetic impact on the neighbours and surrounds of the project is a vital criterion.
- The Project proposes turbines up to an altitude of over 800 metres with turbines 240 metres high
- This criterion has a major impact on Ashton and its surrounds.
- Cellars Hill and the Blue Hill (adjacent) dominate the visual amenity for many miles including the Ouse and Osterley townships.

c. Heritage

- The Project has an impact on the Ashton and Wellwood houses. Ashton house is Heritage listed. This is not mentioned in the heritage section of the Project Proposal. (P30 of the project proposal).

d. Uniqueness of the Ouse River Gorge

- Whilst natural values are likely to be included in the Assessment Criteria, strongly submit that the assessment include consideration of the Ouse River Gorge and the impact a wind farm will have in the immediate vicinity – visually and on the natural values.
- Indeed, **we request that during the assessment process the Panel visits Ashton so that the scale of impact and the uniqueness of the area can be experienced first-hand.**

e. Natural values – bird kill technology.

- The natural values studies proposed in the Major Project Proposal are noted.
- We submit that the natural values assets of Cellars Hills and its adjacent Blue Hill are significant and specifically should be included as an assessment criterion.
- These hills having had no development on them ever – with the exception of fence lines and low level grazing.
- We submit that the impact of 56 – more or less - wind turbines on local birds will be significant.
- We are aware of proposed technology designed to reduce the impact of turbines on eagles and other birds. The reports of the efficacy of this technology are mixed at best. (Refer to Cattle Hill eagle kill reports).
- **Assessment criteria should include objective evaluation of the bird avoidance technology used in other wind farms.**
- Ashton, Cellars Hill and large surrounding areas are all well-used habitat for Eagles – wedge Tail and Sea Eagles.

f. Peregrine Falcons.

- We submit that the impact of the project on Peregrine Falcons ought to be included in the assessment criteria.
- There is no mention in Major Project Proposal of Peregrine Falcons. (Table 5 & 6 pp22-23 of the Major Project Proposal) Less than 120 pairs are estimated to be in Tasmania. The Ouse Giver Gorge on Wellwood is a known nesting site for falcons.

g. Wind Turbine Noise

- We are aware of the proposition that noise emanating from wind turbines reduces over distance.
- We are also aware of varying methodology to establish noise impact. And of significant legal cases where noise has been acknowledged as a severe impact on neighbours.
- We seek to ensure that the Cellars Hill assessments will include objective and proven noise impact studies consistent with the best standards – namely NZ Standard NZS 6808:2010 Acoustics – wind farm noise.
- This standard is more accurate and objective than similar Australian standards.

h. Shadow and Flicker

- Similar to (e), above.

i. Electro magnetic interference

- This assessment criteria is mentioned on P32 of the Major Project Proposal

j. Social

- We note the proposal to offer 'local' users a \$1000 power subsidy.
- We submit that the assessment criteria should include assessment of the area eligible for this benefit.
- The size of this project, 8400 ha's sitting at altitudes up to 800 metres and dominating the skyline - certainly as far as the town of Ouse – means that this benefit applies to a wider area than perhaps is contemplated.