

### Chapter 3, Landscape Character and Visual Impacts.

Where an inexperienced wind farm landscape architect from an inexperienced wind farm consultant attempts to assess the visual impacts of the most poorly sited wind farm in NSW history.

Having failed to produce an acceptable initial LCVIA and now, having failed a second time, the proponent cannot be given a third chance.

#### Background.

In my three years of dealings with the Department of Planning, I have never known them to admit a mistake. Oh to be so infallible.

In response to a community member at the December 7, 2016 meeting who questioned the watering down of the revised Jupiter SEARs, Department representatives answered:

“The changed SEARs were reasonable and provide the information needed to make decisions”<sup>1</sup>

They were half right. With respect to the Visual Impact changes they were very reasonable to the developer but anything but reasonable to the community.

- When the changes removed the need to solicit community views on landscape, the developer didn't.
- When the Department removed the need to assess the Visual Impact of all project components on the landscape out to 10kms and beyond they rejoiced.
- When the changes removed the need to provide photomontages from all potentially affected residences they broke out the champagne.
- When the changes substituted “representative locations” of the developer's choosing in its place they high-fived.
- When the changes removed the need to assess the reliability of mitigation measures, they scratched their heads but obliged.
- When the changes rewarded them for submitting a deficient EIS, they gladly paid the legal fees.

Developers rarely volunteer any information not specifically requested, so deficient SEARs have produced a deficient LCVIA.

Luckily, the following paragraph remains in the revised SEARs:

“The EIS must consider the minimum form and content requirements of the Draft *NSW Planning Guidelines: Wind Farms* (as updated), including procedures for consulting with the community and stakeholders, and meeting assessment requirements.”

ERM/Epyc are at pains to emphasise they want the EIS to be assessed under the 2011 Guidelines.

The 2011 guidelines retain some of what the Department has excised from the revised SEARs.

For instance:

“a description of community and stakeholder values of the local and regional visual amenity and quality and perceptions of the project based on surveys and consultation”

so the Department, should it be mindful, can recover some of the ground lost with the revised SEARs.

On the other hand the Department has said this about the New Guidelines:

“These guidelines don't strictly apply for Jupiter wind farm. However, the Department considers a number of sources of information in its decision making, including principles set out in the guidelines.”

---

<sup>1</sup> Page 2. Community Information Session – Wednesday 7 December 2016. Summary of issues raised. Major Projects Register

If any wind farm proposal with 273 non-associated residences within 5 kms is not knocked out up front by the new Guidelines, then those Guidelines have failed, and, if so, no wind farm will ever be rejected in NSW.

### The LCVIA

Very early on in the LCVIA introduction, Cloustons write:

“The nature of the public’s perception to wind farm developments is particularly subjective. Developments can be viewed as either positive or negative, depending on an individual’s opinion of renewable energy, wind turbines and how they view and value the existing landscape.”

This is strikingly similar to a sentence from the opening paragraph of an earlier article by Petra Stock on Visual Impact Assessment:

**“Visual impact is a highly subjective area, influenced by people’s opinion of renewable energy, wind turbines, and how they view and value the existing landscape.”**<sup>2</sup> (Ms Stock’s bolding)

The Jupiter LCVIA author, Matthew Knight, assuming he has read Ms Stock’s article, chose not to quote from further down:

“Landscape values:  
- a description of the existing landscape, identifying significant values associated with the landscape. **It’s important to get community input for this section.**” (Ms Stock’s bolding)

Mr Knight also ignored his major citation, the National Assessment Framework from which he quotes:

“Seek community input to potential impacts”<sup>3</sup>

**Question:** Why did Cloustons ignore the requirement to solicit the local community’s views on landscape and visual impacts?

Surely, the changes to the SEARs didn’t override the professionalism of the author and his employer.

Landscape architects for renewables projects not under pressure to minimize the value of the landscape can afford to be more realistic:

“Landscape is more than just ‘the view’ or shape of the land – it is about the relationship between people, place and nature. Perception of a landscape is a result of the way that different components of the natural and cultural environment interact and how the viewer perceives these components. It follows that visual impacts are dependent upon the values of the viewer. Public attitudes and perceived sensitivities to landscape changes can be difficult to quantify and are generally highly subjective.

People value landscapes for many different reasons. Landowners may view the landscape differently from people who use the landscape for recreational activities and this may differ again for those travelling through. People with an extensive connection to a particular landscape are more likely to have personal associations, memories and connotations that influence the value they place on the landscape or certain aspects of the landscape. Passing travellers may appreciate a

---

2

<http://www.embark.com.au/display/public/content/Visual+impact+assessment;jsessionid=29E8A3B0B8559CF43C95EDF245F60F63>

<sup>3</sup> Page 13. LCVIA part one. For such a key citation, amazingly, the National Assessment Framework is no longer easy to find on the internet

landscape but generally have a low sensitivity to the site as they have no stake in the view or little relationship with the landscape.”<sup>4</sup>

The first paragraph of the LCVIA section of the revised SEARs says in part:

“provide a comprehensive assessment of the visual impacts of all components of the project .... on ..... non-associated residences (including approved but not yet developed dwellings or subdivisions with residential rights)”

That could not be clearer.

Cloustone has chosen (incomprehensively) to limit their impact assessments to residences and approved DAs within 3km of a turbine, conflating that requirement with the 3km photomontage and mitigation obligations.

No assessments were done for residences outside this zone. eg. those on the escarpment along Hazeldell Road.

**Question:** Why not?

No assessments were done for the many non-associated landowners with residential rights.

**Question:** Why not?

The Department has said in relation to “residential rights”

“The Department looks at dwelling entitlements but we have legal limitations on how it is considered.”

**Question:** How can the Department look at dwelling entitlements when the EIS contains no such data?

Rather than debate the detail of the LCVIA, let me ask a few more questions, in no particular order of importance, of the LCVIA author.

**Question:** Please publish a link for your claim “that the perception of turbines by motorists is particularly subjective with some motorists viewing the WTGs as potentially interesting features within the landscape”?

**Question:** Why do you say that “views to multiple WTGs may be available from some dwellings on Tarago Road” when you know that views **will** be available.

**Question:** Are you aware of the difference between an area of rural residential character and a rural residential zone?

**Question:** Are you aware that nearly all the lifestyle properties with Extreme or High Visual Impacts are larger than 40 hectares?

**Question:** Can you nominate, with links, the peer reviewed literature that supports your view that only distances less than 2 kms from 173 metre turbines can be rated as HIGH in your matrix?

**Question:** Can you nominate, with links, the peer reviewed literature that supports your view that distances from 2 – 10 kms from 173 metre turbines can be rated as MODERATE?

**Question:** Why did you extend the upper limit for a MODERATE distance from 8kms (Biala LCVIA)? With Jupiter turbines being shorter, there is some logic for the moderate limit upper boundary to be reduced, but not extended.

---

<sup>4</sup> Environmental Property Services. LVIA, Riverina solar farm

**Question:** Isn't it about time you proposed an unbiased and unskewed Visual Impact matrix? Might I suggest you adopt the matrix measures from your key citation - Tenacity Consulting v Warringah Council (2004) where Roseth SC opines: "it is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating."

**Question:** In your summary from your key citation - Tenacity Consulting v Warringah Council (2004), why did you omit the first part of paragraph 29?

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

Please argue the case whereby the 31 turbines in the Goulburn Mulwaree LGA breach their GM LEP, as they are all in an E3 zone. Why should not "moderate impacts" be considered "unreasonable"?

**Question:** You have chosen 8 public viewpoints. None of them are rated as suffering HIGH Visual Impacts. All overall ratings include the words Moderate or Low. Is this due to:

- Biased selection of public viewpoints?
- Cloustons methodology does not allow for HIGH ratings?
- Inexperienced evaluators?
- The area has no public viewpoints highly impacted? That is hard to believe as there are some sections along the Goulburn/Braidwood Rd with striking views of the 108 metre tall wind measurement tower.

**Question:** Why would my sensitivity to the view go down when I turned from the Goulburn/Braidwood Rd onto Lower Boro Rd?

**Question:** Can you point out "a number of surrounding communication masts visible in the landscape" that are "similar in scale to" the proposed new wind monitoring masts? (not existing Jupiter monitoring masts, but communication masts)

**Question:** What other wind farm LVIA's include major and minor roads as Landscape Character Zones?

Why did you include them if it wasn't to lower the overall visual impact?

Why did you not include the M5, the Hume Highway and the East Hills rail line as landscape character zones in your Moorebank Intermodal LCVIA?

As you rely on RMS's dubious ability to assess wind farm landscape character and visual impacts, is there an RMS assessment that argues in support of major and minor roads as Landscape Character Zones?

**Question:** Do you believe that the photograph you used to illustrate landscape character zone 5 is representative of the residences in the Jupiter viewshed?

**Question:**

You correctly note, as identified by the NSW Land and Environment Court, the key to a robust assessment process is to explain clearly the criteria upon which an assessment is made. You have not done that for the Visual Impact rating you have assigned to the 140 residences between 1 and 3 kilometres. Can you please explain in detail the methodology used? If it is purely your considered opinion, can you please justify your skills and experience with respect to wind farm VI assessment? If the methodology was the same as that used for the representative viewpoints, why did you not say so? And if so, why were the individual assessments not published in the EIS as for previous wind farm VI assessments?

**Question:**

Having quoted from the Goulburn Mulwaree LEP

“to minimise visual impact, avoid locations where turbines are seen by many people. To this end towers are not to protrude beyond ridgelines within view of land visible from areas of existing and future closer settlement such as residential land, large lot residential land; the range of rural lifestyle blocks and the villages of Bungonia, Lake Bathurst, Tallong and Tarago.”

Why did you not address the issues?

**In Summary.**

We didn't put 140 residences within 3 km of a Jupiter wind turbine. Epyc put their turbines within 3 kms of 140 residences.

So, it is not our fault that assessing the Visual Impact on each and every one of them, and every other impacted residence outside this band, is a daunting task.

The Department, of course has bent over backwards to make this task easier by its actions.

By accepting this second EIS under the terms written in the rejection letter the Department is effectively saying:

- Your EIS will be adequate if you only assess the VI on residences within the 3k band.

Additionally, by watering down the SEARs the Department is effectively saying:

- We understand you can't produce a photomontage from each residence. Never mind, take them from representative locations; you choose where from and how many.
- We understand that it's hard to analyse 140 residences. Have a guess from the road or do it from your desk. Don't try too hard to get permission to assess the impacts from the residence and its curtilage – in fact ignore it if too inconvenient.
- You don't need to tell us what methodology you used to arrive at visual impacts on 140 individual non-associated properties; just give us a table with pretty colours, where Moderate stands out.
- Don't worry about being too accurate, noone will check up.

**WRONG**

Evaluating the Visual Impact on a residence solely from the desk can lead to gross errors.  
Take residence J241 for example. (See Chapter 14)

This wind farm and its developer cannot be offered a third chance on the issue of Visual Impact, particularly given

- their total reliance on the flawed concept of vegetation mitigation.
- their incredulous conclusion that no residence will suffer high visual impact.