

Rebuttal to Expert Evidence of Mr Hayden Burge – Landscape and Visual

(Tabled Document 119 – Proponent: White & Case LLP, 15 October 2025)

Submitted by: Darren and Julie Edwards

Location: Darley, Victoria

Date: 20 October 2025

To: Inquiry and Advisory Committee Secretariat, Western Renewables Link EES

1. Purpose and Procedural Context

This rebuttal responds to the *Expert Evidence Statement of Mr Hayden Burge (Landscape and Visual)*, tabled by the Proponent’s legal representatives (White & Case LLP) as Document 119. Given its formal status within the Inquiry record, this rebuttal provides evidence-based clarification relating specifically to the **Darley–Lerderderg corridor**.

It should be read in conjunction with our previously lodged *Darren and Julie Edwards WRL EES Submission 2025* (Submission No. 216).

2. Factual Clarification – Extent of Conflict with Planning Overlays

As shown in **Figure 1** below (from submission 216), the WRL alignment intersects multiple Moorabool Planning Scheme controls:

- **SLO1 – Significant Landscape Overlay (Scenic Hilltops and Ridgelines)**
- **DDO2 – Design and Development Overlay (Visual Amenity)**
- **ESO2 – Environmental Significance Overlay (Waterway Protection)**
- **RCZ – Rural Conservation Zone**
- **PCRZ – Public Conservation and Resource Zone** (State-significant Lerderderg State Park)

Tower locations:

- **One (1)** 500 kV double-circuit tower is located within the SLO1 area.
- **Four (4)** towers are located within the DDO2 overlay. All five of these structures adjoin the Lerderderg State Park (PCRZ), forming a continuous visual corridor across a landscape classified by the South West Victoria Landscape Assessment Study as **“Exceptional (State)”** significance.

This factual pattern contradicts Mr Burge’s claim that only *“one tower lies within SLO1”* and that landscape effects are “localised.” The overlays and zones collectively operate to protect the **setting and skyline of the State Park**, not only land within individual polygons.

3. Key Errors and Deficiencies in Mr Burge's Evidence

(a) Misrepresentation of Statutory Controls

Mr Burge treats SLO1 as a discrete control affecting a single parcel.

In law and policy, **Clause 42.03 (SLO1)** aims to “*protect the natural scenic qualities of the hilltops and ridgeline areas*” and “*minimise the visual impact of development.*”

This intent extends to the **visual setting of the ridge and hilltops**, including adjoining overlays (DDO2 and ESO2).

The simultaneous intersection of these overlays demonstrates **direct planning scheme conflict**, which the expert fails to acknowledge.

(b) Flawed Sampling and Assessment Methodology

The “representative 2 km zone” Burge relies upon is arbitrary and inconsistent with GLVIA3 principles.

Darley's steep topography and elevated residential areas provide long-range intervisibility exceeding 2 km, meaning towers will appear above the skyline for hundreds of residents. His sampling under-represents receptor density and over-simplifies landscape sensitivity.

(c) Contradictory Impact Ratings

Burge concedes “High” impacts for elevated dwellings yet concludes the overall magnitude is “moderate.”

This internal inconsistency breaches EES Scoping Requirement § 3.4.1, which requires effective, outcome-based mitigation.

By his own admission, no effective mitigation exists for these receptors.

(d) Omission of Avoidance and Undergrounding Assessment

Burge confirms undergrounding was “not considered.”

This omission contravenes the **avoid → minimise → mitigate** hierarchy under the Environment Effects Act 1978 and Ministerial Guidelines § 6.2.

Given the presence of SLO1 and DDO2, avoidance is the only lawful means of compliance.

(e) Inadequate Mitigation and Screening Claims

Vegetation screening cannot realistically obscure 80 m towers from Darley's elevated residences without also destroying the protected scenic views that SLO1 and DDO2 seek to conserve.

His reliance on “vegetation retention and screening” is therefore self-defeating and non-compliant with the overlays' objectives.

4. Statutory and Policy Non-Compliance

Planning Instrument	Purpose / Objective	WRL Conflict as Demonstrated in Figure 1
Clause 42.03 – SLO1	Protect natural scenic qualities of hilltops and ridgelines; minimise visual impact of development.	Tower within SLO1 breaches objective by introducing dominant vertical structures on protected skyline.
Clause 43.02 – DDO2	Enhance visual amenity; ensure development respects rural landscape character.	Four towers within DDO2 disrupt rural landscape interface and visual amenity of Darley’s northern fringe.
Clause 42.01 – ESO2	Protect waterway corridors and adjacent vegetation.	Towers and easement cut across the Lerderderg River buffer zone, contrary to ESO2 objectives.
Clause 35.06 – RCZ	Conserve and enhance the character of open rural and scenic non-urban landscapes.	Construction of 80 m towers and 100 m easement contradicts the intent to retain non-urban character.
Clause 36.03 – PCRZ	Protect and conserve natural environments of State Parks and reserves.	Adjacent towers and conductors intrude on the visual envelope of the State-significant Lerderderg State Park.

5. Cumulative Impact and Public Amenity

The WRL corridor through Darley coincides with other approved and proposed developments (Merrimu PSP, Coimadai extractives expansion). Together these would transform a State-significant scenic landscape into an industrial energy-transmission precinct – a scenario never assessed cumulatively in the EES.

Burge’s evidence ignores this cumulative context, contrary to Scoping Requirement § 3.4.4.

6. Requested Action by the Panel

1. **That the IAC assign minimal weight** to Mr Burge’s expert evidence as it relates to Darley, on grounds of methodological deficiency, statutory non-compliance, and factual inaccuracy.
2. **That the Panel require an independent peer review** of landscape and visual impacts for the Darley–Lerderderg corridor, including assessment of partial undergrounding options.
3. **That the Panel record these deficiencies** in its Report to the Minister, ensuring that the Proponent’s landscape and visual evidence is not accepted as uncontested fact.

7. Conclusion

The Darley–Lerderderg corridor is one of Victoria’s most visually sensitive and statutorily protected landscapes. The WRL alignment conflicts simultaneously with SLO1, DDO2, ESO2 and RCZ, and directly adjoins the State-significant Lerderderg State Park (PCRZ).

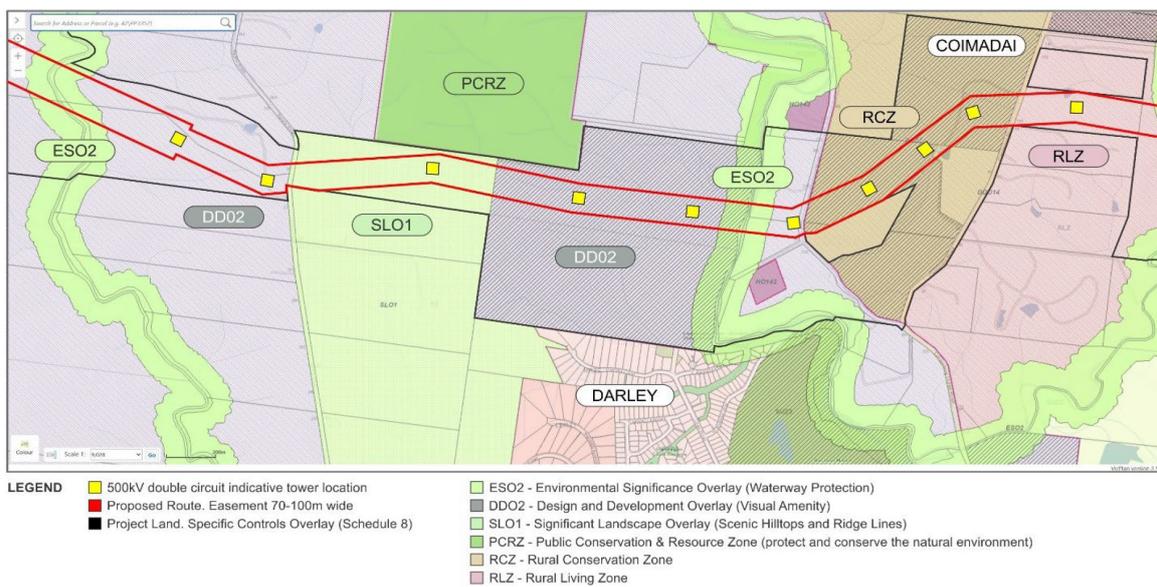
Mr Burge's expert evidence misrepresents these controls, misapplies methodology, and fails to meet the transparency and objectivity required under the EES framework.

We therefore request that this rebuttal be tabled as a **Supplementary Submission (Rebuttal Evidence)** and that the Panel consider its findings when weighing the Proponent's evidence on landscape and visual impact for Darley.

Submitted by:

Darren and Julie Edwards

Figure 1: Conflict with Moorabool Planning Scheme Zones and Overlays



This map illustrates the proposed WRL route intersecting multiple planning overlays and zones, including RCZ, ESO2, SLO1, and DDO2, in direct conflict with local and state planning policy.