

EDPR Australia Pty Ltd
Attn: Jou Jong
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20 August 2026

Dear Jou

**RE: RESPONSE TO QPRC DRAFT REASONS FOR REFUSAL OF THE DEVELOPMENT APPLICATION FOR
MAJORS CREEK 1A SOLAR FARM + BESS (PPSSTH-587/DA.2026.0113)**

As instructed, the following is a response to draft reasons of refusal for the DA for the Majors Creek 1A Solar Farm and BESS, in particular concerning visual impacts and traffic management. These issues are referred to by Queanbeyan Palerang Regional Council in draft reasons **c** and **d** which read as:

- c. *The development is inconsistent with the aims of the Queanbeyan Palerang Regional Local Environmental Plan 2022 (LEP), in particular aims (a), (h), (i) and (k). The ... response to visual impacts concerns and insufficient information relating to the width and suitability of Wallaces Gap Road for B-Double vehicular traffic, prevents the Panel from being satisfied that proposal appropriately protects and manages the environmental ... values, responds sensitively to the character and landscape of the locality.*
- d. *The development is inconsistent with the objectives of the RU1 Primary Production zone under the LEP as the application has not demonstrated that the development will maintain and enhance the natural resource base and the potential impacts on the surrounding rural land use. The ... response to visual impact concerns, insufficient information relating to the width and suitability of Wallaces Gap Road for B-Double vehicular traffic prevents the Panel from being satisfied that the development achieves the intended objectives of the zone.*

This advice comprises an assessment of the proposal with these aims of *Queanbeyan Palerang Regional LEP 2022* and the objectives of zone RU1 Primary Production. It concludes with a recommendation that the Southern Regional Planning Panel approve the application which, on balance, is satisfactory to the heads of consideration in section 4.15 of the *Environmental Planning & Assessment Act 1979*.

1. Queanbeyan Palerang Regional LEP 2022 Clause 1.2 Aims of Plan

The aims of *Queanbeyan Palerang Regional LEP 2022* cited in reason c. are:

- (a) *to protect and improve the economic, environmental, social and cultural resources and prospects of the community,*
- (h) *to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,*
- (i) *to protect important scenic quality, views and vistas,*
- (k) *to ensure development does not unreasonably increase the demand for public services or public facilities,*

sustainable thinking

Each of these aims are addressed separately below.

- (a) The *Statement of Environmental Effects* submitted with the application contained an assessment of the environmental, social, economic and cultural impacts of the proposal.

Environmental

Environmental considerations include impacts on biodiversity, natural hazards, noise, air quality and water resources. Impacts on these interests have been found to be acceptable and mitigation measures have been recommended. The QPRC assessment report agrees and concludes that the proposal is satisfactory to all of these considerations.

Social

Social benefits of the proposal will be through a commitment by the local community to sustainable development and a greater reliance on renewable energy. The power generated by the solar farm would be directed to the settlement of Majors Creek for consumption by local households and businesses. Land use conflict would be minimal as the facility can co-exist with surrounding activities. Partial screening using vegetation that is endemic to the district is proposed to mitigate impacts on scenic amenity.

Economic

The development would generate economic benefits through employment opportunities during the planning and construction phases as well as maintenance and inspection jobs once operational. The development would create a new market for local contractors and expand diversity of income for the landowners. The project site, being of moderate land capability and not mapped as state significant agricultural land, represents only 0.004% of agricultural land in Queanbeyan-Palerang Regional LGA. Agriculture may continue on the unused portions of the project site.

Cultural

Due diligence of Indigenous heritage did not identify any items or places of significance to the local Aboriginal community. A cultural heritage assessment was also carried out by Batemans Bay Local Aboriginal Land Council and made recommendations that can be imposed through conditions of consent. The non-Indigenous heritage item I6 Nithsdale homestead which is of local significance does not have a visual or historic connection with the site and distance separation would ensure nil impacts on the values of that place.

To summarise, the proposal is satisfactory to aim (a) and would enhance the social and economic prospects of the local community without adversely impacting environmental or cultural attributes.

- (h) This matter is dealt with above beneath the sub-heading '*cultural*'.
- (i) An assessment of impacts on landscape and scenic amenity was prepared 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). The *Technical Supplement – Landscape and Visual Impact Assessment (Large Scale Energy Guideline)* issued by the Department of Planning and Environment in August 2022 has also been referenced noting that this guideline does not apply to regional scale proposals and that the assessment should be proportionate to the scale of the development and the likely impacts.

The findings of the *Visual Impact Assessment* are:

- the impact on landscape character is assessed to be moderate. It is acknowledged that the proposed development would alter the character of the landscape that is predominantly cleared pastoral land and bushland. The land has been substantially altered from its condition prior to European settlement by vegetation removal, farming practices, the erection of dwellings and farm sheds, fence lines, excavation for dams and construction of accessways, and
- the development is likely to be directly visible or have a filtered visual connection to 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, will have unobstructed views towards the development from the dwellings and surrounding curtilage, and were assessed to have a visual impact rating of high. The majority of the outlook from other affected observation points is across cleared paddocks towards distant hills. Topography and distance separation mean that the development would occupy a small segment of total views from these properties.

QPRC advised in correspondence that the visual assessment does not appropriately address the impacts on dwellings that are at a higher elevation than the project site and that the landscaping is unlikely to mitigate visual impacts to these dwellings. In response, EDP attempted to make contact with four property owners with dwellings at a higher elevation with the intention to prepare photomontages to provide a visual representation of how the proposed development would appear from their respective viewpoints and illustrate the benefit of the proposed screening along part of the eastern boundary. However, EDP were unable to make contact with three of these neighbours and the other refused to allow entry onto their property to take photographs for the photomontages.

The Transport for NSW methodology has been deemed adequate for over 30 other development applications for regional scale renewable energy facilities made by EDPR Australia. Using this methodology, partial screening of the eastern boundary of the facility is recommended to protect the scenic amenity of the two properties with a high impact rating. The development would occupy a very small segment of the total view from other properties which are at some distance from the project site. An assessment against 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.

I would like to bring to your attention a decision made by the Western Regional Planning Panel on 1 July 2026. The panel unanimously approved PPSWES-395 – Griffith – DA57/2026 at 11 Duchatel Road, Griffith NSW 2680 – Electricity Generating Works Development – Battery Energy Storage System (BESS) & 7.1 MW Solar Farm. This was contrary to the recommendation of Griffith City Council to refuse the DA for reasons including the visual impact of the proposal. The location of the proposal was within the Griffith Regional City boundary of SEPP (Transport and Infrastructure) 2021.

The Panel was satisfied that *the extent, distribution, maintenance and layout of the proposed landscaping adequately mitigated against the Panel concluding that there would be a significant adverse impact on Griffith's scenic quality and landscape quality, including the potential prominence of the development when travelling on Kidman Way*. The Panel was also satisfied that the site of the proposal was suitable and that other issues raised by Council could be addressed by conditions of consent.

- (k) It is understood that reference to this aim relates solely to the issue of road maintenance or upgrades as no other impositions on public services and facilities has been raised in the assessment report.

The original *Traffic and Parking Impact Statement* prepared by McLaren Traffic Engineering submitted with the development application was predicated on the use of approximately 45 heavy vehicles, including up to 26 metre B-doubles, generating up to 8 movements per day to and from the project site. The access route would be via Cooma Road and Wallaces Gap Road.

Swept path tests demonstrate that B-double access via the existing driveway to the project site is achievable, subject to minor widening of the driveway. Sight distances to the driveway are achieved in either direction. The report notes that, as an alternative, the use of standard semi-trailers would reduce the need for driveway widening works and that *"It is expected that construction vehicles access will be included and assessed as part of a detailed construction traffic management plan as a condition of consent."*

Council's development engineering section considered the use of Wallaces Gap Road by B-doubles noting that Cooma Road is an approved B-double route with conditions that relate to school days and flooding. Council has advised that the suitability of Wallaces Gap Road due to the road being unsealed and narrow at certain sections should be confirmed.

In response, the *Traffic and Parking Impact Statement* has been revised to replace the use of B-doubles with 20-metre articulated vehicles. This would increase the number of trucks used to deliver materials to 65 but retain the number of movements per day to eight. A 20-metre AV is classified as a General Access Vehicle by the National Heavy Vehicle Regulator and has as-of-right access to the road network unless signposted otherwise. Swept path diagrams have also been revised that demonstrate that access via the existing driveway to the project site for 20-metre articulated vehicles is achievable, subject to minor widening of the driveway. Sight distances are also achieved and it is noted that Wallaces Gap Road is approximately 6 metres in width which is sufficient to accommodate the passing of trucks at low speeds.

Other temporary road safety measures could be included in a Construction Traffic Management Plan such as the placement of signage on Wallaces Gap Road during the construction period, reduction of speed, management of site deliveries and traffic signals. Relevantly, heavy vehicles currently use Wallaces Gap Road to access farms to deliver materials and collect produce.

The proposal is satisfactory to aim (k) of *Queanbeyan Palerang Regional LEP 2022*. Traffic management measures have been revised that would alleviate the need to modify or upgrade Wallaces Gap Road. There are no other impositions on public services or facilities.

2. Queanbeyan Palerang Regional LEP 2022 Zone RU1 Primary Production

The objectives of zone RU1 Primary Production are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of development on the natural environment.*
- *To ensure development does not unreasonably increase the demand for public services or public facilities*

It is considered that the proposed development is not inconsistent with the objectives of zone RU1 Primary Production. The proposed development is suited to a non-urban location and is a legitimate land use made permissible by *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

- Renewable energy through the harnessing of sunlight is a form of primary industry. Energy is produced by harnessing solar radiation for use by solar photovoltaic panels for conversion to electricity. In principle, primary industries are those that harvest or extract raw material(s) from nature. Renewable energy harnesses wind created by natural weather systems, the energy generated by moving water or sunlight produced by 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 generation cannot be classified as a secondary industry as there is no manufacturing or processing involved. 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.
- EDPR Australia (formerly ITP Development Pty Ltd) has obtained approval from the Western Regional Planning Panel on two occasions to subdivide non-urban land on the basis that electricity generating works are a form of primary industry. In each of these cases at Hay and Hillston, consent was granted to subdivide the land using clause 4.2 of the relevant planning schemes and on the basis of electricity generation being a primary industry.
- As a primary industry, the development will maintain the rural function and primary production values of the land. The development will not cause fragmentation or alienation of resource land as livestock grazing may continue to graze land around the solar array when the facility is constructed and operating.
- The solar farm will diversify rural activities and provide an alternative means of income thereby supporting other on-farm activities. It will not lead to land use conflict with other land uses or any special values as it is a benign development during the operational phase that will not produce noise, odour, dust or other emissions that would impact on the amenity of surrounding land.
- Employment opportunities will be created for the local community both during construction and operation. There are no statutory intentions to expand the urban settlements of Braidwood or Majors Creek towards the project site and the solar farm will not obstruct any unplanned growth of these townships.
- The solar farm would not adversely affect valuable environmental assets and would not have a significant impact on biodiversity or the ecological integrity of water resources, native vegetation or habitat linkages between patches of native vegetation.
- There are no additional public services or facilities required to construct or operate the solar farm. Water and sewer services are not needed, stormwater can be adequately managed and access is available. No augmentation or upgrading of public services or facilities is necessary.

On balance, the Council assessment concludes that the application is satisfactory in terms of impacts on biodiversity, water resources, bushfire hazard, land contamination, noise, non-Indigenous heritage, erosion and sediment control, and waste management. Traffic management issues have been resolved by amendments to the *Traffic and Parking Impact Assessment* dated 19 August 2026.

The *Visual Impact Assessment* openly and honestly acknowledges that some properties will be impacted by the development, however, the proposal is a legitimate rural land use and impacts can be largely mitigated by screening.

For these reasons it is recommended that development application PPSSTH-587/DA.2026.0113 be approved.

Yours sincerely,



Allen Grimwood
Director

