

On Hiring a Podiatrist to do Brain Surgery

Objection to the Proposed Jupiter Wind Farm

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Cloustons and the consultant used on this project appear to have no **demonstrated** expertise relevant to assessing the *peculiar visual impact of wind farms in rural areas*.

Unless the Department has received evidence specifically **validating** demonstrated ability by the consultant to accurately evaluate wind farm visual impact on residents, under a range of circumstances and at distances relevant to 173m turbines, the Department must disregard the whole of the submitted VI Assessment.

Failure to do so would suggest the Department is also happy to hire podiatrists to do brain surgery.

If the Department has received such validated evidence of demonstrated specific competence in accurately assessing wind farm visual impact, it should release that evidence to the community through the relevant project section on its web site.

The Department also needs to carefully consider whether the statement that “This LCVIA is consistent with the NAF and Draft NSW Planning Guidelines Wind Farms methodologies” is in fact a breach of the relevant sections of the *Environmental Planning and Assessment Act 1979* and the *NSW Crimes Act 1900* in relation to false or misleading statements, either alone or as part of a pattern throughout the EIS.

You wouldn't hire a podiatrist to do brain surgery – unless perhaps you were EPYC Pty Ltd.

Podiatry and neurosurgery are both health disciplines. They each involve specialist knowledge and expertise. They are performed by “experts”. But those experts are not interchangeable.

For the visual impact section of the EIS, EPYC has hired Clouston Associates, whose many landscape architecture projects are essentially near-ground level projects, totally unlike that of wind farms which consist of large numbers of moving industrial structures, higher than most Sydney buildings, distributed over tens of kilometres of rural terrain.

Clouston appointed Matt King to do the work on their behalf. Clouston's own website describes the expertise of Mr King:

"Matt has an understanding of what provides good urban quality in road infrastructure" ¹

Clouston's CV for Mr King lists projects on which he has worked:

Northern Road Stage 4; Scone Bypass; Mona Vale Road Strategic Urban design Study; North West Growth Centre; Schofields Road Stage 2 Concept Design; Schofields Road Stage 2 Detailed Design; Maitland Roundabout Overpass; Lisarow to Ourimbah Upgrade; Boundary Street, Roseville; Orange Drought Relief Pipeline; Moorebank Intermodal Freight Terminal; Terelba Quarry Extensions; Camden Link Road Intersections²

One can see why someone might hire Cloustons and Mr King for advice on landscape aspects of urban roads. However, the relevance of their expertise to assessing the visual impact of Jupiter and other wind farms on residents and the community within the broad vicinity of those wind farms is not apparent – unless of course you consider podiatric surgeons and neurosurgeons interchangeable.

Given the urban roads expertise of Clouston's appointed consultant, it is not surprising to find the VI Assessment report citing the *Environmental Impact Assessment Practice Note: Guidelines for Landscape Character and Visual Impact Assessment (RMS March 2013)* ³.

It would be equally unsurprising finding a podiatric surgeon citing Myerson's *Reconstructive Foot and Ankle Surgery* ⁴, though having that volume cited when brain surgery was required would be something of a shock. The Roads & Maritime Services does not appear to often deal with wind turbines, let alone whole wind farms, so their guidelines are of questionable relevance to assessing wind farm VI.

One thing noticeable about the RMS publication cited by Cloustons in the VI Assessment, is that within that publication there appears to be not one reference to seeking out and taking account of the visual values of people affected. That position is contrary to both the *2011 draft NSW Wind Farm Guidelines* and the *Wind Farms and Landscape Values National Assessment Framework – NAF*, despite the Jupiter VI Assessment claiming to be consistent with both.

¹ http://clouston.com.au/wp-content/uploads/2016/01/MATTHEW_KNIGHT_CLOUSTON_ASSOCIATES_CV.pdf downloaded 20161215.

² *op. cit.*

³ *Jupiter Wind EIS_ Appendix F_ Landscape and Visual Part 1*, p. 12.

⁴ Mark S. Myerson, *Reconstructive Foot and Ankle Surgery (Second Edition)*, W.B. Saunders, Philadelphia, 2010, ISBN 9781437709230.

On the matter of community visual values, the 2011 draft *NSW Wind Farm Guidelines* require:

“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.”⁵

The *NAF* includes the requirements⁶:

1A.3 Identify potential community and stakeholder interests

1B.4 Involve communities and stakeholders in identifying landscape values

Despite those clear requirements to identify and take into account the landscape values of the community and stakeholders, Clouston’s VI Assessment document explicitly tells us:

"The current and potential future viewers (visual receptors) have ***not*** been consulted about their perceptions by the authors of this report. The analysis and conclusions are therefore based ***solely*** on a professional assessment of the anticipated impacts." ⁷ (*emphasis added*)

The words of the author of the VI Assessment themselves show the assessment has been done in a way contrary to the requirement of the guidelines and the *NAF*, despite the claim it is consistent with those guidelines:

“This LCVIA is consistent with the *NAF* and Draft NSW Planning Guidelines Wind Farms methodologies”⁸

So that statement appears to be in breach of s 148B of the *Environmental Planning and Assessment Act 1979*, in relation to making false or misleading statements in an EIS. The statement would appear also to be contrary to sections 307A, 307B and 307C of the *NSW Crimes Act 1900*.

As earlier noted, the LCVIA cites RMS VI guidelines which include no reference to determining and taking into account the landscape values of affected parties. While other detailed research on visual impact tends to invalidate this position⁹, the RMS might claim to justify its approach on the basis of the nature of urban roads.

The RMS might, with some justification, argue that roads are as intrinsic to urban areas as are dwellings, and that you cannot have an urban area in our society without it being riddled with roads. On that basis, RMS might claim anyone living in an urban area has chosen to live with roads around them and thus displayed visual values which accept urban roads in various configurations.

Whatever validity that approach, followed by Cloustons, may have in dealing with urban roads, it has zero validity in relation to wind turbines in rural areas. Wind turbines are in no way intrinsic to such localities. The residents of those localities have consciously chosen to

⁵ Draft *NSW Wind Farm Guidelines*, 2011, p. 5.

⁶ *Jupiter Wind EIS_ Appendix F_ Landscape and Visual Part 1*, p. 13.

⁷ *Jupiter Wind EIS_ Appendix F_ Landscape and Visual Part 1*, p. 16.

⁸ *Jupiter Wind EIS_ Appendix F_ Landscape and Visual Part 1*, p. 12.

⁹ See, for instance, *Evaluation of Methodologies for Visual Impact Assessments*, NCHRP Report 741, pp. 139 and 142.

live in areas without industrial structures of any sort, let alone massive towers higher than the Sydney Harbour Bridge and higher than all but a handful of Sydney buildings. Even zoned industrial areas in Australia have very few structures as high as the wind turbines proposed for Jupiter, let alone more than 80 of them in one locality.

The attempt to apply RMS VI approaches to wind farms in rural areas has as much validity as a podiatric surgeon attempting to apply the detailed practices of foot surgery to brain surgery.

At the Jupiter Community Consultative Committee meeting on December 13th 2016, Matt King was asked what credentials he had that qualified him to provide a VI assessment for the Jupiter wind farm. He replied that there were no specifically relevant credentials but that it was a matter of experience.

Well Cloustons has told us of his experience and theirs – and none of it demonstrates a capacity to accurately determine what will be the visual impact on residents from a massive wind farm located in their vicinity.

Cloustons may assert that they have previously produced the VI Assessment for Biala wind farm. That simply demonstrates a capacity to write a document attractive to a wind farm developer. There has been no validation of the assertions in that document, which will be possible only once the wind farm is built.

Writing a lengthy report does not demonstrate validity and expertise in the subject field, anymore than a podiatrist opening someone's skull with an axe makes them a brain surgeon.

Expertise is determined by the ability to produce functional outcomes:

- to heal the sick (not give them pills irrespective of outcomes)
- to fix a car engine that was not working (not simply to dismantle one)
- to write computer programs that actually performs the specified function (not just write strings of code that have not been shown to work)
- to design a building which does not fall down (as opposed to drawing pictures of buildings)
- to fire a rifle and reliably hit the target (not simply to be able to pull the trigger)

Having written opinions about wind farm visual impact does not make someone an expert until such time that the validity of their opinions has been **demonstrated**, through outcomes, to be reliably correct. Cloustons has no such demonstration of their claim to expertise.

Conclusion

Cloustons and the consultant used on this project appear to have no **demonstrated** expertise relevant to assessing the *peculiar visual impact of wind farms in rural areas*.

Unless the Department has received evidence specifically **validating** demonstrated ability by the consultant to accurately evaluate wind farm visual impact on residents, under a range of circumstances and at distances relevant to 173m turbines, the Department must disregard the whole of the submitted VI Assessment.

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