

VISUAL IMPACT ASSESSMENT

Majors Creek 1A Solar Farm + Battery Energy Storage System



for EDPR Australia Pty Ltd

3 March 2026

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Attachment A: Site photographs

Project details

Project number	0524
Project title	Majors Creek 1A Solar Farm + BESS
Document title	Visual Impact Assessment
Property	Lot 81 DP 755905, 873 Wallaces Gap Road, Ballalaba, NSW
Client	EDPR Australia Pty Ltd
Company	Zenith Town Planning Pty Ltd PO Box 591 Moruya NSW 2537
ABN	11 624 467 349
Qualifications	Bachelor of Arts (Honours), UNSW Master of Urban & Regional Planning, USyd   
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Report title: This report should be cited as *Majors Creek 1A Solar Farm + BESS Visual Impact Assessment*, prepared by Zenith Town Planning Pty Ltd.

Acknowledgements: This report has been prepared by Zenith Town Planning Pty Ltd using information supplied by EDPR Australia Pty Ltd and sourced from local, NSW and Australian government agencies.

Ownership: This report is the intellectual property of EDPR Australia Pty Ltd and Zenith Town Planning Pty Ltd.

Disclaimer: The contents of this report are only to be used for the express purpose of supporting the respective project described above. All care is taken to ensure the accuracy and veracity of this information, however, no responsibility is accepted for the interpretation of that information by end users.

Authorship: Zenith Town Planning Pty Ltd has been practicing in the field of urban and regional planning since 1994. The business specialises in assessing development proposals for the development of regional scale renewable energy, waste management and extractive industry projects. This report has been prepared without the assistance of AI.

1. INTRODUCTION

The purpose of this report is to assess the landscape character and visual amenity impacts of the proposed Majors Creek 1A Solar Farm + Battery Energy Storage System (BESS).

The scope of this report is to evaluate the potential impacts on landscape character and visual amenity. To achieve this end the report addresses:

- the location and physical characteristics of the site on which the works are proposed,
- the character of the surrounding landscape and the visual catchment within which the proposed works may be of significance,
- potential impacts on the landscape and visual amenity of observation points including public places located within the visual catchment, and
- means to avoid or mitigate potential impacts.

2. THE PROPONENT

The proponent of the facility is EDPR Australia Pty Ltd. Based in Canberra with an office in Sydney, EDPR Australia has a growing portfolio of renewable developments across regional Australia, specialising in both large and town-scale solar farms and BESS projects designed to match current and future electricity demand.

Utility scale solar facilities are rapidly expanding in Australia. The proposed solar farm is termed 'town-scale' and EDPR Australia aims to fill the gap in the development of mid-sized plants. The facility will contribute to renewable energy supply and generate electricity for the direct use by households and commercial premises in the nearest settlement.

3. METHODOLOGY

Impacts on the visual and scenic amenity of the proposed Majors Creek 1A Solar Farm + BESS have been assessed by Zenith Town Planning Pty Ltd using the Transport for NSW guideline *Environmental Impact Assessment Practice Note– Guideline for landscape character and visual impact assessment* (EIA-N04 Version 2.1 released on 21 August 2020) and the *Technical Supplement – Landscape and*

Visual Impact Assessment (Large-Scale Energy Guideline) issued by the Department of Planning and Environment in August 2022.

The TfNSW methodology has been validated by the Land and Environment Court for uses other than roads and bridges. For example, in the case of *Houghton V Shoalhaven City Council* [2016] NSWLEC 1195 the commissioner upheld an appeal by the applicant and agreed with the findings of the visual assessment that was prepared using this methodology to consider the impact of tourist development.

The methodology of the guidelines addresses impacts in both qualitative and quantitative terms. Qualitative assessment involves the use of descriptive and conceptual data such as descriptions of landscape characteristics and the setting of the development or viewpoint. The quantitative assessment uses numbers and values such as the distance of a viewpoint from the development and the direction of the view towards the development. The purpose of the assessment is to identify impacts and to determine whether these impacts are acceptable in the context of the benefits of the development to the community and economy.

Using the TfNSW methodology, which is based on the magnitude (size and scale) of the development and the sensitivity of the landscape and visual receivers to change, ensures that an objective judgement of impacts is made by the assessor. The methodology prevents the assessor from making subjective judgements.

The magnitude of a proposed development concerns the relative size, scale, form and character of the works. In relation to landscape character, magnitude is assessed in terms of the significance and compatibility with prevailing landscape features. The magnitude of a proposed development for visual amenity for private and public places is assessed by considering the quantum of change having regard to proximity to the project site and the extent to which the proposal will occupy the total view from an observation point.

Sensitivity is a measure of how sensitive the setting is to the proposed change. Sensitivity is estimated for landscape character in terms of the variety of land uses within the visual catchment and the capacity of the landscape to absorb new elements. The degree of sensitivity for visual amenity impacts from an observation point is assessed based on the quality of the existing view and sensitivity to physical changes, and takes into account whether the site is clearly visible or obscured by landform or vegetation, and the direction and composition of views.

Table 1: Landscape character and visual amenity impact grading matrix. Source: TfNSW Guideline for Landscape Character and Visual Impact Assessment, 2020

Landscape character and visual amenity impact grading matrix					
Sensitivity	Magnitude				
		High	Moderate	Low	Negligible
	High	High impact	High-moderate	Moderate	Negligible
	Moderate	High-moderate	Moderate	Moderate-low	Negligible
	Low	Moderate	Moderate-low	Low	Negligible
	Negligible	Negligible	Negligible	Negligible	Negligible

An explanation of the rankings of impacts on landscape character and visual amenity are provided in Table 2, sourced from *Pacific Highway HW10 and Wyong Road MR335 intersection and approaches upgrade Tuggerah* by Peter Andrews & Associates Pty Ltd/Corkery Consulting Pty Ltd, September 2012.

Table 2: Explanation of rankings based on sensitivity and magnitude.

Rank	Landscape character	Visual amenity
High	The development would be the dominant feature in the landscape and would significantly affect and alter character	There is a substantial change to visual amenity or a total loss of view towards key features caused by the introduction of new elements that contrast with existing landscape character
Moderate	The development introduces a new element to the landscape and would form a significant and recognisable part of the landscape that alters character	There is partial loss or change of visual amenity towards key features caused by the introduction of new elements that may be prominent but not substantially in contrast with existing landscape character
Low	The development constitutes a minor element of the wider view that merges with other land uses	There is a minor loss or change of visual amenity towards key features caused by the introduction of new elements that are consistent with existing landscape character
Negligible	The development is either not visible or only a small part is visible that due to distance separation does not alter character	There is very minor loss or change to visual amenity towards key features caused by the introduction of new elements that are consistent with existing landscape character approximating no change

Where magnitude and sensitivity impacts differ, the ranking would be a hybrid of the two impacts, e.g. moderate-high. Such a ranking would combine elements of both the explanation of a moderate rank and that of a high rank.

For clarification, the property on which the facility is proposed is termed the '**project site**' throughout this report. The section of the project site on which the facility is proposed to be located is termed the '**development area**'.

4. FORMAT

This assessment is formatted based on the methodology that involves the following steps:

- a) A site inspection is carried out and features of the site and surrounding land are documented and photographed for use in this assessment,
- b) Development plans for the solar farm are reviewed and the components of the proposal that may impact on landscape character and/or scenic amenity are identified,
- c) The character of the landscape is described based on features of the project site and surrounding environment such as land uses, topography, vegetation, structures, infrastructure and any heritage significance in the vicinity of the proposed development is made,
- d) An assessment of impacts on landscape character is made and a rating of nil, negligible, low, moderate or high is given based on magnitude and sensitivity using the impact grading matrix provided in Table 1 below,
- e) The visual catchment is defined with a 2 kilometre radius and potentially affected observation points, road routes and public reserves are identified,
- f) An assessment of impacts on visual amenity is made and a rating of nil, negligible, low, moderate or high is given based on magnitude and sensitivity impact grading matrix provided in Table 1 below,
- g) An assessment is made against the planning principles established by the NSW Land and Environment Court to apply when considering impacts of a proposed development on views enjoyed from private property and on the public domain, and
- h) The findings of the landscape character and visual amenity impact assessments are summarised. Recommendations to refine the development plans to avoid or mitigate significant landscape and visual amenity impacts are made if necessary.

5. REFERENCES

NSW Large-Scale Solar Energy Guideline

The *Large-Scale Energy Guideline* applies to solar energy projects that are declared state significant development. The proposal being assessed is a regional-scale development and the guidelines do not apply to the proposed development. However, reference has been made to the *Technical Supplement* and to the methodology for this Visual Impact Assessment.

The *Visual Impact Assessment* has been prepared as a proportionate response to the requirements of the *Large-Scale Solar Energy Guideline*. By this it is meant that the size and scale of the proposal is substantially less than state significant proposals for which the guideline is intended. The visual impact principles of the guideline are addressed in a modified and simplified manner that is commensurate with a town-scale solar farm. To quote the *Large-Scale Solar Energy Guideline*:

Although large-scale solar energy projects are the focus of this guideline, applicants, councils and planning panels are encouraged to consider the objectives and principles when preparing, assessing and determining solar energy development applications (DAs) for regionally significant development. The assessment process and level of detail required in a statement of environmental effects should be proportionate to the scale of the development and the likely impacts.

State Environmental Planning Policy (Transport and Infrastructure) 2021

SEPP (Transport and Infrastructure) 2021 incorporates the provisions relating to solar energy systems Part 2.3 Division 4. It also includes new provisions that apply to electricity generating works and solar energy systems.

Section 2.42 applies to the development of a solar energy system in a regional city that is state or regionally significant. Under this section the consent authority must be satisfied that the development is located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development.

The consent authority must also be satisfied that the development is unlikely to have a significant adverse impact on the regional city's capacity for growth, or scenic quality and landscape character.

Planning principles

Planning principles established by the NSW Land and Environment Court are considered a check on the findings of the landscape character and visual assessment. These principles are derived from the case *Tenacity Consulting v Warringah* [2004] NSWLEC 140 when considering the acceptability of the impact of a proposed development on views enjoyed from private property in the vicinity of that development, and from *Rose Bay Marina Pty Ltd V Woollahra Municipal Council and Anor* [2013] NSWLEC 1046 when assessing the impact of a development on the public domain.

6. ASSUMPTIONS

It is considered that electricity generating works are a type of primary industry, and that primary industries are an acceptable and appropriate land use in a rural zone. As the development is proposed in a rural location, it is necessary to understand what constitutes a primary industry.

Primary industry is not defined in any legislation or any statutory instruments such as the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, the *Local Government Act 1993*, or in any environmental planning instrument such as *State Environmental Planning Policy (Primary Industry) 2021* or *Queanbeyan Palerang Local Environmental Plan 2022*.

Primary industry is defined in the *Oxford English Dictionary* as:

An industry concerned with obtaining or providing raw materials, such as mining or agriculture.

Primary industry is defined in the *Cambridge English Dictionary* as:

An industry that produces energy or basic materials, such as coal, oil, metals, crops etc.

Primary industry is defined in the *Collins English Dictionary* as:

An industry, such as agriculture, forestry, or fishing, that deals in obtaining natural materials.

Primary industry is defined in the *Macquarie Dictionary* as:

Any industry such as dairy farming, forestry, mining, etc, which is involved in the growing, producing, extracting, etc, of natural resources.

These definitions do not define primary industry with any exclusivity, that is, examples of industries are given but these are not the only industries that are considered primary industries. The definition in the *Oxford English Dictionary* notes mining or agriculture as examples but does not mention forestry, gas extraction or energy production. Similarly, the *Collins English Dictionary* cites agriculture, forestry and fishing as examples but does not mention mining, gas extraction or energy production. The *Cambridge English Dictionary* does reference an industry that produces energy as a primary industry which would include gas extraction and renewable energy generation including by wind and sunlight. The *Macquarie Dictionary* is even less exclusive and uses the term etcetera to indicate that there are many types of industry that would qualify as primary industries that produce or extract natural resources which may include harvesting of sunlight.

In principle, primary industries are those that harvest or extract raw material(s) from nature. Renewable energy harnesses wind created by natural weather systems or sunlight produced by the sun. Energy generation cannot be classified as a secondary industry as there is no manufacturing or processing involved. Solar energy is energy created by the heat and light of the sun. Solar power is produced when this energy is converted into electricity and supplied as a resource for domestic, commercial and industrial uses. Energy production by way of harnessing solar radiation for use by solar photovoltaic panels for conversion to electricity is therefore a type of primary production.

The *Australian Energy Update 2018*, prepared by the Australian Government Department of Environment and Energy, makes reference to forms of renewable energy that produce electricity directly without a thermal component, such as wind, hydro and solar PV as primary energy production.

7. ASSESSMENT

a) Site inspection

The subject site was inspected by Zenith Town Planning Pty Ltd on 18 July 2024. Photographs of landscape features and the project site are provided in Attachment A.

b) Development plans

EDPR Australia is proposing to develop a 4.99 MW AC Tracker System solar farm at Lot 81 DP 755905, 873 Wallaces Gap Road, Ballalaba, NSW. The size of Lot 81 is 40.2 hectares. The project will occupy 14.1 hectares of the site.

The project site is located near the hamlet of Majors Creek and the township of Braidwood in Queanbeyan Palerang Regional Council area. The site is zoned RU1 Primary Production under *Queanbeyan-Palerang Regional Local Environmental Plan 2022*. Electricity generating works are prohibited in zone RU1 Primary Production but permitted by *SEPP (Transport & Infrastructure) 2021* in a prescribed non-residential zone which includes zone RU1.

Components of the facility which may impact landscape character and visual amenity are:

- Approximately 10,800 solar panels installed in rows that are around 120 metres long running east to west. The height of each module is approximately 2.0 metres to 2.75 metres and the mounting system is constructed on piles that are driven into the ground, typically within the depths of 1.5 metres to 3.0 metres. Each row of solar photovoltaic (PV) modules will rotate to track the sun across the sky from east to west each day,
- Ancillary infrastructure includes an inverter station, which incorporates high/medium voltage switchgear and transformers. The inverter station is ground mounted and incorporated on a 12.19 metre skid. Allowance is made for a 2.9 metre-high battery energy storage system (BESS) on a 12.1 metre skid alongside the inverter station,
- Use of the existing entry driveway off Wallaces Gap Road and a 4 metre wide access road to temporary car parking and materials laydown areas at the north-western corner of the array,

- An additional power pole at the north-western corner of the array and lines to connect to existing power lines, and
- A 1.8 metre high security fence with three rows of barbed wire to give a total height of 2.3 metres on the outer side of a 10 metre wide asset protection zone.

The layout of the proposed development is shown on General Arrangement Plan prepared by EDPR Australia. Figure 1 shows the location of the project site in relation to nearby settlements.



Figure 1: Locality map. Source: Explorer

The facility is expected to operate for approximately 35 years. At the end of that time, solar panels and related infrastructure will be decommissioned and removed. The project site can then be returned to the pre-development land use.

c) Description of the landscape

Features that determine the character of the landscape near the project site of the proposed development are described in Table 3.

Table 3: Landscape character in the vicinity of the project site

Item	Description
Land use	The project site is zoned RU1 Primary Production. It is being used for livestock grazing.
Structures	The site is occupied by a small dwelling and farm sheds.
Topography	The rural landscape is characterised by steep hill country with flat areas near creeks and watercourses. The proposed development area covers generally flat land with a gentle slope to the north-east.
Vegetation	The site has been cleared of native vegetation and is now vegetated with tussock and pastures grasses.
Surrounding land uses	Surrounding land uses comprise agriculture and rural living. A local heritage item I6 Nithsdale homestead, barn, outbuildings and garden is located approximately 2 kilometres to the west. A western section of Deua National Park is located to the south-east and a large area of forested private land is located to the north. The Shoalhaven River runs in an easterly direction and is located just over 2 kilometres west of the project site. Flat areas are cleared of native vegetation and occupied by farms. Thick forest comprising native vegetation remains along watercourses, on hill sides and steeper lands.
Infrastructure	Infrastructure in the vicinity of the project site comprises local and regional roads, such as Cooma Road. A 22kV power line runs parallel to Wallaces Gap Road which feeds into the Essential Energy Captains Flat 66/22kV zone sub-station.



Plate 1: The landscape character of Ballalaba

Figure 2 is an aerial image sourced from the NSW Spatial Map Viewer that indicates the extent of clearing on the property and surrounding land.

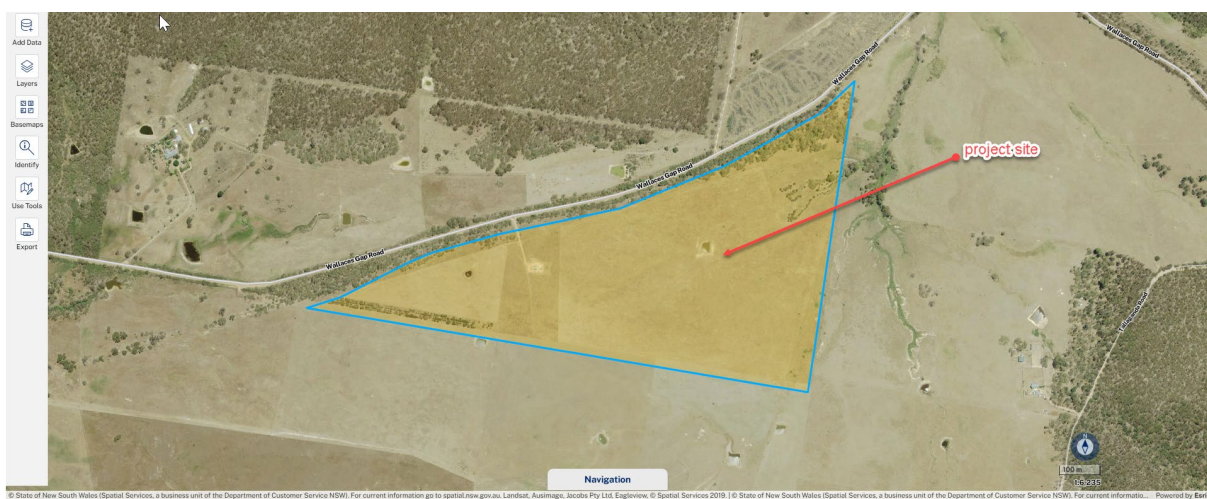


Figure 2: Aerial image of the project site. Source: NSW Explorer

Figure 3 is a topographic map that shows the cadastral boundaries, contours and watercourses of the project site and surrounding properties.

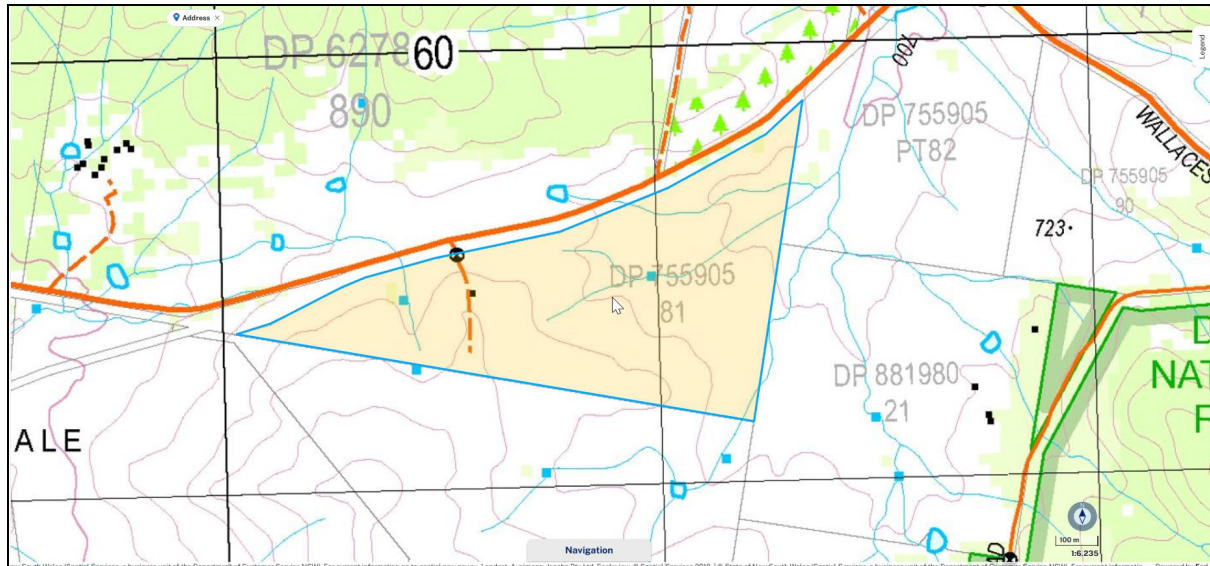


Figure 3: Topographic map showing cadastre, contours and watercourses. Source: NSW Spatial Viewer

Figure 4, sourced from the NSW SEED (Sharing & Enabling Environmental Data), depicts land uses.

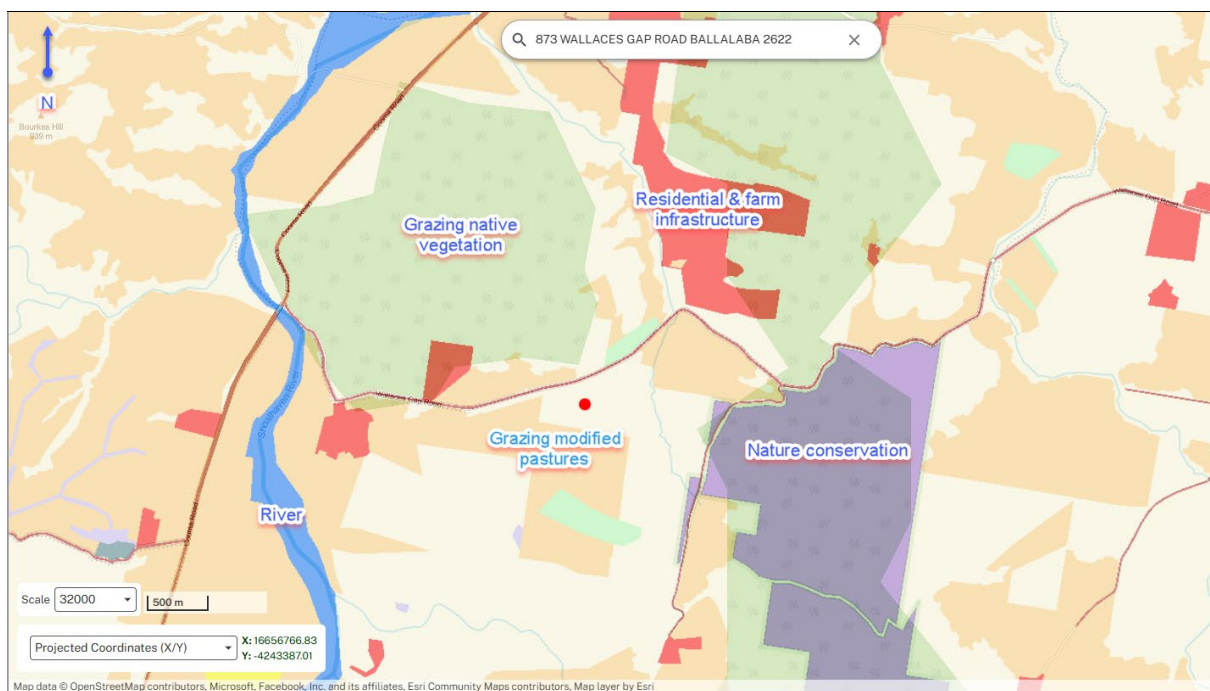


Figure 4: Land use. Source: NSW SEED

d) Impacts on landscape character

The character of the landscape in the vicinity of the site of the proposed Majors Creek 1A Solar Farm + BESS can be summarised as modified land used for primary production surrounded by bushland on steeper slopes.

Surrounding land uses comprise farming, rural living dwellings, national park and bushland. Agricultural land has been substantially altered from its condition prior to European settlement by vegetation removal, farming practices, the erection of fence lines and excavation for dams. Although sparsely settled, unsealed roads and farm buildings also contributes to character.

Table 4: Assessment of impacts on landscape character

Magnitude	Sensitivity	Impact rating
Moderate	Moderate	Moderate
- The magnitude of the project and impact on landscape character is considered to be moderate. - The solar facility will be a new element in the landscape that is likely to be clearly visible from nearby dwellings that are elevated above the site and from Wallaces Gap Road. - The facility will be a significant and recognizable part of the landscape in the vicinity of the project site. - Electricity generation using photovoltaic systems is considered a primary industry that belongs in a rural landscape. The objectives of zone RU1 Primary Production are satisfied in that the facility will add to the diversity of primary production uses in the immediate area. The facility will be a benign	- The sensitivity of private property to landscape change is considered to be moderate. - The character of the rural landscape is characterized by agricultural practices over cleared land with a steep forested backdrop. - The sensitivity of public places such as Wallaces Gap Road and Deua National Park to landscape change would be moderate in close proximity to the development but low elsewhere due to distance separation and vegetation on intervening land which impedes visibility. - The character of the rural landscape when seen from neighbouring rural dwellings will be changed although the solar facility would be a new	- The overall impact on landscape character is assessed to be moderate for both private property and the public domain. - Despite not being substantial in size and scale, the facility is expected to alter the character of the cleared farming landscape that is predominantly pastoral with very few structures.

Magnitude	Sensitivity	Impact rating
addition to the landscape that would not impact on the natural environment, and will not fragment rural holdings or conflict with existing uses on neighbouring land.	point of interest that occupies a minor segment of the entire view.	

e) The visual catchment

For the purposes of this analysis the visual catchment of the proposed development is defined by an area within 2 kilometres of the edge of the project site as shown on the visual catchment map below (Figure 5). The visibility of the site from properties located beyond 2 kilometres would be negligible.

The impact of solar farms on visual amenity depends on the scale and type of infrastructure, the prominence and topography of the site relative to the surrounding environment; vegetation; and any proposed screening measures to reduce visibility of the site.

Some potential observation points may not have a clear line of sight towards the solar farm because of significant existing features such as built structures and vegetation. The greater the distance from the project site the less clear the view of the solar farm. The ability to distinguish the type of land use and the actual composition of materials diminishes with distance.

A project-associated dwelling located on the project site, and any commercial and industrial properties, machinery sheds and the like are not usually considered as sensitive receivers in a visual assessment and are given a rating of n/a (not applicable).

In the case of rural properties and, whilst it is acknowledged that the array may be visible from unoccupied parts of a property, it is considered that the view from a dwelling is more critical than from yards and paddocks. The assessment considers the view from a dwelling to include the curtilage of that dwelling, i.e. the surrounding managed garden within fencing.

In some cases a single observation point may represent more than one dwelling where there is a cluster of dwellings that share the same outlook and where the impact would be the same for all

dwelling in that cluster. An example of this is where the outer reaches of an urban or suburban area fall within the visual catchment.

All attempts are made to identify dwellings but occasionally the use of structures on a property is uncertain. Such structures are generally considered observation points.

The visual catchment used in this analysis is similar to that used for the assessment of the impacts of glare and glint (*Glint and Glare Assessment*, ITP Renewables) but not necessarily the same. The modelling for glint and glare impacts uses receptors identified within the catchment area based on Geographic Information Systems (GIS). Visibility of the array may be obstructed by terrain and vegetation that is not mapped in the GIS therefore the findings of the visual assessment may not be consistent with the *Glint and Glare Assessment*.

A total of 15 observation points comprising rural dwellings, two road routes and a public reserve were identified as potential receptors within the 2 kilometre catchment. The Shoalhaven River is outside the 2 kilometre catchment and is not visible from the project site.

Figure 6 is a digital elevation model (DEM) that indicates the terrain and contours in the vicinity of the project site and within the 2 kilometre visual catchment. Contours are shown at 10 metre contours and distance intervals at 100 metre increments from the edges of the project site.

Along with proximity, elevation relative to the project site is an important consideration in a visual assessment as it indicates whether an observation point is located at a higher level above the project site and, therefore, whether the site is potentially visible from that observation point. This in turn determines whether vegetation screening will be of any benefit.

The DEM is used to verify that certain observation points within the visual catchment have a visual connection to the development area. However, the modelling does not take into account existing vegetation that may obscure visibility of the project site.

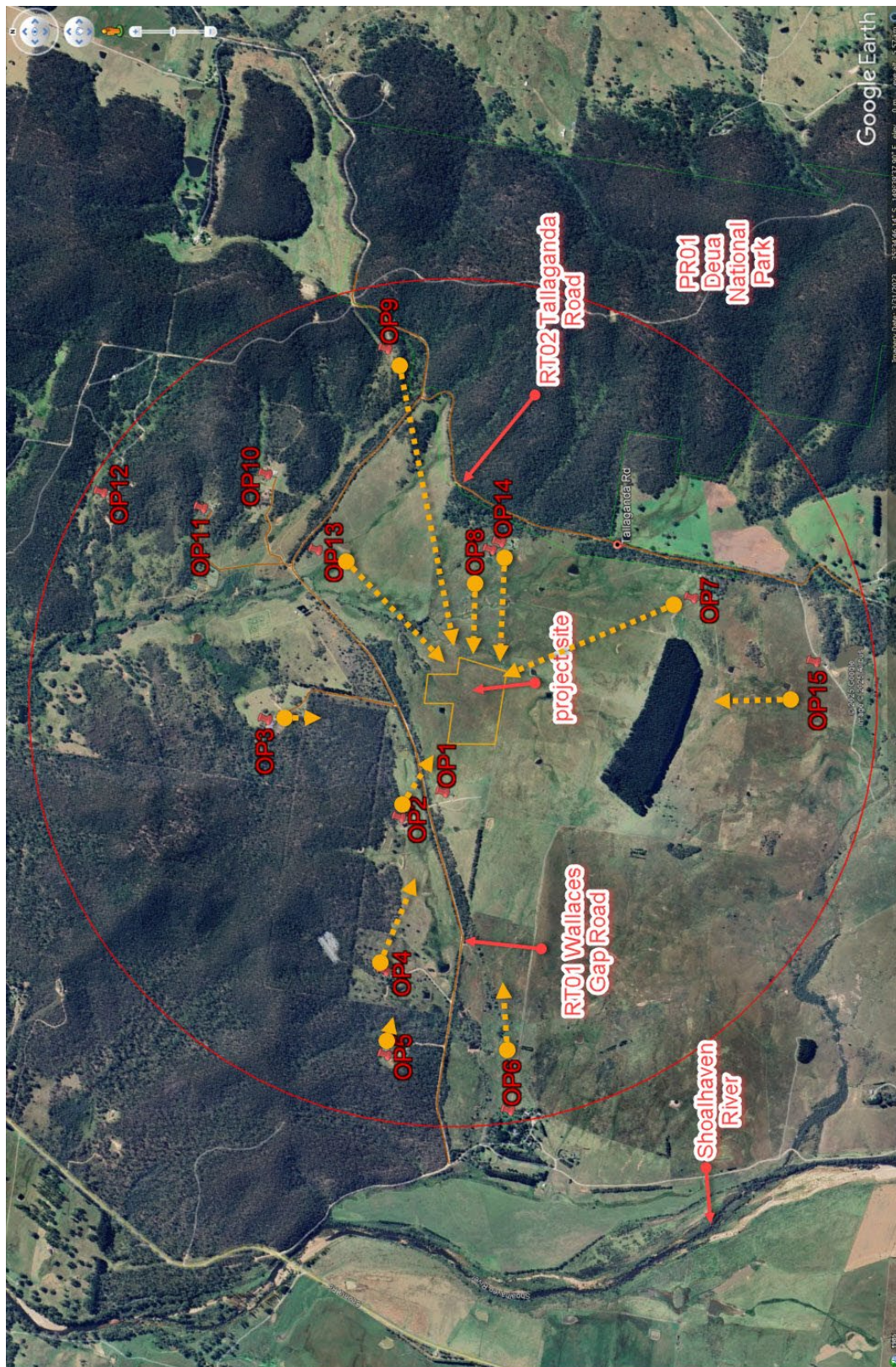


Figure 5: The visual catchment with observations points. Source: Google Earth

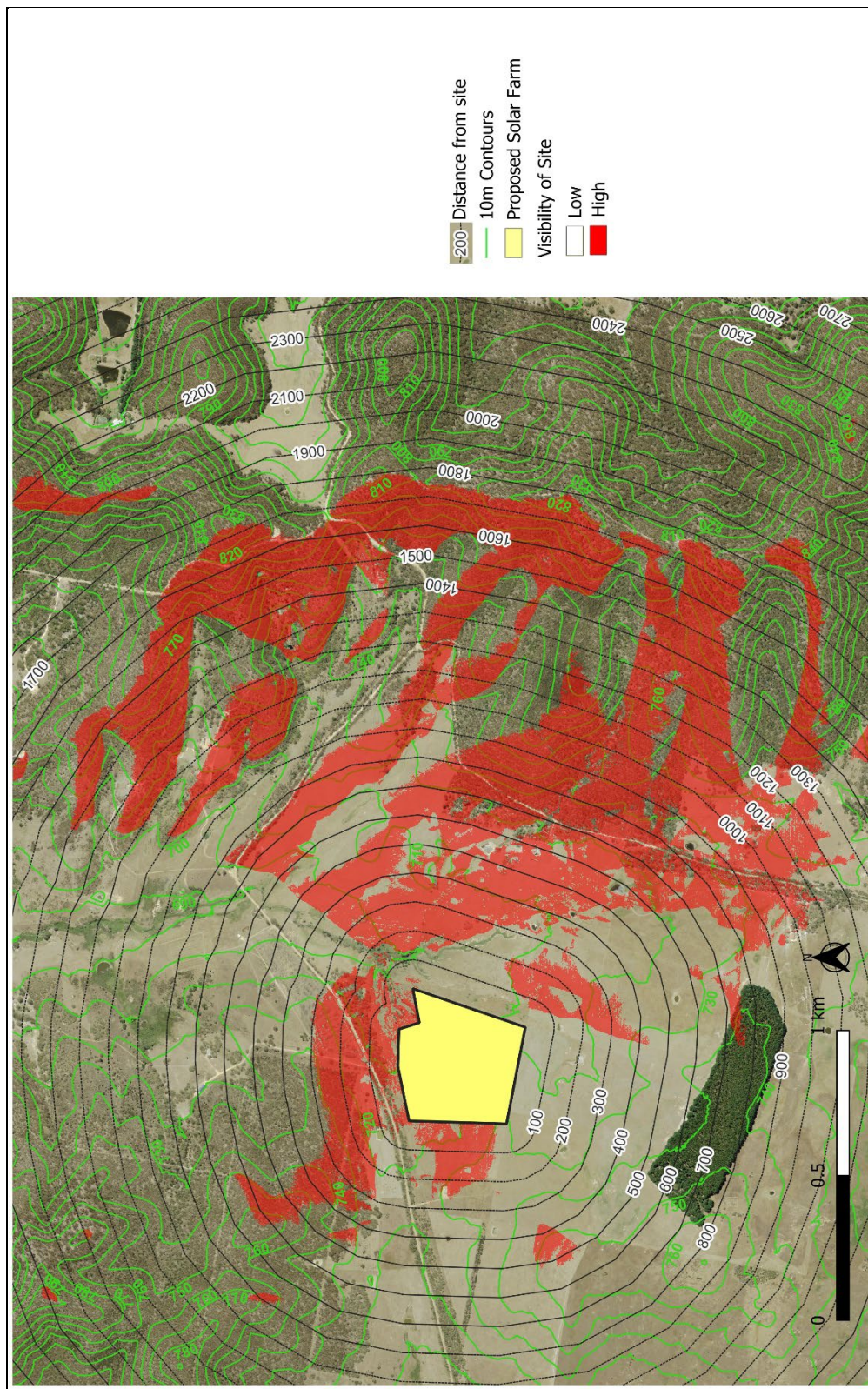


Figure 6: Digital elevation model. Source: EDPR

f) Impacts on visual amenity

Table 5 below contains details of observation points and public places with assigned estimates of magnitude, sensitivity and the impact rating. Details about the location of the observation point relative to the edge of the project site and distance to the edge of the project site are included.

Table 5: Visual amenity impact assessment ratings

Observation point	Type	Relative location	Distance from edge of project	Magnitude	Sensitivity	Impact rating
OP1	Rural dwelling (project-associated)	West	225m	n/a	n/a	n/a
OP2	Rural dwelling	West	415m	Moderate	Moderate	Moderate
OP3	Rural dwelling	North	730m	Nil	Nil	Nil
OP4	Rural dwelling	West	1,120m	Nil	Nil	Nil
OP5	Rural dwelling	West	1,500m	Nil	Nil	Nil
OP6	Rural dwelling (Nithsdale Homestead)	West	1,725m	Nil	Nil	Nil
OP7	Rural dwelling	South	925m	Low	Low	Low
OP8	Rural dwelling	East	550m	High	High	High
OP9	Rural dwelling	North-east	1,505m	Moderate	Moderate	Moderate
OP10	Rural dwelling	North-east	1,215m	Negligible	Negligible	Negligible
OP11	Rural dwelling	North-east	1,300m	Nil	Nil	Nil
OP12	Rural dwelling	North-east	1,765m	Nil	Nil	Nil
OP13	Rural dwelling	North-east	805m	Moderate	Moderate	Moderate
OP14	Rural dwelling	East	600m	High	High	High

Observation point	Type	Relative location	Distance from edge of project	Magnitude	Sensitivity	Impact rating
OP15	Rural dwelling	South	1,500m	Nil	Nil	Nil
RT01	Road route - Wallaces Gap Road	North (runs east-west)		Low-moderate	Low-moderate	Low-moderate
RT02	Road route - Tallaganda Road	East (runs north-south)		Nil	Nil	Nil
PR01	Public reserve - Deua National Park	East		Nil	Nil	Nil

Discussion

Based on proximity to the project site and elevation, then allowing for topography, and vegetation and structures on intervening land that may obscure visual connection with the project site, the impact on visual amenity of the proposed works is assessed to range from nil to high for the observation points identified in this assessment.

Two dwellings (OP8 and OP14) have an impact rating of high due to being in close proximity to the site, at an elevation above the project site and with potential unobstructed views of the array. The proposal will introduce a new element to views from these properties and occupy a significant proportion of their total views when looking west.

Three dwellings (OP2, OP9 and OP13) have a rating of moderate through being in close proximity in the case of OP2 to the west, or in the case of OP9 and OP13 mid-range proximity to the development area but with partially obstructed views due to vegetation on intervening land. OP9 is over a kilometre and a half away from the development area to the east but has views over the project site to the south and west due to elevation. The proposal will occupy a relatively small proportion of the expansive views experienced from these properties.

The impact on a dwelling to the south (OP7) is rated low due to the project site and development area being largely shielded from visibility by undulating topography and slope to the north-east. The top-most rows of the array may be visible but will occupy a very limited proportion of views from this dwelling.

Other dwellings have an impact rating of nil or negligible due to screening by topography and vegetation that would wholly obscure visibility of the project site and in some cases due to distance separation from the development area. The heritage-listed property Nithsdale (OP6) located approximately 1.8 kilometres west of the development area has no visual connection with the proposal and has an impact rating of nil.

The impact on road routes is assessed to be low to moderate for Wallaces Gap Road to the north-west. Dense roadside vegetation screens the development area west of the entry to the project site. This vegetation thins out for a distance of about 500 metres, from the entry as far as the entrance to OP3, allowing partial visibility of the development area through trees to motorists, pedestrians and cyclists using Wallaces Gap Road. The road is about 130 metres from the northern edge of the array at the closest point.

Distant glimpses of the development area may also be visible in the distance for another section of the road for about 300 metres to Brick Kiln Creek before it turns to the south-east and then potentially through breaks in the roadside vegetation as Wallaces Gap Road climbs the hill heading south and is elevated above the project site. Wallaces Gap Road is about 600 metre and 900 metres from the edge of the array to these vantage points.

Views towards the facility from Tallaganda Road to the east and south-east are effectively screened by roadside vegetation and topography. Tallaganda Road forms the western edge of Deua National Park. Views towards the project site from the national park would be possible but unlikely for hikers in the dense bushland.

g) The planning principles

Private property

The Land and Environment Court consistently applies a set of planning principles derived from the case *Tenacity Consulting v Warringah* [2004] NSWLEC 140 when considering the acceptability of the impact of a proposed development on views enjoyed from private property in the vicinity of that development.

These planning principles are addressed below in relation to the proposed solar farm and BESS. The planning principles are not predicated on a position that a landowner or occupant has a proprietary right to retain all or part of the views enjoyed from their land. The Court has acknowledged that even entire view loss is reasonable in certain circumstances (Lindsay Taylor Lawyers, November 2015).

Step 1: The views to be affected

The project site is likely to be directly visible or have a filtered visual connection to six dwellings located to the north-west, east, north-east and south-east of the project site. Two of these dwellings are located in close proximity to the development area and will have unobstructed views towards the array. The view enjoyed from affected properties towards the project site is one of cleared rural farmland with a backdrop of heavily forested bushland. The array will be a new type of development in the landscape.

Step 2: From what part of the property the views are obtained

Views may be available from the dwellings, yards and paddocks of affected observations points. The visual assessment is based on impacts to views from the dwellings and immediate surrounding yard or garden.

Step 3: The extent of the impact

The array will occupy a segment of the view from the observation points that have an impact rating of high. Parts of these dwellings are oriented towards the project site. The majority of the outlook from other affected observation points is across cleared paddocks towards distant hills. The extent of the impact for properties with moderate impact ratings is mitigated by topography and/or vegetation on intervening land that obstructs visual connection to the project site.

Step 4: The reasonableness of the proposal that is causing the impact

It is considered that the proposed development is suited to a non-urban location and is a legitimate use that is benign in terms of environmental impacts. Although the production of solar energy is an activity that is not permitted by *Queanbeyan Palerang Regional LEP 2022, SEPP (Transport and Infrastructure) 2021* prevails and makes the use permissible in a rural zone. The landowner has a

reasonable expectation to develop a use that is permissible subject to the implementation of safeguards to prevent or mitigate adverse impacts on the environment and amenity.

The public domain

The case *Rose Bay Marina Pty Ltd V Woollahra Municipal Council and Anor* [2013] NSWLEC 1046 established planning principles to be considered when assessing the impact of a development on the public domain.

The process must account for reasonable development expectations as well as the enjoyment of members of the public of outlooks from public places.

Step 1: The nature and scope of existing views

Views from affected public places are towards a managed and cleared farm that is currently used to graze sheep. The backdrop to the site is partly farmland and bushland.

Step 2: The locations from which the potentially interrupted view is enjoyed

Filtered views from the public domain towards the project site are available to pedestrians, cyclists and motorists using Wallaces Gap Road in the vicinity of the project site and for a limited extent of the road. They may also be available to hikers in Deua National Park to the east, however, dense native bushland make this unlikely.

Step 3: The extent of the obstruction at each relevant location

The proposed development will not obstruct views but will become another rural use amongst agricultural activities and ancillary infrastructure. The proposed development is unlikely to be visible from public roads or public reserves located outside the visual catchment due to topography and the presence of vegetation on intervening land that would completely obscure visibility.

It is unlikely that hikers would experience direct views over the project site due to the dense native vegetation within the national parks that would provide natural screening.

Step 4: The intensity of public use of those locations where that enjoyment will be obscured

Wallaces Gap Road is an unsealed local road that has a very low intensity of use mainly by local residents and for the transport of livestock and farm produce. The views will not be obscured as visibility of the solar facility will be filtered by roadside vegetation.

Step 5: Whether or not there is any document that identifies the importance of the view

There is no strategic plan of Queanbeyan Palerang Regional Council or the NSW Government that identifies the importance of the view. It is not mapped as a scenic landscape or as visually sensitive land in *Queanbeyan Palerang Regional LEP 2022*.

Neither the townships of Majors Creek nor Braidwood are mapped as a regional city in *SEPP (Transport and Infrastructure) 2021*.

In summary, assessment against the planning principles established by the NSW Land and Environment Court finds that the potential impacts of the proposed solar farm on views from both private property and the public domain are acceptable. It is important to note that any development has a visual impact, irrespective of the size or scale of that development and that impacts can be offset by the wider public benefits of that development.

h) Findings and recommendations

The township of Braidwood and the hamlet of Majors Creek are not mapped as 'regional cities' in *SEPP (Transport and Infrastructure) 2021*. However, impacts on scenic quality and landscape character have been assessed in accordance with state policy.

Landscape character

The character of the landscape in the vicinity of the site of the proposed Majors Creek 1A Solar Farm + BESS can be summarised as modified land used for primary production surrounded by heavily forested bushland on steeper slopes and within nature reserves. The project site is not mapped as a scenic protection area in any environmental planning instruments or council policies. However, the site is considered visually sensitive due to the surrounding undisturbed and protected native bushland.

Surrounding land uses comprise farming, rural living dwellings, national park and bushland. Agricultural land has been substantially altered from its condition prior to European settlement by vegetation removal, farming practices, the erection of fence lines and excavation for dams. Although sparsely settled, unsealed roads and farm buildings also contributes to character.

Despite not being substantial in size and scale, the facility is expected to alter the character of the cleared farming landscape that is predominantly pastoral with very few structures. The overall impact on landscape character is assessed to be moderate for both private property and the public domain.

Visual Amenity

Two dwellings east of the development area have an impact rating of high due to being in close proximity to the site, at an elevation above the project site and with potential unobstructed views of the array. The proposal will introduce a new element to views from these properties and occupy a significant proportion of their total views when looking west.

Three dwellings have partially obstructed views due to vegetation on intervening land and have an impact rating of moderate. The proposal will occupy a relatively small proportion of the expansive views experienced from these properties. The impact on a dwelling to the south is rated low due to the project site and development area being largely shielded from visibility by undulating topography and slope to the north-east.

Other dwellings have an impact rating of nil or negligible due to screening by topography and vegetation that would wholly obscure visibility of the project site.

The impact on road routes is assessed to be low to moderate for Wallaces Gap Road to the north-west. Dense roadside vegetation screens the development for the majority of Wallaces Gap Road as well as Tallaganda Road. The facility is unlikely to be visible to hikers in Deua National park.

Summary

On balance and having regard to other matters for consideration under section 4.15 *Evaluation of the Environmental Planning and Assessment Act 1979*, any impacts are considered acceptable given that:

-
- Visual and scenic amenity impacts can be largely mitigated by vegetation screening along sections of the eastern boundary of the development area on the outer side of the security fence. Screening along the northern, western and southern sides of the array is not warranted as the affected observation points in those directions are not highly impacted by the proposal due to undulating topography and slope of the development area to the north-east. OP1, the nearest observation point to the project site and located to the west, is project-associated,
 - Any existing vegetation along road reserves and property boundaries is to be maintained,
 - the solar farm and BESS will contribute to renewable energy generation and provide a source of electricity for local domestic and commercial use whilst at the same time assisting to reduce greenhouse gas emissions and our reliance on fossil fuels. It will generate employment opportunities during the construction phase and once operational will provide employment for maintenance crews. These reasons satisfy the planning principle established by the court to consider the reasonableness of the proposal that is causing the impact, and
 - the solar farm will demonstrate the commitment of the community of Queanbeyan-Palerang local government area to renewable energy and will assist the NSW Government to meet its mandated emissions reduction target. The development will therefore be in the public interest.

The rural landscape is a primary production environment and appropriate uses, including renewable energy facilities, are permissible in the zone. The development is of a type that is suited to a rural location due to the land area required, proximity to an urban centre and access to energy infrastructure.

The proposed development is in accordance with relevant objects of the *Environmental Planning and Assessment Act 1979* in that it will assist to generate power and promote the social and economic welfare of the community in a manner that manages and conserves natural resources. The proposed development will further the goals of sustainability, and the orderly and economic use of land.

The presence of the solar farm in the landscape can be reversed without permanent impact. The land will return to its current appearance after the solar farm is decommissioned in approximately 35 years' time. The process of decommissioning will see the removal of all panels, supporting frames and ancillary items such as the inverter stations and fencing.

Solar farms and BESS are becoming a common component of rural landscapes and are less intrusive than other forms of electricity generation. The urgency with which we need to develop renewable energy production is now accepted by mainstream society.

Recommendations

- a. It is recommended that vegetation be planted as a landscape screen along sections of the eastern boundary of the development area as shown in Figure 7 below,
- b. Plants should comprise native shrubs or trees that grow to a maximum height of 3 metres to avoid interference with sunlight access to the array, and be planted on the outer side of the security fence to a width of 3 metres and staggered to ensure dense screening, and
- c. All plants used in the landscape screen should be endemic to the localities of Braidwood and Majors Creek to ensure that the vegetation contributes to the rural landscape character and enhances local biodiversity values.



Figure 7: Recommended landscape screening

Attachment A

Site photographs



Plate 1: The project-associated dwelling (OP1) and OP2 to the west of the project site



Plate 2: Looking north from the project site



Plate 3: Looking north-west from the project site

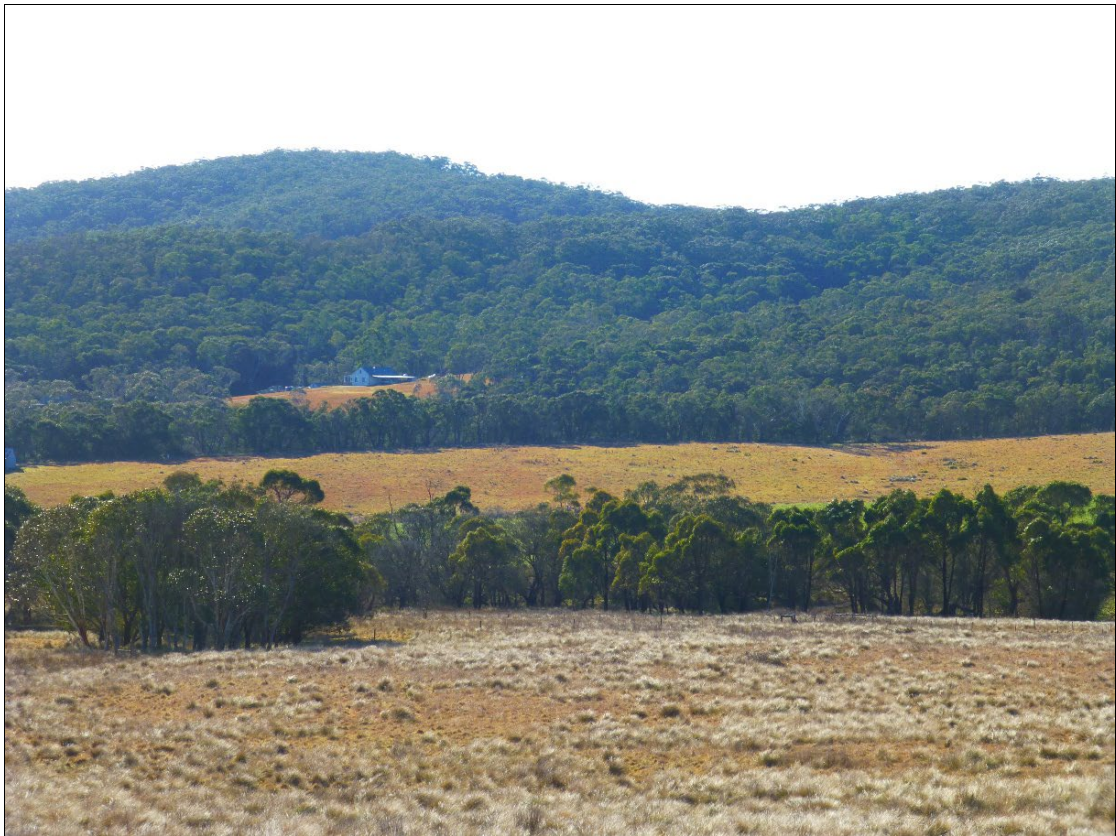


Plate 4: Looking north-east from the project site towards OP9



Plate 5: Looking east towards OP8



Plate 6: Looking south-east from the project site towards OP7



Plate 7: Looking west from the project site



Plate 8: Looking south from the project site