

TASMANIAN PLANNING COMMISSION



ASSESSMENT CRITERIA and MNES GUIDELINES

Project Cellars Hill Wind Farm Major Project
Proponent Cellars Hill Wind Farm Pty Ltd
Date 18 September 2025

Under section 60ZM of the *Land Use Planning and Approvals Act 1993* (the LUPA Act), the Development Assessment Panel (the Panel) has determined the assessment criteria – Part A.

The Panel has determined the Guidelines for assessment of matters of national environmental significance - Part B (MNES guidelines) required for *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) accredited assessment under the LUPA Act.

The Panel outlines its consideration in this determination report and provides the assessment criteria and MNES guidelines at Annexure A.

Paul West
Chairperson

Michael Hogan
Member

Louise Gilfedder
Member

Alex Brownlie
Member

ASSESSMENT CRITERIA

The considerations required for the Panel to determine the assessment criteria are specified in section 60ZM of the LUPA Act.

Due to the complexity of section 60ZM, it is not practical to report against each subsection. This is because section 60ZM contains multiple cross references to different sections and sub-sections of the LUPA Act, that in turn contain their own cross references.

To minimise repetition, this report addresses the considerations under each stage of the LUPA Act that relate to preparing the assessment criteria.

Draft assessment criteria

Section 60ZM of the LUPA Act requires the Panel to have complied with section 60ZK.

Before preparing the draft assessment criteria, the Panel considered the major project proposal to inform the relevant land use planning matters. In particular, it focused on:

1. the description of the major project;
2. the location of the project site, and the physical features of the project site and the vicinity; and
3. potential effects of the major project, both positive and negative.

Section 60ZK of the LUPA Act requires the Panel to consider comments on what should be specified in the draft assessment criteria provided under subsection 60ZJ(3), as set out in subsection 60ZJ(4).

Comments were received from:

- Ashton Pty Ltd
- Department of Natural Resources and Environment Tasmania
- Department of Premier and Cabinet
- Department of State Growth
- Department of Treasury and Finance
- Environment Protection Authority
- Forest Practices Authority
- Homes Tasmania
- Sustainable Timbers Tasmania
- State Emergency Service
- Minister for Infrastructure

The Environment Protection Authority also provided advice from the Public Health Service and a summary of matters raised in their consultation, that included additional advice from Airservices Australia, Central Highlands Council, and Mineral Resources Tasmania.

Assessment requirement notice was received from the Department of Natural Resources and Environment Tasmania (NRE Tas), the Environment Protection Authority (EPA) and the Tasmanian Heritage Council. Section 60ZK requires the matters set out in an assessment requirement notice to be included as matters to be addressed in the draft assessment criteria.

TasWater provided notice of no assessment requirements.

The comments and notice received informed determination of the relevant land use planning matters. In particular, the comments and notice related to the proposed use and development and its suitability and impacts, parking and traffic related matters, environmental impacts and natural hazards, Aboriginal heritage, landscape and visual impacts, social wellbeing and economic development, site services and infrastructure, and construction management.

The Panel prepared the draft assessment criteria within the relevant period, under subsection 60ZK(2).

Cross references to section 60ZM in subsection 60ZK(3) are set out under the headings 'land use planning matters' and 'participating regulator matters' below.

The Panel has complied with section 60ZK.

Representations

Receipt of representations

Under section 60ZL, the assessment criteria were advertised as a draft for 14 days up to 30 July 2025. Fourteen representations were received in the statutory period and one was received after the statutory period and accepted by the Panel as representations for the purposes of section 60ZL(2).

Representations were received from:

- Ali
- Carol-Ann Fletcher
- David Ridley
- Department of Natural Resources and Environment Tasmania
- Department of Treasury and Finance
- Environment Protection Authority
- John Hall
- Leigh Wasserfall
- Lynette LaBlack
- No Turbine Action Group
- Robert Cassidy
- Scott Ashton-Jones
- State Emergency Service
- TasNetworks
- Victoria Onslow

The Panel provided the EPA and NRE Tas with representations that related to matters in their respective assessment requirement notices. Neither of these participating regulators provided an alteration notice in response to the representations in accordance with 60ZL(4).

The Panel determined not to give the Tasmanian Heritage Council any representations because none related to matters in their assessment requirement notice, in accordance with section 60ZL(3) of the LUPA Act.

Consideration of representations

In determining the assessment criteria, the Panel considered the representations. Without going into the detail of each representation, the Panel notes representors:

- queried if / stated the preamble or other guidance did / did not accurately reflected legislative requirements, and suggested changes;
- identified current conditions related to transport, natural values and landscape and scenic values, dark sky values, and the like;
- raised concerns over or identified potential impacts on natural values, effectiveness of collision avoidance technologies, and the scope of offsets
- raised additional issues around matters such as aviation safety, transport safety, blade throw and tower collapse, economic costs, labour availability and sources, subsidisation, property values, the need to examine alternatives, and bushfire risks;
- sought clarity concerning scope, interpretation, meaning and the requirements of assessment criteria;
- considered the term significant impact should be used instead of acceptable level;
- suggested restructures of the document for emphasis on particular species;
- considered that the policy context of renewable energy targets or supporting documents required review, where outdated; and
- considered that buffer areas were inadequate and alternatives should be mandated, and that the assessment criteria for noise was inadequate, required review, needed specific considerations or was contrary to an assessment requirements notice.

The Panel considered that the matters raised in the representations were largely already addressed within the scope of the draft assessment criteria as written. However, the Panel made the following changes after considering the representations:

- clarified the consideration of public road network efficiency;
- clarified consideration of lighting in relation to landscape and visual values;
- clarified examples of key features;
- clarified consideration of microclimate changes;
- clarified consideration of constraints on emergency responses;

- inserted a new assessment criterion for noise; and
- made a range of consequential amendments.

The Panel notes that assessment criteria set a test to be achieved and required matters to be addressed but cannot require a proponent to undertake specific studies. The Panel considers that the studies or assessments some representors called for to be undertaken will be largely required to address the assessment criteria as written.

The Panel considers further commentary is necessary in relation to two matters raised in representations.

Consideration of buffer distances

The Panel notes that several representors considered Wedge-Tailed Eagle nest disturbance buffer distances were inadequate, and the recovery plan was outdated and overdue for review.

The Panel notes alternative buffer and collision minimisation models proposed are for a related but different species and is not in the Australian or Tasmanian context. Consequently, suitability of these models to the Tasmanian context are currently unknown.

The Panel has updated guidance documents to explicitly reference to the listing statement and species management profile on the advice of NRE Tas.

Consideration of noise levels

The Panel notes several representations identified concern over potential noise impacts, and provided advice or concerns on how noise should be measured and issues that should be considered.

The updated EPA Policy on noise for wind farms, July 2025, outlines noise measurement methods considered suitable by the EPA. In relation to major projects the Policy and the Guidance the EPA has provided to the Panel are not statutory requirements, but rather provide guidance on information and assessment methods. The assessment criteria has been modified to refer to these matters.

The Panel considers that for land in the Rural Zone surrounding the project, noise limits should be set having regard to the land use strategy of that area, which aims to cater for a range of resource based and rural industrial activities. While background sound levels in these areas may be low, the noise limits set should reflect the land use planning strategy as well as providing for an acoustic reserve capacity.

For rural land outside of the wind farm site, an external sound level of 40dB(A)Leq at sensitive activities is considered suitable. This would set limits for wind farm noise to be lower than a level that is likely to result in unreasonable disturbance of activities and specifically disturbance to sleep quality. This level is consistent with limits for wind farms in South Australia and Victoria which have similar land use planning strategies for rural land. This limit is lower than the relevant acoustic indicator level for sleep disturbance outside bedrooms in Tasmania's Environmental Protection Policy (Noise) and provides an acoustic reserve capacity (buffer) between wind farm noise and disturbance levels.

The Panel considers that where the primary purpose of land use planning strategies is to achieve a high level of amenity for residential and other uses, a higher level of

protection from the potential effects of wind farm noise should be provided. A limit of 35dB(A)Leq in these areas is significantly lower than that required to avoid an unreasonable level of disturbance and aims to achieve a high level of amenity.

The Public Health Services (PHS) section of the Department of Health recommended that the noise assessment criteria adopt the limits of the NZS 6808:2010 - Acoustics Wind Farm, that is applied in the planning systems of both New Zealand and Victoria. The assessment criteria for noise are consistent with the recommendation of PHS.

The assessment criteria for noise is consistent with the principles of the regional land use strategy that aims for residential use and development to be focused on planned settlements rather than across rural areas, in part to protect the productive capacity of that rural land.

The assessment criteria have been amended in response to representations, so that noise is addressed as a separate matter and structured so that the purpose of the criteria is clear.

The 2020 report recommending that the EPA Board adopt a 'policy' limit of 35dB(A)LA90 for wind farms was intended to ensure minimal annoyance at the closest sensitive receptor. This was in part based on a recommendation of the Independent Scientific Committee on Wind Farm Noise (ISC) in 2018 that aimed to cap the proportion of people that were annoyed when exposed to wind turbine sound.

The methodology used and the outcomes sought by the ISC in their 2018 report is not considered suitable to form the basis of assessment criteria for noise.

The data used by the ISC to describe people's level of annoyance attributed to wind farm noise was not related to people experiencing interference from changes in sound levels from wind farms. Instead, the data showed that increases in actual sound levels had a very small role in the levels of annoyance that people attribute to wind farm noise. The broader factors resulting in subjective or self-reported annoyance were highly associated to the social, cultural and environmental context of the people and places where base research was undertaken.

In addition, analysis undertaken on wind farm noise guidance for the UK Government in 2022 stated that the limits recommended by the ISC may be an overly-conservative estimate of the relevant threshold, as it is based on questionable assumptions, and combining data from studies that used varying exposure estimation methods (A Review of Noise Guidance for Onshore Wind Turbines, Sep 2023, WSP).

More contemporary analysis undertaken of the same data used by the ISC but applied through a process that accounts for scale variations, resulted in the sound level corresponding to 10% of people being highly annoyed being 40dB(A)L90 rather than 35dB(A)L90 as identified by the ISC.

The Panel's views have been informed by the broad range of representations, and the Panel has complied with section 60ZL.

Land Use Planning Matters

The assessment criteria are based in part on the Panel's consideration of relevant land use planning matters for the major project.

The Panel considers that the assessment criteria are reasonably required to enable a proper assessment of whether the major project would be an effective and appropriate use and development of the land.

The Panel has had regard to:

1. the Tasmanian Planning Scheme - Central Highlands Local Provisions Schedule, noting the assessment criteria address issues relevant to the provisions within the zone and codes that apply to the land;
2. whether amendments to the planning scheme may be required in order to provide certainty and clarity on the planning provisions that apply to provide for the effective ongoing use and development of the major project and to ensure it could be lawfully carried out; and
3. the Southern Tasmania Regional Land Use Strategy 2010-2035 (regional strategy), particularly in relation to policies for Strategic economic opportunities, Biodiversity and Geodiversity, Cultural values, Land use and transport integration, Managing risks and hazards, Physical infrastructure, Productive resources, Tourism, and Water resources.

After having regard to the regional strategy and providing for the assessment criteria to address matters that arise in relevant policies and actions, the Panel considers the assessment criteria are not inconsistent with the regional strategy.

The Panel considers that the assessment criteria seek to further the objectives of schedule 1 of the LUPA Act. In particular, the assessment criteria seek to provide for clear consideration of the social, economic and cultural effects of the major project. The assessment criteria also seek to promote the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community. In conjunction with consideration of physical and ecological matters, the assessment criteria seek to promote sustainable development.

The Panel considers that the assessment criteria are consistent with each applicable State Policy (including National Environment Protection Measures) by addressing issues relevant to each State Policy, including:

- protection of agricultural land;
- water quality;
- air quality and emissions; and
- contamination.

The Panel notes the Tasmanian Planning Policies are not yet in effect and therefore not relevant to these criteria.

In determining the assessment criteria, the Panel has considered the above matters and is satisfied that the assessment criteria meet subsections 60ZM(4)(a), (5), (6), and (7) of the LUPA Act.

Participating regulator matters

Assessment requirement notices were received in relation to the *Aboriginal Heritage Act 1975*, the *Environmental Management and Pollution Control Act 1994*, the *Nature Conservation Act 2002*, and the *Threatened Species Protection Act 1995*.

No alteration notices were received.

The Panel considers that the assessment criteria include the matters that the participating regulators required to be addressed in their assessment requirements notices, noting the Panel has structured and arranged the assessment criteria differently to the assessment requirement notices.

Guidance and advice provided by participating regulators has been incorporated at a high level into factors the Panel may have regard to, and are also set out in full, in Appendix C to the Assessment Criteria.

MNES GUIDELINES

On 14 March 2025 a delegate of the Commonwealth Minister for the Environment decided that the Cellars Hill Wind Farm was a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) ([EPBC 2025/10112¹](https://epbcpublicportal.environment.gov.au/all-referrals/project-referral-summary/project-decision/?id=357bcbb1-8ae9-ef11-9341-000d3ad121cc)).

The controlling provisions of the controlled action decision are:

- listed threatened species and ecological communities and
- listed migratory species.

The Commonwealth has decided that assessment of the major project under the EPBC Act will be undertaken by the Panel as an accredited assessment under the LUPA Act.

Draft MNES guidelines

Chapter 4, Division 6 of the EPBC Act requires the provision of guidelines for the preparation of an environmental impact statement (EIS), where an action is being assessed by an environment impact statement under the EPBC Act.

Guidelines set out the requirements for the content and presentation of an EIS, so that an EIS will contain enough information to allow an informed decision, whether or not to approve the taking of the action, and to address matters specified in relevant regulations.

The Panel, in consultation with the Department of Climate Change, Energy the Environment and Water (DCCEEW), prepared draft guidelines for assessment of matters of national environmental significance - Part B (MNES guidelines) to accompany the assessment criteria and address the requirements of the EPBC Act.

¹ <https://epbcpublicportal.environment.gov.au/all-referrals/project-referral-summary/project-decision/?id=357bcbb1-8ae9-ef11-9341-000d3ad121cc>

Representations

The draft MNES guidelines were advertised for 14 days up to 30 July 2025.

In determining the MNES guidelines, the Panel considered the representations received in relation to both the assessment criteria and MNES guidelines, and consulted with DCCEEW.

The Panel considered that the matters raised in the representations were already addressed within the scope of the MNES guidelines as written.

Attachments

Annexure A - Assessment Criteria and MNES Guidelines