



29/01/2024

Matthew Riley

Director – Energy and Resources Policy

Department of Planning, Housing and Infrastructure

Via email: Matthew.Riley@planning.nsw.gov.au

Dear Mr Riley,

**AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS (AILA)
SUBMISSION TO DRAFT GUIDELINES 2023**

PREFACE

Thank you for the opportunity to provide a submission on the Draft Energy Policy Framework (November 2023) including the Technical Supplements for Landscape and Visual Impact Assessment (LVIA) associated with the Draft Wind Energy Guideline (the Wind Guidelines), Draft Transmission Guideline (the Transmission Guideline). We also understand that you intend to update the LVIA methodology for the Solar Energy Guideline generally in accordance with the proposed approach detailed in these draft documents.

The Australian Institute of Landscape Architects (AILA) is the peak national body for the Landscape Architecture. AILA champions quality design for public open spaces, stronger communities, and greater environmental stewardship. We provide our members with training, recognition, and a community of practice, to share knowledge, ideas and action. With our members, we anticipate and develop a leading position on issues of concern in landscape architecture. Alongside government and allied professions, we work to improve the design and planning of the natural and built environment.

In operation since 1966, AILA represents over 3,500 landscape architects and promotes excellence in planning, design and management for life outdoors. Committed to designing and creating better spaces in Australia, landscape architects have the skills and expertise to improve the nation's liveability through a unique approach to planning issues via innovative integrated solutions. In doing so, landscape architects contribute towards better environmental, social and economic outcomes for all Australians.



BACKGROUND

This review has been undertaken by a working group of AILA registered Landscape Architects with extensive experience in the preparation of Landscape and Visual Impact Assessment (LVIA), particularly in the context of large-scale energy infrastructure works throughout Australia, including New South Wales. The AILA working group has comprehensive knowledge and understanding of current global best practice for undertaking LVIA and of the technologies available and applied.

AILA's working group is very conscious of the importance of developing a workable guideline for assessing landscape character and visual assessment of renewable energy projects. If NSW is to contribute equitably to achieving Australia's renewable energy targets, this needs to provide a balanced and objective framework to direct renewable energy projects to those locations where landscape and visual impacts are the most manageable without unduly constraining all renewable energy developments across the state. To this end we have provided some broad recommendations to assist with the department in refining this approach with the aim of developing a methodology that meets the objectives of greater consistency and clarity around impacts. We also offer our ongoing advice and support in refining the guidelines.

We would like to acknowledge some of the changes that have been made to the guidelines and support the Introduction of Landscape Character Assessment and the revising of the study area for wind farms as suggested in the previous draft.

However, on review of the draft information provided, the AILA working group continue to have some concerns about the resolution of these guidelines. We believe these guidelines are not yet clear enough to achieve a consistent and fair assessment process. The working group has identified ten key comments and recommendations, from an assessment practitioners perspective, to assist with the refinement of these guidelines.

RECOMMENDATIONS

1. Clarify definition and approach to the assessment of Landscape Character

It is AILA's position that understanding and defining the unique landscape character of a proposed site and its surrounds is a critical step in the assessment process.

The guidance for the assessment of Landscape Character contained in the guidelines is unclear. The guideline includes a list of considerations that does not differentiate between the physical aspect of the landscape (the intrinsic landscape character) and social/community perception, which should be defined as landscape values.

AILA recommends that the definitions of Landscape Character and Landscape Values be revised to become consistent with international guidelines and best practice. We recommend the assessment be required to address landscape character, and not those landscape values that rely on community perception.



Definition of Landscape Character

Landscape character is the distinct and recognizable pattern of elements that occurs consistently in a particular type of landscape. It reflects the unique combination of both natural and human factors that make one landscape different from another. This includes the physical elements like geology, soil, climate, flora and fauna, and the way these elements interact with each other. It also encompasses human influences such as historical, cultural, and economic activities that have shaped the land. Landscape character is an objective assessment of the physical and visual attributes of a landscape.

Definition of Landscape Values

Landscape values are the perceived, subjective qualities attributed to a landscape by individuals or communities. These values reflect the personal, cultural, social, and spiritual significance that a landscape holds for people. Landscape values are inherently subjective and can vary greatly among different observers or groups. Landscape values can include a wide range of perspectives, such as aesthetic appreciation, cultural heritage significance, recreational enjoyment, spiritual connection, or ecological importance.

2. Exclude separate community consultation tasks from LCVIA

AILA recommends that a topic specific community consultation task, including engagement with the indigenous community, be excluded from the visual assessment guidelines. LVIA practitioners are not usually specifically trained in community consultation and also do not always have broader knowledge of the project requested by community members. Instead, surrounding land holders, the broader community, and indigenous community, should be engaged on landscape and visual issues as a part of the community engagement process and the cultural heritage assessment/indigenous engagement process, which are supported by specific guidelines. This allows suitably qualified practitioners to undertake this work within relevant policy frameworks, and positive relationships to be developed with the community and traditional owners, rather than within the context of an impact assessment.

3. Reduce the emphasis on private domain views

The working group also continue to have concerns about the general direction of the guidelines which prioritises the protection of private views over the broader community interest. This focus on private views is not consistent with LVIA guidelines developed for other jurisdictions or other infrastructure types.

The Guidelines should explain that it is unreasonable for a resident to expect that their view will not change, particularly in Renewable Energy Zones (REZ), where the planning framework supports the change of land use that will inevitably result in changes to views and landscape character.

AILA recommends that the purpose of the assessment methodology is not to rule out all visibility or views of change, but to ensure that the design of renewable energy projects endeavours to deliver outcomes that best manage landscape and visual impacts within the context of the broader public interest.

AILA also suggests that a clear differentiation be made between private and public view impacts. Ideally the guidance should place equal or greater weighting on key public views (such as scenic lookouts and recreation



areas) since they are accessible to higher numbers of people including, for example, both tourists and locals who have specifically come to enjoy the view.

4. Reduce reliance on the grid overlay tool

The draft suite of guidelines expands the use of the grid overlay tool for the assessment of views from receptors. AILA appreciates the desire for a quantifiable component to the methodology for determining which residences and views may be impacted by identifying those that would experience a particular range of visibility. However, the proposed method should not solely be relied on to determine impact as there are other important factors that require consideration when determining visual impact.

The visual magnitude and sector tools are a way of consistently identifying visibility for private residences but not in assessing impacts on the broader landscape character and views from the public domain. It is recommended that these tools are applied to private dwelling views only and a separate and more generally accepted methodology of LVIA is applied when assessing the impact of the proposal on views from the public domain.

5. Revise viewpoint sensitivity levels

There are inconsistencies between the sensitivity levels of receptors between the Large-Scale Solar guideline, and new Draft Wind Energy and Draft Transmission guidelines. AILA recommends that for legitimacy, the viewer sensitivity levels should be consistent across all project typologies.

AILA also recommends that the sensitivity ratings include high sensitivity options for public domain views, and that the assumption that townships are less sensitive than rural dwellings be reconsidered.

6. Include detailed design and mitigation principles

The guideline would ideally include a suite of potential design principles/mitigation considerations that seek to improve visual outcomes through siting and design considerations. This would support landscape and visual assessment experts in advocating for design and layout improvements and give greater guidance for proponents.

This approach would also assist in managing cumulative visual impact when looking at broad impacts on REZs i.e. by considering new projects in the context of the design and layout of existing developments.

7. Tailor guidance on mitigation measures to infrastructure type

AILA recommends that the mitigation principles be tailored to the project type to acknowledge that the most suitable mitigation approaches differ for the different project types. Specifically, off-site landscape treatments are more often used for wind and transmission projects and are best managed following project approval.



Furthermore, for private property view impacts, mitigation measures should be connected to impact ratings to allow certainty. AILA does not support the conditioning of projects to mitigate all visibility regardless of impact level on private property.

8. Provide further clarity on the assessment of cumulative impacts

Greater clarity around the methodology for cumulative impact needs to be provided. In REZs, consideration should be given to the implicit expectation that the character of these areas will change. These are issues of consultation and engagement that should not be part of individual LVIAs but should form part of the broader consultation and engagement undertaken by the project proponent.

9. Inconsistencies between magnitude calculations for different project types be reconsidered

AILA is concerned about the discrepancy in the 'quantitative' assessment methodology between different project typologies, being weighted against wind farm infrastructure. Verification of community preferences around the visibility of different infrastructure types, via a community survey or public preference study, should be undertaken to support the weighting of magnitude of change between different renewable energy development types.

It is the opinion of the working group that the current proposed application of the grid tool with a focus on vertical magnitude, will disproportionately penalise wind turbines, which are vertical in nature, substantially larger in scale, and has been afforded the lowest number of grid squares of all infrastructure types, in the proposed methodology.

It is understood from previous discussions with DPHI that the discrepancy in the magnitude rating between wind farms and transmission lines (both vertical infrastructure elements) relates to transmission lines being considered by DPHI as more common and therefore accepted by the community. AILA does not support this rationale of community sentiment towards a particular project type without independent verification via an appropriately structured study of community preference. Until such verification is provided, AILA recommends the weighting of magnitude levels between wind and transmission projects is consistent.

10. Clarify requirement regarding access to private property

Further guidance is required to clarify, to both the public and impact assessors, what is considered reasonable in relation to access to private property. This should include reasonable timeframes, and consideration of alternative options when it is the preference of private property owners not to allow access for detailed assessment. The safety of our members is also of utmost importance, and we support our members seeking alternative methods for assessing private views where there is a real or perceived safety concern.



CONCLUSION

AILA appreciates the opportunity to engage with DPHI on the preparation of the draft guidelines and the working group continue to be available to your team and are more than happy to contribute and provide comment in the future as the guidelines are finalised.

As part of the AILA review process a table of comments was prepared referring directly to the content of the guidelines. This is attached for your reference.

Sincerely yours,

David Moir

AILA NSW President