From:	Planning Portal - Department of Planning and Environment
To:	DPE PS ePlanning Exhibitions Mailbox
Cc:	DPE Energy and Resources Policy Mailbox
Subject:	Webform submission from: Draft energy policy framework
Date:	Tuesday, 12 December 2023 12:48:49 PM
Attachments:	dea-wind-energy-nsw-guideline-submission-dec-2023---final-approved.pdf

Submitted on Tue, 12/12/2023 - 12:43

Submitted by: Anonymous

Submitted values are:

Submission Type
I am submitting on behalf of my organisation

Name

First name
Doctors for the Environment

Last name
Australia

I would like my name and personal contact details to remain confidential
No

Info

Email
[redacted]

Suburb/Town & Postcode
3053

Please provide your view on the project
I object to it

Submission file
dea-wind-energy-nsw-guideline-submission-dec-2023---final-approved.pdf (96.26 KB)

Submission
Summary - attached file contains full submission.

We are concerned that the current proposed objectives lack a sense of urgency, and may result in renewable energy investors taking their projects to states with quicker planning approval processes. We propose the following five objectives:
1. Support the development of 9 GW of new wind energy in NSW by 2030, by providing a clear, consistent and responsive framework.
2. Attract renewable energy investment to NSW by providing a rapid and predictable planning approval process, with approval times of less than 6 months.

3. Encourage industry to select suitable sites for projects and locations for turbines to avoid or reduce the likelihood of land use conflicts and environmental and social impacts.
4. Provide clear and consistent guidance on how to measure and assess key environmental impacts of wind energy projects in NSW.
5. Promote meaningful, respectful, effective and best practice community and stakeholder engagement that is not delayed by spurious claims based on misinformation.

I agree to the above statement
Yes

From:	Department of Planning Housing and Infrastructure
To:	DPE PS ePlanning Exhibitions Mailbox
Cc:	DPE Energy and Resources Policy Mailbox
Subject:	Webform submission from: Draft energy policy framework
Date:	Thursday, 25 January 2024 4:31:17 PM
Attachments:	240124_sub_nswdraftenergypolicyframework.pdf

Submitted on Thu, 25/01/2024 - 16:30

Submitted by: Anonymous

Submitted values are:

Submission Type
I am submitting on behalf of my organisation

Name

First name
Jacquelyn

Last name
Johnson

I would like my name and personal contact details to remain confidential
No

Info

Email
[redacted]

Suburb/Town & Postcode
Surry Hills 2010

Please provide your view on the project
I am just providing comments

Submission file
240124_sub_nswdraftenergypolicyframework.pdf (227.97 KB)

Submission
See document attached

I agree to the above statement
Yes

Nature Conservation Council
The voice for nature in NSW

24 January 2024

NSW Department of Planning
Via online submission form

To whom it may concern,

Submission to the Draft Energy Policy Framework

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 190 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC welcomes the opportunity to contribute to the new energy policy framework.

The imperative for a rapid renewable energy transition is stronger than ever.

We are in a climate emergency. Communities, threatened species and ecosystems are suffering disastrous drought and unprecedented bushfires and floods. Since 1910, when national weather records began, average temperatures have risen 1.4°C. 2023 was the hottest year ever recorded by a substantial and concerning margin. More than ever, the immense costs of failing to limit global warming are clear, present, and worsening.

To achieve the agreed Paris goal and limit warming to 1.5 degrees, all credible scenarios suggest that advanced economies including Australia must phase out unabated coal-fired power by 2030.[1]

This means that decision-makers concerned with achieving a safe-climate future should be seeking opportunities to accelerate the deployment of wind and solar power beyond scenarios like the 2022 Integrated System Plan's Step Change scenario, or the NSW government's Network Infrastructure Strategy. This requires a rapid deployment of transmission this decade.

NSW's energy ambition must be delivered in partnership and in collaboration with Traditional Owner and First Nations groups, landholders, neighbours, as well as broader stakeholders in communities who are to host renewable energy assets.

With planning approvals in NSW the slowest in the nation, the updated guidelines must be complimented by streamlined assessments that deliver best practice outcomes for nature and communities.

Essential to best practice guidelines and streamlined assessments are social licence and community buy-in. Genuine engagement with communities must be communicated through the guidelines and executed over the coming years to achieve the scale and pace required of the renewable energy transformation.

Post | PO Box K134, Haymarket NSW 1240 P | 02 9516 1488 E | ncc@nature.org.au W | www.nature.org.au ABN | 96 716 360 601

Nature Conservation Council
The voice for nature in NSW

NCC supports and reiterates the recommendations in the submission to this consultation provided by the Renewable Energy Alliance (RE-Alliance).

All efforts must be taken to protect intact habitat while we accelerate the uptake of clean renewable energy and storage and develop transmission infrastructure to connect these new assets to the grid. Strict environmental impact assessments must apply.

In most cases, action on climate change supports biodiversity goals. However, as the renewable energy transition gathers pace, we must coherently manage conflicting objectives. A sensitive, consultative and strategic approach must be taken to ensure energy projects are developed in areas of the lowest biodiversity values, along with a hierarchy for decision-making focussing on avoidance of high value sites on public and private land.

Research suggests that with appropriate policy and regulatory controls, we can continue to pursue the crucial climate intervention of transitioning our energy systems and protect areas that are rich in biodiversity.[2] Standards and guidance have been developed to support projects to minimise nature impacts, including mitigating impacts on biodiversity such as migratory birds, and maximising renewable potential.[3]

Thank you for the opportunity to participate in this consultation.

Your key contact point for further questions and correspondence is Jacquelyn Johnson, Executive Officer, available via jjohnson@nature.org.au and (02) 9516 1488. We welcome further conversation on this matter.

Yours sincerely,

Jacqui Mumford
Chief Executive Officer
Nature Conservation Council of NSW

[1] International Energy Agency, Net Zero Roadmap, 2021
[2] Dunnet, S. 2022, Does renewable energy threaten efforts to conserve biodiversity on land?, Carbon Brief, available online at https://www.carbonbrief.org/guest-post-does-renewable-energy-threaten-efforts-to-conserve-biodiversity-on-land/

Nature Conservation Council
The voice for nature in NSW

[3] Bennun, L.; van Bochove, J;.Ng, C.; Fletcher, C.; Wilson, D; Phair, N. & Carbone, G. Mitigating biodiversity impacts associated with solar and wind energy development, IUCN, available online at https://portals.iucn.org/library/node/49283

From:	Department of Planning Housing and Infrastructure
To:	DPE PS ePlanning Exhibitions Mailbox
Cc:	DPE Energy and Resources Policy Mailbox
Subject:	Webform submission from: Draft energy policy framework
Date:	Monday, 29 January 2024 1:04:15 PM
Attachments:	240129-energy.pdf

Submitted on Mon, 29/01/2024 - 13:00

Submitted by: Anonymous

Submitted values are:

Submission Type
I am submitting on behalf of my organisation

Name

First name
Jan

Last name
Davis

I would like my name and personal contact details to remain confidential
No

Info

Email
[redacted]

Suburb/Town & Postcode
East Maitland

Please provide your view on the project
I object to it

Submission file
240129-energy.pdf (304.06 KB)

Submission
Please acknowledge receipt of our submission..
Regards Jan Davis
President Hunter Environment Lobby Inc

I agree to the above statement
Yes

Hunter Environment Lobby Inc.

202 High St
East Maitland NSW 2323
29th January 2024

Submission - Draft NSW Energy Policy Framework

Hunter Environment Lobby (HEL) is a regional community-based environmental organization that has been active for well over thirty years on the issues of environmental degradation, species and habitat loss, the importance of biodiversity and the challenges of climate change.

HEL believes that the Department needs to reflect its purpose more, that is be more mindful of carbon emissions and mitigation measures. These should be the key consideration in the design and assessment of project proposals.

We also believe that the key purpose of renewable electricity generation projects is to contribute to reducing carbon emissions to the atmosphere. Nowhere does is this objective referred to in the guidelines or framework. Emissions and mitigation measures must be a key consideration in the siting, design and assessment of proposals.

Environmental Planning and Land Management Consultants Guidelines should include standard requirements for identifying carbon emissions which are associated with construction and operation of generation and transmission infrastructure.

The Framework documents seems not to give adequate consideration to land use and biodiversity impacts and risks. This is a major omission, as these matters are critical for achievement of ecologically sustainable development (ESD), an objective of the Environmental Planning and Assessment Act 1979.

Aboriginal cultural sensitivity to landscape does not seem to be recognised in the siting of electricity generation and transmission projects. Aboriginal cultural sensitivity to landscape, and especially features such as hills and ridgelines must be recognised in the siting of these electricity generation and transmission projects. We would like to see that issue rectified.

Visual impact assessment should include indirect impacts which may arise from clearing of native vegetation and construction of access roads and other infrastructure. It seems that the visual impact assessment guidelines focus only on the visibility of infrastructure and do not see the indirect impacts that may happen when clearing of native vegetation and construction of access roads takes place.

This is a significant issue which should be more adequately taken care of. Especially as native vegetation makes the most important contribution to the amenity of landscapes.

The Draft Transmission Guideline must be altered to mandatorily identify carbon emissions over the full life cycle of the project, which would include the planning stage, as well as the construction, operation and decommissioning stagese.

HEL believes that the Draft Transmission Guideline statements on benefit sharing should be reviewed having regard to our comments above. The guideline must be amended to require any benefit sharing program or agreement to demonstrate that it contributes to the mitigation of carbon emissions to the atmosphere in both the short and long term, and achieves the objective of the overall program to achieve a zero carbon emission objective. This is an important objective we believe in light of where we stand presently in Australia's Carbon Budget.

In conclusion HEL maintains that the Draft Solar and Wind Energy Guideline should include criteria to meet objectives that will achieve zero carbon emissions; provide no net loss of biodiversity values; and maximise public benefits.

The draft solar and wind energy guidelines need much more detail we believe on the consideration of biodiversity, importantly on 'no net loss of biodiversity.' HEL thanks the Department for the opportunity to comment on the Policy Framework.

Yours in trust,

Jan Davis
President Hunter Environment Lobby Inc.

From:	Department of Planning Housing and Infrastructure
To:	DPE PS ePlanning Exhibitions Mailbox
Cc:	DPE Energy and Resources Policy Mailbox
Subject:	Webform submission from: Draft energy policy framework
Date:	Monday, 29 January 2024 5:12:59 PM
Attachments:	240129-draft-energy-policy-framework---birdlife-australia-submission.pdf

Submitted on Mon, 29/01/2024 - 17:10

Submitted by: Anonymous

Submitted values are:

Submission Type
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Name

First name
Andrew

Last name
Witheford

I would like my name and personal contact details to remain confidential
No

Info

Email
[redacted]

Suburb/Town & Postcode
CARLTON 3053

Please provide your view on the project
I am just providing comments

Submission file
240129-draft-energy-policy-framework---birdlife-australia-submission.pdf (126.33 KB)

Submission
Please find attached BirdLife Australia's comments on the Draft Energy Policy Framework.

Don't hesitate to get in touch if you need any more detail.

Kind regards,

Andrew Witheford
Government Relations Manager

I agree to the above statement
Yes

NSW Draft Energy Policy Framework:
BirdLife Australia Comments

29 January 2023

Thank you for the opportunity to comment on the New South Wales *Draft Energy Policy Framework*. Guidelines for the development of renewable energy and associated transmission infrastructure in appropriate locations would minimize impacts to birds and other wildlife. We have limited our review and comments to the draft wind energy and transmission guidelines.

Wind, solar and associated transmission lines are needed to combat the climate crisis, and we strongly support a rapid, environmentally-responsible transition to renewable energy. However, it is well-documented that poorly-sited wind turbines and transmission lines can have a substantial negative impact on birds and other wildlife (see introduction to Sections II and III, respectively, for further discussion). Measures can and must be taken to minimize impacts to birds and other wildlife.

As acknowledged in Section 4.1 of the *Draft Wind Energy Guideline*, appropriate siting of wind energy facilities and turbines (and, we add, transmission infrastructure) serves to minimize environmental impacts. This is an understatement for birds and other wildlife – siting is by far the most important aspect of minimizing impacts.

Unfortunately, there are few proven effective measures for mitigating displacement or collision risks once facilities are constructed. As such, it is imperative that regulatory mechanisms and best practices focus first and foremost on environmentally-responsible project siting. It is with that overarching concept in mind that we provide the following comments.

II. DRAFT WIND ENERGY GUIDELINE

Wind energy facilities can have harmful effects on birds through displacement (i.e., habitat modification / loss) and fatal collisions with turbines. Wind facilities require relatively large areas for development, and while the footprint of any given turbine is relatively small, impacts (e.g., roads, turbine pads, etc.) occur over a much larger space. This can cause a site to become unsuitable for some species, i.e., result in displacement (e.g., Shaffer and Buhl 2015). This is particularly problematic for rare and/or large-area-dependent species.

Collisions with turbines are more of an issue at some sites and individual turbines present a greater risk for some species than others (e.g., raptors, cranes). Collision fatalities can potentially result in population-level declines (Diffendorfer et al. 2021), reinforcing the importance of carefully-considered facility and turbine siting.

Section 2 – Planning Framework

- In Section 2.3.1, third paragraph, add "Key Biodiversity Areas[1]" (KBAs) and "areas identified in the NSW Biodiversity Values Map" to the list of nearby features to identify in the scoping report. KBAs are sites of global importance for biodiversity, identified using internationally agreed criteria that provide a scientifically defensible and rigorous global standard. As such, KBAs are important to consider early in the planning process for a wind energy facility.
- In Section 2.3.1, third paragraph, add ", including any new transmission lines" before parenthesis.
- In Section 2.3.1, increase the public review period to 45 business days, given the large and increasing number of projects seeking approval and the time required to conduct a thorough review and analysis of documentation and potential impacts.
- Section 2.6 – BirdLife has concerns about the potential for conflict between environmental values and projects that are designated Critical State Significant Infrastructure. The nature of energy projects makes it more likely that projects will receive this designation, and will create pressure for projects to proceed. This conflict should be considered in relation to the criteria set for energy production, transmission and storage facilities to be designated Critical State Significant Infrastructure.

Section 3 – Community and Stakeholder Engagement

- In Section 3, we appreciate the acknowledgement that "the community should be engaged as early as possible to identify potential opportunities and constraints associated with the proposed development," including "the positioning and siting of the project including any setbacks." This (i.e., project siting) is the most critical element of project planning for minimizing impacts to birds and other wildlife. Indeed, the *Undertaking Engagement Guidelines for State Significant Projects* indicates that "early input, even at the site selection or scoping phase of a project, allows potential issues to be identified, avoided or managed without significant cost or delay." (Section 3.2, first paragraph) Early identification of issues or conflicts is crucial— A project plan that a proponent has invested in heavily before conflicts are identified is much less likely to be changed. A requirement should be added for public consultation prior to submitting a scoping report. That is the earliest point in the project application process, and thus the best opportunity to identify points of likely conflict.
- In Section 3, we are concerned about a general lack of specificity for what engagement is required and how it should occur. Required steps and specifics for their implementation are needed if stakeholder engagement is to be reliably effective. In addition to the recommendations in preceding points, this should include, at a minimum: (1) indication that engagement must occur during project

[1] https://www.keybiodiversityareas.org/

option identification, (2) requirements for informing stakeholders about development plans early in project scoping, (3) specifics about what information should be provided to the public, and how, and when, to inform communities and stakeholders about project plans.

- In Section 3, second bullet point list, add a bullet point specifying "identification of areas of importance for biodiversity."
- In Section 3, final bullet point list, increase the public comment period to 45 days.

Section 4 – Site Selection and Project Design

- In Section 4.2, we greatly appreciate that a mapping exercise was completed to identify suitable areas for wind energy development, and that the NSW Biodiversity Values Map was included as a component. Not only is this likely to improve protection of birds and other wildlife as sites are evaluated for development potential, it is likely to reduce conflict and undesirable outcomes during project planning and public consultation.
- In Section 4.2, second bullet list (top of pg. 22), add "proximity to Key Biodiversity Areas and areas identified in the NSW Biodiversity Values Map" to the list of elements that must be considered.
- Section 4.2, subsection "Constraints mapping," add a bullet point to include "areas of high biodiversity value identified in the NSW Biodiversity Values Map and BirdLife Australia Key Biodiversity Areas map."

Section 5 – Assessment Issues and Requirements

- Section 5.4, introductory text should be added to indicate that the sequential mitigation hierarchy should be applied during project planning with regard to impacts to birds and bats by first avoiding, then minimizing, then compensating for impacts.
- In Section 5.4.1, We find it unhelpful to compare bird deaths at wind facilities with other sources of bird mortality. Such comparisons serve to trivialize the real and growing impact that wind facilities have on birds and other wildlife. We would prefer to see this text (Section 5.4.1, fourth paragraph) removed.
- In Section 5.4.2, add "aggregations of birds" to the list of elements to identify in the first bullet point. Revise "known habitats" to indicate "known habitat areas and features."
- In Sections 5.4.2 and 5.4.3, a 100 m buffer is identified from National Parks, state conservation areas and nature reserves. This is substantially inadequate to reduce impacts to birds given that collisions are a risk and many species will range outside the boundaries of parks and other areas of biodiversity value as part of daily activities. The setback distance should correspond with science focused on daily movements of resident birds and takeoff / landing trajectories during seasonal migratory flights. We suggest that this distance should be no less than 2-3 km.

- The setback discussed in the preceding point (above) should be measured "from nearest blade tip extension to conservation area boundary." This will help to (1), avoid confusion about whether distances are measured from the top, bottom, or side of the rotor-swept zone, (2) account for the fact that not all conservation areas are forested and have a canopy, and (3) avoid the implication that conservation areas are somehow less important if they do not have a canopy.
- In Section 5.4.3, the first bullet point list and subsection "Adaptive management plan" discuss post-construction bird mortality monitoring at wind facilities. We appreciate that the latter indicates that such monitoring is "regular and robust." Whereas we appreciate the review of bird mortality monitoring data in Section 5.4.1, we generally find that such data are relatively scarce, and unlikely to provide an accurate understanding of this phenomenon. In addition to requiring that post-construction mortality monitoring is robust, we strongly recommend that the state require that data be submitted to a central repository, from which analyses can be conducted to better understand, and ultimately adaptively manage, bird mortalities at wind facilities in Australia. These data and analyses should be publicly available.
- In Section 5.4.3, subsection "Impact avoidance and minimization," second bullet point list, third bullet point, it is important to recognize that the best available science indicates that turbine shut-downs are not universally effective for birds (though quite effective for bats). To the contrary, a study in California, USA found that curtailment was not effective for the majority of bird species detected. More study is needed, but it is important to acknowledge that turbine shut-downs are proven effective for specific eagle species (e.g., McClure et al. 2021) and is used for other raptors and large-bodied soaring birds, but there is not data to suggest that this method is effective for other bird species. Thus, turbine shut-downs should not be considered an effective mitigation measure for birds until rigorous science finds otherwise. If utilized for species other than large-bodied soaring birds, shutdowns should occur as part of a rigorous experimental framework to assess efficacy on a species-specific basis. Similar acknowledgement should be added to Section 5.4.1, final sentence by removing "such as turbine curtailment, or adding "for species that this tool is proven effective through rigorous science." If this technique is applied in Australia, it should occur as part of a rigorous experimental framework.
- In Section 5.4.3, subsection "Impact avoidance and minimization," second bullet point list, we caution that other commentors may recommend that painting one blade of wind turbines black be included as an effective mitigation measure, when in fact this tool has yet to be validated for broad use. The studies that have been conducted for this technique have been very small-scale, with small datasets, and conducted in Norway. We are optimistic that this will prove effective elsewhere, but larger-scale studies in different geographies are needed before this can be used as an accepted measure to reduce impacts.
- In Section 5.4.3, subsection "Impact avoidance and minimization," it should be specified that the EIS should demonstrate how the mitigation hierarchy was followed

sequentially regarding impacts to birds and bats (i.e., why impacts could not be avoided, and if so, why they could not be minimized, etc.).

- Section 5.4.3 indicates that offsets or other measures "can" be considered, but are not mandatory to compensate for impacts to threatened and protected animals. Our hope is that revisions to the Draft Wind Energy Guideline can make this an unnecessary point by ensuring that facilities are appropriately sited. However, assuming that this will not always be the case, we feel strongly that any impacts to threatened and protected animals must be fully offset through effective conservation actions (not payments or indirect offsets) — delivering enduring net conservation gains for the particular species and ecosystems in question.
-
- In Section 5.4.3, subsection "Impact avoidance and minimization," second bullet point list, fifth bullet point, add "for species that this tool is proven effective through rigorous science" between "smart curtailment approach" and "that uses sensor technology…" Smart curtailment is proven effective for specific eagle species (e.g., McClure et al. 2021) and is used for other raptors and large-bodied soaring birds and should be applied accordingly. However, this tool is not proven effective for the vast majority of bird species.

Appendix A – Aviation and Lighting Impact Assessment

- In Appendix A, final bullet point list, the third bullet point indicates that fixed lighting "should not flash." This is detrimental to birds - artificial light serves as an attractant to the large numbers of birds that undertake migratory flights at night, which can result in fatal collisions with infrastructure (e.g., Gehring et al. 2009, Longcore et al. 2012). This risk is substantially lessened if flashing lights are used. The recommendation for non-flashing lights in this document should incorporate more nuance that allows use of flashing lights where and when such are safe for aviation. Of note, the U.S. Federal Aviation Administration made changes to its Obstruction Marking and Lighting requirements in 2015 to reduce impacts to birds (U.S. Federal Communications Commission 2019).

III. Draft Transmission Guideline

Like wind energy facilities, transmission lines and other elements of energy transmission infrastructure can have significant harmful effects on birds and other wildlife. In particular, birds can be killed by collisions with and electrocution by power lines (e.g., Loss et al. 2014). This is particularly problematic for some species and habitats, making appropriate project siting crucial. Best practices are available for reducing some aspects of potential impacts (Avian Power Line Interaction Committee 2012), though every effort should be expended to optimize siting.

Section 2 – NSW Planning Framework

- In Section 2.2, third paragraph, add "protected areas," "Key Biodiversity Areas" (KBAs) and "areas identified in the NSW Biodiversity Values Map" to the list of nearby features to identify in the scoping report. As acknowledged in Section 3.1, distances traversed by transmission lines are often substantial, which can increase the likelihood of conflict with areas significant to biodiversity. Thus, these areas must be identified early in planning to avoid impacts.

Section 3 – Route Selection

- In Section 3.1, we appreciate the indication that transmission lines should be co-located with existing infrastructure and/or use already-disturbed land.
- In Section 3.1, third paragraph, add "Key Biodiversity Areas and areas identified in the NSW Biodiversity Values Map" to the list of areas that should be considered for avoidance when selecting transmission line routes.
- In Section 3.1, Principle 2, the second paragraph indicates that "projects should be sited on public land as far as practicable…" We are baffled as to why this recommendation would be made, and ask that this paragraph be removed. Indeed, it would seem logical and it is our position that the opposite is more appropriate – energy generation infrastructure should be placed on freehold land to the extent possible, avoiding public land. This benefits landowners in addition to providing clean energy capacity, and there is less likelihood of conflict with conservation values. We appreciate the nuance that National Parks and reserves should be avoided, but public land is public land for a reason and should not be prioritized for development.
- In Section 3.2.1, second bullet point list, third bullet point, specify "Key Biodiversity Areas" and "areas identified in the NSW Biodiversity Values Map" as areas of high environmental value that should be considered.
- Section 3.2.1 indicates that targeted consultation is "encouraged" during identification of project options, but then warns against consulting too deeply. We find this contrary to best practices, where being better-informed about potential points of conflict as early in the process as possible is likely to result in better outcomes. Indeed, the *Undertaking Engagement Guidelines for State Significant Projects* indicates that "early input, even at the site selection or scoping phase of a project, allows potential issues to be identified, avoided or managed without significant cost or delay." (Section 3.2, first paragraph) A project plan that a proponent has invested in heavily before conflicts are identified is much less likely to be changed, so early issue identification is crucial. Section 3.2.1 should be revised accordingly to require early and substantial stakeholder engagement on options development, including a requirement for public consultation during identification of project options. This should include substituting "the most exhaustive desktop assessment possible" for "high-level desktop assessment" in the introductory paragraph on pg. 19.
- As discussed in the previous point (above), project planning is more likely to be successful and social conflict minimized if appropriate siting is identified as early as

possible in the planning process. Accordingly, key stakeholders that can inform adherence to Principle 2 should be consulted during identification of project options. Consultation with conservation bodies should be explicitly recommended in Section 3.2.1 instead of, or in addition to, its inclusion in the final bullet point in Section 3.2.2. Consultation with DCCEEW should be included in the same manner.

Section 4 – Community and Stakeholder Engagement

- In Section 4, we are concerned about a general lack of specificity for what engagement is required and how it should occur, apart from that required by federal laws. Required steps and specifics for their implementation are needed if stakeholder engagement is to be reliably effective. In addition to the recommendations in preceding points, this should include, at a minimum: (1) indication that engagement must occur during project option identification, (2) requirements for informing stakeholders about development plans early in project scoping, (3) specifics about what information should be provided to the public, and how, and when, to inform communities and stakeholders about project plans.
- In Section 4, second bullet point list, add a bullet point specifying "identification of areas of importance for biodiversity."
- In Section 4, increase the public review period to 45 business days given the often large scale and complexity of transmission line projects and associated efforts necessary to assess likely impacts and conflicts.

Section 5 – Key Assessment Issues and Considerations

- Section 5.4, introductory text should be added to indicate that the sequential mitigation hierarchy should be applied during project planning with regard to impacts to birds and bats by first avoiding, then minimizing, then compensating for impacts.
- Section 5.2 indicates that project proponents must demonstrate that they have applied the sequential mitigation hierarchy, but the guidance provided in this section does not correspondingly adhere to these principles. The first paragraph in this section and corresponding bullet point list focus on the amount of native vegetation cleared, rather than any particular value of this vegetation or areas of significance. A new introductory paragraph should be added placing major emphasis on avoiding areas of significance for biodiversity first and foremost, and how that can be accomplished (e.g., by specifying information to consult and features to avoid).
- With regard to guidelines to minimize clearing of native vegetation in Section 5.2, it's critically important to emphasize that it is not just the amount of vegetation potentially being cleared, but the size and contiguity of the block of habitat that is being traversed. Some bird and other wildlife species require large, intact blocks of habitat to persist, and even a single road through an area can be detrimental. Because of the fragmentation of the landscape due to anthropogenic land use, such species have declined in many areas, making protection of large habitat blocks a key

priority. The first bullet point in the existing list should indicate "avoid traversing large blocks of continuous habitat to the greatest extent possible."

- A critical missing element in these draft guidelines is consideration of the substantial impact to birds resulting from collisions with and electrocutions by transmission lines (see Section III introductory paragraph). In Section 5.2, other measures to avoid or minimize collision and electrocution risks posed by transmission lines should be provided, such as marking existing lines to increase visibility, noting that additional data and research will be required to ensure effective methods are used in individual cases. More information and recommendations are available from the Avian Power Line Interaction Committee (2012), a collaboration among U.S. utilities, conservation groups, and agencies "protecting avian resources while enhancing reliable energy delivery."
- In general, Section 5.2 should be reviewed, augmented, and substantially updated to better reflect impacts to wildlife that occur due to transmission line construction and operation, and how these might be addressed. Elements of Section 4 of the *Draft Wind Energy Guidelines* and associated recommendations in Section II above can be applied, among other things.

Section 6 – Other Issues

- The draft policy identifies undergrounding in Section 6.2, which can be a useful measure to minimize environmental impacts. Accordingly, "or in areas where bird collisions and/or electrocutions are a particular concern" should be added to settings where undergrounding should be considered in the first paragraph. In addition to the lack of aboveground infrastructure, Section 6.2 acknowledges that the width of clearing is narrower when lines are undergrounded. As such, the second paragraph should be revised to indicate that environmental impacts are among those that may be mitigated by undergrounding, and the blanket suggestion that mitigation is outweighed by environmental impacts should be removed.

On a separate but related note, we appreciate that State Significant Projects are shown in EnergyCo's Renewable Energy Zone GIS database. This is vital for transparency, and we hope that a feature will be added to notify stakeholders when new projects are added.

We reiterate our appreciation for the opportunity to provide these comments. We offer our expertise as a resource moving forward, and would welcome the opportunity to discuss our recommendations with you.

IV. REFERENCES

Avian Power Line Interaction Committee. 2012. Reducing avian collisions with power lines: The state of the art in 2012. October 2012 report.

Diffendorfer, J.E. et al. 2021. Demographic and potential biological removal models identify raptor species sensitive to current and future wind energy. Ecosphere 12: e03531.

Gehring, J., P. Kerlinger, and A.M. Manville II. 2009. Communication towers, lights, and birds: Successful methods of reducing the frequency of avian collisions. Ecological Applications 19: 50-514.

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McClure, C.J.W. et al. 2021. Eagle fatalities are reduced by automated curtailment of wind turbines. Journal of Applied Ecology 58: 446-452.

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Smallwood, K.S. and D.A. Bell 2020. Effects of wind turbine curtailment on bird and bat fatalities. Journal of Wildlife Management 84: 685-696.

U.S. Federal Communications Commission. 2019. Tower owners: Save birds! Save money! Available at: https://www.fcc.gov/guides/towers-and-birds. Site last updated 2 August 2021. Accessed 23 January 2024.

NATIONAL PARKS ASSOCIATION OF NSW

protecting nature through community action

29 January 2024

garyd@npansw.org.au
0432 757 059

NSW Dept of Planning, Housing and Infrastructure

By email to: energy.resourcespolicy@dpie.nsw.gov.au

DRAFT NSW ENERGY POLICY FRAMEWORK

The National Parks Association of NSW (NPA) appreciates the opportunity to comment on the package of documents referred to as the *Draft NSW Energy Policy Framework*.

NPA's mission is protecting nature through community action. Our strengths include State-wide reach, deep local knowledge, evidence-based input to policy and planning, and over 65 years' commitment to advancing the NSW protected area network and its professional management. We also provide outstanding opportunities to experience and learn about nature through our unrivalled program of bushwalking, field surveys, bush regeneration and other outdoor activities.

General remarks

While strongly supportive of urgent action on climate change, NPA is dismayed that many renewable energy proposals are proving to be poorly conceived, and paradoxically, quite damaging to the natural and cultural environment. This is raising widespread community concerns, which can only serve to delay the renewable energy transition.

Several factors are contributing to the present situation. One relates to what might be described as a narrow 'engineering' outlook within which projects are being framed. Insufficient emphasis is being given to simultaneously meeting other important environmental and social objectives. Another relates to a preoccupation with minimising costs to energy consumers and operators, whereas full life-cycle costs to the wider community (including externality or 'spill-over' effects) should be guiding choices between different project options. A third factor relates to 'urgency'. After decades of inaction, we are now told there is insufficient time to consider or implement less damaging options. Yet the expected project life for major infrastructure items is typically more than 50-70 years, so a little extra time and expense on getting it right in the first place would be well worth it in the long run. A further factor is a noticeable reluctance to embrace innovation, particularly for electricity transmission.

The result is that alternative options are not being given the attention or weighting they deserve. These are brushed off as 'too expensive' or 'would take too long', while impacts on the natural or cultural environment are described as 'unfortunate' but 'necessary for achieving a low carbon future'. We do not see why biodiversity or cultural heritage should or need be collateral damage for the sake of reducing carbon emissions. It is rather galling to see project proposals described as 'minimising impacts' or 'striking a reasonable balance' when better alternatives that would achieve much greater community support are dismissed without any serious or spirited consideration. The draft policy framework should reflect a more holistic and forward-thinking approach, placing greater emphasis on:

- multiple project objectives that address wider social and environmental values
- genuine consideration of alternatives from the commencement of the planning process
- costs and benefits to the wider community, not just electricity consumers and operators
- [a] long-term costs and benefits, not just short-term construction costs.

Scope of the framework

While billed as an 'Energy Policy Framework', the actual scope of the framework is much narrower. It is concerned principally with the planning, design, assessment and approval of major electricity infrastructure projects. There doesn't appear to be any intention to cover over aspects of energy policy, such as consumption, efficiency, pricing or equity, or indeed, energy sources other than electricity. We suggest that the title of framework might be adjusted to better match its purpose and content.

Relationship to SEARs

The Planning Secretary's Environmental Assessment Requirements (SEARs) is the central mechanism that drives the assessment of major projects. However, it is not clear from the draft framework or its component guidelines as to how the framework will in fact shape or influence SEARs for particular projects. Greater clarity could be achieved by including within the guidelines generic or indicative SEARs. Relevant matters would include:

- generation of options
- biodiversity assessment
- social and cultural assessment
- economic assessment / cost-benefit analysis
- comparison of options.

Relationship to regional and local planning framework

The draft framework omits any mention of regional or local plans. This is a major oversight, as such plans provide context for assessing constraints, government policy and community acceptability.

The *Hunter Regional Plan 2041* provides an illustrative example. Objective 6 of the Plan relates to heritage, landscapes and environmentally sensitive areas, and specifies the following performance outcomes:

1. Areas of high environmental value are protected to contribute to a sustainable region.
2. The biodiversity network is sustainably managed and provide social, environmental, health, cultural and economic benefits.
3. Development outcomes maintain or improve the environmental value or viability of the biodiversity network.
4. Connection with Country is at the core of designing and planning new projects and places.
5. Aboriginal cultural heritage is recognised and celebrated as living and dynamic and not dealt with statically through harm prevention and protection alone.
6. Items, areas, objects and places of heritage significance are conserved.
7. Water management uses innovative approaches in urban, rural and natural areas to enhance and protect the health of waterways, wetlands, coast and bays.
8. Water quality in drinking water catchments is protected.

The above criteria provide a broad strategic approach that is intended to guide decisions on major development and infrastructure. They should be taken into account when planning electricity infrastructure, otherwise one might reasonably question whether the regional plan serves any useful planning purpose. The draft framework should specifically require a proponent to demonstrate how a proposal is consistent with the policy aims of applicable regional and local plans.

Draft Transmission Guideline

Foundational principles

Section 3.1 of the draft guideline is intended to guide choices at a strategic level. However, the proposed principles do not provide an adequate or robust decision framework.

- *Loose phrasing*. An example is the use of the term 'striking an appropriate balance' without any clarification as to how the appropriateness of that balance might be determined. Our experience is

that so-called 'balanced development' is always at the expense of natural or cultural assets, which in a market economy tend to be systematically undervalued.

[a] *Inbuilt bias*. The principles are framed so as to maximise certain 'positives' while minimising certain 'negatives'. The positive matters all relate to financial and efficiency gains for electricity consumers and operators, while the negative matters all relate to social and environmental losses borne by the community at large. This creates an inbuilt bias towards the acceptance of degradation to environmental and cultural assets. The Hunter Transmission Project preferred option (prepared concurrently with the draft Guideline) provides a good example. Under the draft Guideline, new transmission line routes should prioritise areas with the least native vegetation and the poorest condition. The preferred option however does quite the opposite. It traces a 40 km route across relatively intact publicly-owned natural landscapes, without giving any serious attention to using existing transmission corridors as an alternative. To say that the preferred option 'strikes a reasonable balance' and 'minimises impacts' does not accurately represent the overall scale of negative impacts.

- *Statutory objects*. The draft principles overlook the wider objects of the *Environmental Planning and Assessment Act*, including ecologically sustainable development and social / economic welfare of the community. This is evident from the emphasis that the draft guideline places on cost and affordability to electricity consumers. The objects of the Act, however, require much greater weight to be given to costs and benefits to the community as a whole, not just their power bills.

A more neutral framework should be developed that gives equal precedence to social and environmental gains. This is in line with recent government reports recommending that environmental legislation be reconfigured on a 'nature positive' basis. We suggest that the draft guidelines should be much clearer about the positive outcomes that a project is expected to achieve. These would include:

- no net loss of biodiversity
- improvements to natural integrity and diversity ('nature positive')
- maximising long-term community benefits.

Options development

There is no requirement in the draft guideline to demonstrate whether a new transmission line is actually necessary, or whether there are feasible options to upgrade existing transmission lines rather than build new ones. Options would include establishing a DC backbone network (to complement the AC grid), building at a higher voltage, considering undergrounding transmission, or install underground cables within existing easements.

The draft guidelines should require full comparative assessment of real alternatives (not just minor route variations). There should also be genuine opportunities for the community to provide input as to which options should be tested. Options generation should occur early in the planning process before proposals become 'locked in'.

Options should be tested by a proper cost-benefit analysis that considers the full range of costs and benefits to the community, not just construction costs. The draft guideline should specifically refer to the *NSW Government guide to cost-benefit analysis* (TPG23-08). Externalities such as maintenance costs, visual impacts and biodiversity losses should be specifically examined.

Inadequate consideration of alternatives represents a major weakness in the current infrastructure planning process generally. It warrants significant legislative reform.

Optimising the location of generation

The need to build many thousands of kilometres of new transmission lines is increasingly being questioned. Ultimately, the new transmission line program is being driven by decisions to locate of Renewable Energy Zones hundreds of kilometres from major load centres at Newcastle, Sydney, Wollongong.. The South-West Zone in the Riverina Murray region is the most questionable. Priority should be given to generating electricity as close as possible to major load centres. This should

emphasise the role of offshore generation, as well as generation and storage options within the built-up areas of Greater Sydney, Newcastle and Wollongong.

Route selection principles

While the draft principles express a preference to avoid protected areas such as national parks, it is important to also appreciate that areas of high environmental value extend across many other tenures, including State forests.

Consideration should be given to likely future conservation status of State forests, not just their present status. Both the Commonwealth and NSW Governments have made commitments under the Global Biodiversity Framework and '30 by 30' initiative to significantly expand land and sea areas dedicated for conservation by 2030. Meeting these targets will inevitably see significant land transfers of State forests to the NPWS estate over the present decade. State forests therefore cannot be treated as an easy solution for routing transmission lines, as this may pose a major inconsistency with attaining our international biodiversity commitments.

Fragmentation of native vegetation

Linear infrastructure is a major cause of fragmentation or compartmentalisation of natural areas. Cleared easements create a permanent 'barrier' between adjacent previously contiguous habitat. Impacts generally extend a considerable distance beyond the easement itself, and include inability of species to access or occupy nearby habitat, increased extent of disturbed habitat preferred by feral pest species, and assisting pest species to extend their range into previously unoccupied areas.

Biodiversity assessment

It should be emphasised that the legislative obligations for biodiversity assessment are much more comprehensive than simply undertaking the Biodiversity Assessment Method (BAM). The purpose of the BAM is merely to calculate offset requirements for listed threatened species and ecological communities after all other measures to avoid or mitigate impacts have been exhausted.

Landscape and visual assessment

Landscape and visual impact assessment requirements refer only to the visibility of built structures such as towers. Reference should also be given to the visual impacts resulting from the clearing of native vegetation and the construction of associated access roads. These may be visible for many tens of kilometres, and completely alter the perceived character of an area. Transmission easements invariably end up being weed-infested and un-natural environments, exacerbating the scarring of the landscape

Undergrounding

Section 6.2 is strongly biased against undergrounding, contains many inaccuracies, and does not represent current knowhow or capability. There is a very strong case to consider underground options in locations with high environmental, scenic or cultural values. Not only will this help to assure strong community support, but undergrounding can potentially provide a very effective means to better utilise existing transmission corridors. A practical option may include installing underground cables within existing transmission, freeway or other easements.

Bushfire risk

Section 6.3 understates and fails to understand the complexity of bushfire risk. Ignition resulting from transmission lines is not the major issue. Of greater significance is the vulnerability of transmission lines to bushfire, irrespective of the actual ignition source, and the foreseeable increase in that vulnerability over coming decades due to climate change. Days with extreme bush fire risk are also the days with the highest network load, so any supply interruption due to fire would create maximum disruption. Aerial towers and lines also pose practical difficulties to modern fire management methods, including the use of aircraft and drones.

Draft Solar and Wind Energy Guideline comments

Comments equivalent to those above are equally relevant to the Draft Solar and Wind Energy Guideline. An additional comment is that solar farms should only be permitted on existing cleared or disturbed land. Clearing native vegetation to generate electricity makes little sense, can result in perverse outcomes, and would tend to undermine public support for renewable energy.

Section 5.4 (bird and bat impact assessment) should be re-written so to relate to biodiversity assessment generally, as many other life forms are also potentially affected by wind farm proposals.

We question the appropriateness of establishing solar farms in locations with high bush fire vulnerability, such as adjacent to national parks or other reserves, or private inholdings within such reserves. (An example is the current proposal to establish an 800 ha solar farm at Poggee, within Goulburn River National Park). The severe vulnerability of a solar farm to fire complicates and distorts the implementation of fire management within nearby bushland, by effectively requiring measures to exclude fire. This is likely to be inconsistent with maintaining natural ecological values, and perversely, may actually increase the level of fire risk.

Conclusions

The electricity sector needs to throw off its preoccupation with delivering the cheapest possible options and power bills. We need a more holistic outlook that is more responsive to community expectations and long-term costs and benefits borne by the public at large.

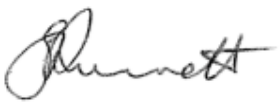
What is cheapest for electricity consumers is not necessarily the cheapest for the public at large. Equal attention should be given to externality costs, such as loss of biodiversity and the degradation of natural and cultural landscapes. These costs are real, even if they don't appear at the bottom of power bills. In order to minimise wider social and environmental costs it will often be necessary to choose options that are not the cheapest for consumers. The renewable energy transition is expected to result in cheaper bulk power anyhow, so there is room to allow for higher cost delivery options while still achieving an overall cheaper outcome.

A major criticism of the draft Framework is that it overlooks the wider concerns of the (NSW) *Environmental Planning and Assessment Act 1979* for ecologically sustainable development and the social and economic welfare of the community at large. The EP&A Act requires all externalities to be considered when making decisions. This differs from the National Electricity Objective (NEO) under the *National Electricity Law*, which is totally focussed on the interests of electricity consumers. The NEO is now being amended to include environmental considerations, but nevertheless is still focussed on delivering the cheapest possible power. The draft Framework should be re-written to better reflect the spirit and letter of the planning legislation.

We do not accept the validity of the 'appropriate balance' thesis as it obscures that preference is being given to some objectives at the expense of others. Energy infrastructure proposals should be framed to promote a variety of positive social and environmental outcomes that look beyond the profitability of the energy sector itself. This should be reflected in the draft framework and guidelines, to convey a much stronger concern for wider costs and benefits to the community, including future generations.

I can be contacted at garyd@npansw.org.au

Yours sincerely



Gary Dunnett

Chief Executive Officer
National Parks Association of NSW
protecting nature through community action

From:	Department of Planning Housing and Infrastructure
To:	DPE PS ePlanning Exhibitions Mailbox
Cc:	DPE Energy and Resources Policy Mailbox
Subject:	Webform submission from: Draft energy policy framework
Date:	Monday, 29 January 2024 8:28:54 PM
Attachments:	eianz-submission---draft-renewable-energy-guidelines-20240129-final.pdf

Submitted on Mon, 29/01/2024 - 20:27

Submitted by: Anonymous

Submitted values are:

Submission Type
I am submitting on behalf of my organisation

Name

First name
[redacted]

Last name
[redacted]

I would like my name and personal contact details to remain confidential
Yes

Info

Email
[redacted]

Suburb/Town & Postcode
[redacted]

Please provide your view on the project
I object to it

Submission file
eianz-submission---draft-renewable-energy-guidelines-20240129-final.pdf (271.55 KB)

Submission
Please see our attached submission on behalf of the NSW Division of the Environment Institute of Australia and New Zealand.

I agree to the above statement
Yes

29 January 2024

Environment Institute of Australia and New Zealand Inc.

Department of Planning, Housing and Infrastructure

4 Parramatta Square,12 Darcy Street

Parramatta NSW 2150

To whom it may concern,

Re: Draft NSW Renewable Energy Guidelines

1.0 Introduction

The Environment Institute of Australia and New Zealand (EIANZ) is the peak industry body for environmental practitioners in Australia and New Zealand. We represent over 2,000 members across both countries, with more than 510 located within NSW. As one of only two organisations accredited by the Department of Housing, Planning and Industry (DPHI) to administer and award certification for the Registered Environmental Assessment Practitioner scheme, our members have a distinct interest in planning policy and its implementation.

This submission relates to the Draft NSW Renewable Energy Guidelines (the Guidelines).

In preparing this submission the NSW Division of EIANZ has consulted internally and with selected members with a professional interest in renewable energy assessment and approvals.

2.0 Renewable energy in the NSW planning system

Climate change is the critical issue of our age. The likely and potential impacts associated with climate change, as predicted, are near catastrophic for our planet and human society. The imperative to act positively has never been so clear as now. The urgency of this issue is noted across political divides and is now legislated both in NSW and federally.

On the east coast of Australia this is compounded by the planned and expected closures of the entire coal fired fleet of power generation within the national electricity market (NEM) by 2038. This is the opinion of the Australian Electricity Market Operator in its latest integrated system plan (Figure 1).

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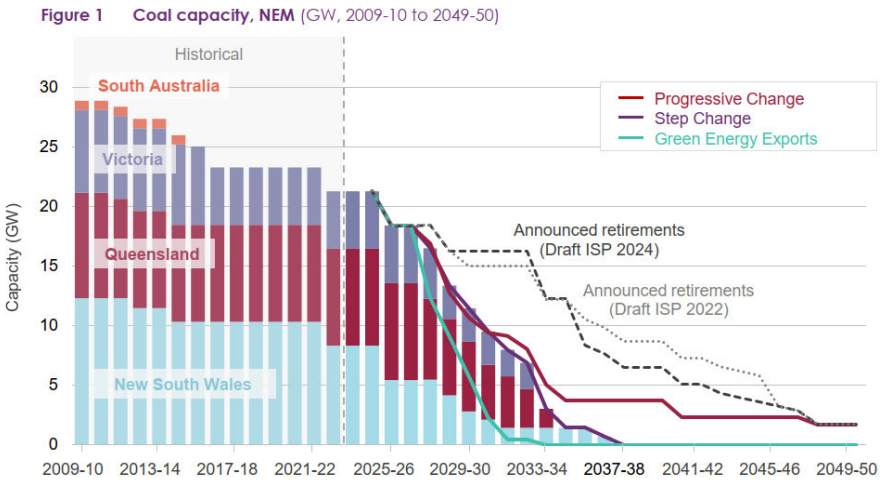

Given the combined urgency of these issues it is encouraging that DPHI is seeking to specifically address the planning and assessment of renewable energy within NSW. We are disappointed that whilst the Guidelines address these issues in early sections, they do not recognise this urgency in their substantive detail. In general, the Guidelines add requirements for renewable energy proponents, without a clear justification that these additions will make the planning system work better for proponents or for the community.

In NSW two wind farms have been approved in six years. There are at least 29 wind farms currently in the planning system, with 10 of those issued Secretary's environmental assessment requirements (SEARs) more than 2 years ago. The requirements of the NSW planning system for wind farms have grown steadily in recent years, such that the cumulative effect is delay of approvals and hence energy transition. Secondary regulation, not directly covered by the guidelines, such as detailed requirements of the EPA and BCD (for example for survey) are significant in adding to the complexity and delay of approvals. This is a particular issue when such requirements are not included in the SEARs and are requested to be applied during the assessment process.

Absent from the Guidelines is any recognition of the benefits of renewable energy development in addressing climate change. Instead, renewable energy projects are required to undertake levels of assessment more onerous than most jurisdictions elsewhere in Australia and internationally. Renewable energy assessment expectations and approval conditions are not consistent with long-standing approaches that are accepted in other industries to manage similar levels/nature of impact, despite having equivalent or greater impacts in terms of physical disturbance or number of people affected. The draft guideline in its current form does not assist DPHI during the assessment to challenge the unreasonable and complex assessment requirements asked for by Agencies that go beyond the requirements of SEARs.

In general, we consider the Draft Guidelines a missed opportunity for DPHI to demonstrate real leadership by streamlining the planning system for renewable energy projects, and by doing so, addressing the short-term threat of energy security, and the

long-term existential threat of climate change. The over-prescriptive nature of the Draft Guidelines potentially threatens NSW's (now legislated) goals for 70% emissions reduction 2035 and net zero emissions by 2050.

3.0 Specific commentary

We have arranged our commentary according to the specific parts of the Draft Guidelines in which they appear.

4.0 Draft Renewable Energy Guideline

- The Draft Guidelines provide for six months transition from the date of publication of the final Guidelines, after which all projects would be required to implement its requirements. This fails to recognise the extremely long programs associated with renewable energy developments, often greater than two years. This is driven by the detailed assessment methodologies of other NSW government agencies. Given that the industry has no certainty about when the Guidelines will be finalised, this introduces a great degree of uncertainty and significantly adds to development costs. It is our opinion that if the Guidelines are not referenced within the project SEARs then they should not be formally applied to the project.
- Interaction between guidelines and SEARs - It is important that the SEARs remain the key document that confirms adequate assessment. Consistency with guidelines should always be qualified as to 'where relevant'. This is because guidelines must cover a broad range of possible projects, locations and impacts and may not always be relevant to the project under consideration.
- Section 2.3 of the guide states that 'All DAs for wind energy projects will be subject to a rigorous, merit-based assessment that includes extensive community consultation and a detailed consideration of any environmental, social and economic impacts'. This is an unnecessary statement as this principle applies to all development rather than specifically for wind energy projects. Similarly, 2.3.1 states that the scoping report must be prepared a high standard. Again, this is unnecessary as the expectation that all scoping reports not just wind projects should be prepared to a high standard.
- Survey requirements for birds and bats is a key driver of assessment program and cost for NSW projects and is over specified for the potential environmental harm that wind energy projects cause. The Draft Guidelines themselves state that "*estimated mortality rates* [from wind energy] *are considerably less than estimates for other anthropogenic sources*". This is backed by several academic investigations, one of which stating that for every bird killed by a wind turbine in the US, nuclear and fossil fuel powered plants killed 2,118 birds[1]. This level of highly prescriptive regulation fails to account for the positives of renewable energy development, including maintaining a habitable environment for <u>all</u> birds globally for the coming centuries.
- Blade throw – despite being included in the 2016 guidelines this issue is a clear example of over assessment. The real risk to life or property from such an event is

[1] https://ideas.repec.org/a/eee/enepol/v37y2009i6p2241-2248.html

extremely low. This a clear candidate for removal in any effort to streamline assessment requirements.

- Decommissioning and waste – these issues are relevant to any development, though they appear to be given far more attention in the guidelines than would be justified by a development type at the lower end of project footprints, particularly relative to resource or transport projects.

4.1 Draft Wind Technical Supplement – visual impact assessment

- The Draft Wind Technical Supplement – visual impact assessment (the visual supplement) includes some encouraging language in that DPHI "*recognise that changes to our landscapes will be necessary to facilitate the transition to renewable energy, and balance the need for this change with the need to protect unique and high-quality landscapes*". The visual supplement also states that "*the fundamental principle that landowners do not have a proprietary right or ownership of a view and a visible wind turbine or ancillary infrastructure does not necessarily constitute a visual impact*." These sentiments are inconsistent with the extent of additional assessment requirements for proponents by this particular element of the Draft Guidelines.
- A rigidly applied 2 kilometre setback is both unworkable and unnecessary for wind energy development. We note that such a setback was previously implemented in Victoria, and was eventually wound back. Whilst we recognise the need to balance community concerns over visual impact, this impact (and its subjective interpretation) should not drive decision making regarding the potential energy future of NSW.
- The threat of speculative DAs to create a visual impact is real and substantial, which is recognised within the guidelines, but not fully resolved and could result in design sacrifices.
- The specific guidance on applying the grid-based approach to visual magnitude is unsuitable and unintuitive. This approach fails to distil the subjectiveness of visual impacts, and simply pushes them further into the process for the same disagreements to surface later on. It is notable that no other jurisdiction worldwide has taken an approach that is anything like this, despite places like the UK having a longer history of renewable energy development.
- The grid-based approach, and the other highly prescriptive methods outlined in the visual supplement appear to be designed more for ease of decision making rather than for the objective benefit of the community or proponents. The methods standardise an assessment approach, but do not address the fundamental issues behind impact assessment, be they philosophical, financial or political. The standard SEARs for all projects direct the proponent to 'apply the guideline' and nothing else related to the proposal. This results in projects being assessed on whether or not they are consistent with guidelines rather than assessment of a particular development on its merits at a particular location. This may result in perverse outcomes particularly where the guidelines have been developed for a specific purpose unrelated to the objectives of the proposal or policy goal.

- Performance objectives are too strict – the visual supplement requires that all impacts determined to be 'high' effectively be eliminated by removal or re-siting of turbines. It is very easy within the draft methodology for a 'high' impact to be triggered (generally due to the arbitrary and unexplained magnitude threshold values). A fundamental tenet of the state significant planning system is that projects may still be presented with significant impacts – visual or otherwise. The consent authority then makes the decision on their acceptability for the state of NSW, taking into account the associated social and economic benefits of that development. Rigidly specifying that all 'high' impacts are unacceptable removes any ability for assessing officers or the organisation generally to apply judgement outside that considered acceptable in the guideline.

4.2 Draft Wind Technical Supplement – noise impact assessment

- This guideline is generally in accordance with industry practice, though we recognise that noise specialists have demonstrated issues with some of the technical detail of the proposed methodology.
- Figure 1 of this document clearly demonstrates how conservative noise limits are in NSW, being significantly more stringent than most international and Australian jurisdictions. This further demonstrates our point above about the degree of over-regulation applied to renewable energy in NSW.

4.3 Draft Transmission Guideline

- The route selection process outlined in this guidance is highly confusing. The methodology uses several similar terms: preliminary study corridor, preliminary study area, preferred study corridor. The methodology would benefit from improved clarity on terminology and a flowchart diagram to better illustrate the process and its requirements.
- Our previous comment stands here, that six months transition is far too short for projects with assessment timeframes that can last years in some cases.
- The options consideration (Chapter 3) should acknowledge the role of RIT-T in helping define the preferred strategic technical option before the corridor options are further refined.
- Chapter 3 states that the preferred study corridor should be presented in the scoping report to be used in the EIS and informed by biodiversity/heritage studies, Aboriginal community consultation and meetings with individual landowners. Given the length and complexity of transmission infrastructure, the preferred study corridor is inevitably likely to be refined further and change after the scoping report once the studies for the EIS commence and further information on the constraints and opportunities are obtained. While technical studies and consultation should occur as early as possible, meetings with individual landowners and detailed biodiversity/heritage information may also not be possible to obtain for the scoping report given the high-level nature of the project definition and planning at that stage and necessary timeframes for transmission infrastructure approvals.
- The guideline states that a single 80 m tower will generally be dominant within 400 m of a rural dwelling and be a prominent feature in a rural landscape up to

1.5 km away. This is a very definitive statement and may be taken out of context. For example, views may be shielded by topography or other features such as existing vegetation, may be lesser in significance compared to other existing infrastructure within the view, and may not be visible from the primary view of a dwelling.

- Chapter 7 states that proponents should identify residences proposed to be subject to any acquisition agreements in the EIS. Given the nature of large-scale transmission infrastructure and the need to continue to avoid/minimise impacts through infrastructure siting in detailed design/construction planning, it may not be feasible or appropriate to provide a definitive list of acquisition agreements at this stage, given the final easement may not yet be confirmed.

4.3 Draft Transmission Guideline – Visual Technical Supplement

- It is noted that the methodology proposed here is similar to that for wind generation, though the magnitude thresholds are much higher. This is justified by transmission towers being more 'see through', not moving and being shorter overall. None of these however prevent the 'annoyance' factor within the landscape for people who object to the 'industrialisation of the landscape'. As such, lower thresholds do not seem justified and in fact may only lead to further confusion amongst the community. This is borne out within the example photomontages, where those for transmission lines seem to achieve much lower overall impact ratings despite appearing to the casual observer to be more visually prominent than examples in the wind visual guideline.

  This inconsistency in approach is further highlighted when considering that generation and transmission of electricity are complementary parts of our energy system. Differences in assessment guidance of one over the other is not sensible.

Draft Benefit sharing guideline

- This guidelines states as an objective to '***support rapid roll-out*** *of solar and wind energy generation in NSW, including in REZs, whilst ensuring that host communities experience tangible, long-term benefits*…" This particular objective is far more high level than the others present in Section 1.1. This should be supported by further high-level objectives, such as managing the community's or the council's expectations, or providing a consistent framework for benefit sharing that reduces the potential for projects to be required to provide benefits to local communities in a manner not required of other types of development.
- For example, this guideline only applies to SSD, and not SSI.
- This guideline states that '*Private agreements are not a form of benefit sharing'* and that '*benefit sharing is not intended as a means of managing or mitigating impacts on individual properties or landholders',* and that '*Measures required to manage or mitigate the project's impacts to obtain approval are not considered to be benefit sharing initiatives'*. These statements do not represent a clear line given one of the suggested options for benefit sharing in section 3.2 includes '*offering neighbours subsidies or investment/co-ownership opportunities*'.

- The overall effect of this guideline appears to be one of moving proponents towards identifying and generating benefits to a community rather than just dealing with the environmental impacts in a traditional manner. Again, the requirement for community benefit is rarely, if ever, seen in assessment requirements for other industries or jurisdictions outside of renewable energy.
- The list of required inclusions for an EIS with respect to benefit sharing is long and detailed. This is in the context of community discontent at the sheer length of planning documents, and also risks the watering down of more traditional, and more important, key environmental impact assessments.

Draft Private agreement guideline

- This guideline appears to be weighted heavily towards providing the community views with greater weight, without evidence that the proponents for renewable energy development have or are likely to take advantage of communities.
- The requirements of this guidelines could be perceived as legitimising the idea of making payments to landowners and project opponents in order for projects to be supported.
- *'Applicants must submit copies of all impact agreements to the department and maintain the currency of these agreements over the life of the project'* This requirement conflicts with advice from DPHI during consultation events that the Department only wish to see the broad outline of what was being agreed to for the purposes of compliance only.
- The draft guideline does not seem to allow for in-kind works. It seems focused on monetary compensation and direct mitigation works only, which may not always be the most appropriate use of resources.

5.0 Conclusion

In summary, the Draft Guidelines appear to promote a far greater degree of prescriptiveness and detail throughout the entire assessment process. This contrasts with the assessment of other industries in NSW and other jurisdictions in Australia and elsewhere. This is a challenge to environmental professionals who work with proponents to provide adequate and comprehensive assessments, and to assessing officers to review that information to arrive at sensible and justifiable assessment outcome consistent with broader policy goals.

We suggest that subjecting renewable energy projects in NSW to assessment detail unseen for other industries or in other jurisdictions is the opposite of what is currently needed in this era of climate emergency and dwindling fossil-based electricity generation. We encourage DPHI to reconsider the Draft Guidelines and to redraft them in such a way that clearly advocates for progress in combating climate change, whilst acknowledging and helping to manage the impacts on the environment and the concerns of the community across the state.

Yours sincerely,

NSW Division of Environment Institute of Australia and New Zealand