

27 February 2023

Minister for Planning
Department of Transport and Planning
PO Box 500
East Melbourne VIC 3002

ADVERTISED PLAN

Dear Minister,

Application to Amend Planning Permit PA1900684 - Kennedys Creek Solar Farm

AECOM Australia Pty Ltd (AECOM) act on behalf of 433 Link Development Pty Ltd C/- Lightsource bp (the Project Applicant) in relation to Planning Permit **PA1900684** (the Permit) for the Kennedys Creek Solar Farm.

AECOM has prepared this letter in support of an application made under Section 72 of the *Planning and Environment Act 1987* (P&E Act).

The application seeks to amend the Permit to include the construction of a transmission line that is proposed to connect the Kennedys Creek Solar Farm to the West Mokoan Solar Farm (Planning Permit PA2000978) which is located approximately 2km to the north, and also under the ownership of Lightsource bp. The application also includes the relocation of the substation to the north-east of the site to connect to the new transmission infrastructure. Additionally, this application seeks to make numbering and wording changes to the conditions of the Permit for consistency with the conditions of the Planning Permit for the West Mokoan Solar Farm.

The payment of the requisite application fee of \$3,524.30 will be made to the Department of Transport and Planning (DTP) upon receipt of the application.

AECOM will continue to act on behalf of Lightsource bp in relation to any requests for further information from DTP. A notification letter has been prepared and sent out to all affected landowners to inform them of the amendment application.

1.0 Introduction and Background

On 7 October 2020, AECOM submitted a planning application for South Energy on behalf of 433 Link Development Pty Ltd for the use and development of a Solar Energy Facility and associated Utility Installation. A Planning Permit (PA1900684) was granted on 30 November 2020. Planning Permit PA1900694 was corrected on 5 February 2021 in accordance with Section 71 of the *Planning and Environment Act 1987* to amend a clerical error at Condition 73.

The Permit allows for the use and development of a solar energy facility, utility installation and associated buildings and works, removal of native vegetation, creation or alteration of access to a Transport Zone 2, display of business identification signage, and removal, variation and creation of easements at:

- Murray Road, Benalla (Lot 3 and 4 PS318659S)
- 51 Nelson Road, Benalla (Lot 6 PS627741K)
- 67 Nelson Road, Benalla (Lot 7 PS627741K)
- 127 Nelson Road, Benalla (Lot 2 PS803108)
- 284 Benalla-Yarrawonga Road, Benalla (Lot 3 PS715932M)

It is noted that the original owner of the Project Applicant (433 Link Development Pty Ltd) was South Energy. On 22 September 2021, ownership of the Project Applicant was transferred from South Energy to Lightsource bp. South Energy retain ownership of the subject site and therefore an interest in the Project. Following the transfer of ownership of the Project, Lightsource bp resolved to develop the Kennedys Creek Solar Farm and the West Mokoan Solar Farm **as a single Project for the purposes of construction and operation** (West Mokoan Solar Farm Project).

2.0 Proposed Amendments to the Permit

2.1 Concept Plan Amendments

Following changes to the concept design, this application under Section 72 of the P&E Act seeks to:

- Rearrange the layout of the Project to:
 - Relocate the Substation to the north-east of the site and connect to new transmission infrastructure
 - Make minor updates and design changes as a result of the above.
- Include a new transmission line from the Project to the network connection point at West Mokoan Solar Farm (approved by PA2000978).

Plan AUS_Kennedys_LP1-IDL_15 - Marked Up and the Overview Plan at Appendix B of the Planning Report provide a marked-up version of the concept plan highlighting the differences outlined above and show the transmission line concept plan.

Referred to as the Kennedys Creek Solar Farm, the Project (as amended) applies to land at:

- Murray Road, Benalla (Lot 3 PS318659S and Lot 4 PS318659S)
- 51 Nelson Road, Benalla (Lot 6 PS627741K)
- 67 Nelson Road, Benalla (Lot 7 PS627741K)
- 127 Nelson Road, Benalla (Lot 2 PS803108)
- 284 Benalla-Yarrowonga Road, Benalla (Lot 3 PS715932M)
- Lake Mokoan Road, Winton North (Allotment 2020 Parish of Winton PP3843)
- 368 Benalla-Yarrowonga Road, Benalla (Lot 2 PS627741)
- 370 Benalla-Yarrowonga Road, Benalla (Lot 1 PS627741)
- 82 Snowy Lane, Benalla (Lot 2 LP123365)
- Benalla-Yarrowonga Road, Benalla (Lot 1 PS717978)
- 524 Benalla-Yarrowonga Road, Benalla (Lot 6 LP206524)
- 572-616 Benalla-Yarrowonga Road, Benalla (Lot 5 LP206524; Lot 4 LP206524 Lot 3 LP206524)
- Allotment 2019 Parish of Goorambat PP2704
- Snowy Lane, Benalla road reserve.

2.2 Permit Conditions

Planning Permit PA2000978 was issued on 3 November 2022 for the West Mokoan Solar Farm.

As the two solar farms, Kennedys Creek and West Mokoan, are proposed to be developed as a single project, it is requested that the format of the amended Permit be made consistent with PA2000978. This format would also allow the Permit to be consistent with the example permit conditions of the *Solar Energy Facilities Design and Development Guideline*¹.

Refer to the summary of the proposed amendments to the conditions to align with the conditions of Planning Permit PA2000978 at Attachment D. The red text in the table details the differences in the wording of the equivalent/similar condition/s between the permits. A recommendation has been proposed for each condition, to seek alignment with PA2000978. Some renumbering of the permit conditions is also required.

¹ https://www.planning.vic.gov.au/_data/assets/pdf_file/0026/428273/Solar-Farm-Guideline-Example-Permit-Conditions.pdf

3.0 Consultation to date

AECOM provided a pre-application briefing to DTP (formerly known as the Department of Environment, Land, Water and Planning) on 9 March 2022 to discuss the new proposal, amendment process and the scope of documentation required to support the amendment application. AECOM provide DTP and the Department of Energy, Environment and Climate Change with an update on the Project, including the result of further ecological surveys, on 19 December 2022.

Lightsource bp and AusNet have undertaken extensive consultation with the landowners along the transmission line route throughout 2022, including face-to-face landowner meetings with the owners to discuss the proposal in August, November and December 2022. Lightsource bp have continued ongoing communication with landowners through to early 2023 as relevant.

AusNet, on behalf of Lightsource bp, have also engaged with the Winton Wetlands Committee of Management and Benalla Rural City Council in relation to the proposed transmission line throughout 2022. Both parties are therefore aware of the proposal, including that the proposed transmission line and easement will extend into the Boundary Road road reserve (PUZ1). Lightsource bp has sought consent from the public land manager, Winton Wetlands, for use of the property at Lake Mokoan Road, Winton North (Allotment 2020 Parish of Winton PP3843).

4.0 Summary

This application seeks to amend Planning Permit PA1900684 to reflect the new proposal for the solar farm facility and align the permit format with that of PA2000978. The following documents have been included as part of the submission to support the amendment:

- The approved Planning Permit PA1900684 (Attachment A)
- A recent copy of the Certificates of Title (Attachment B)
- A Planning Application Report (AECOM, 27 February 2023) (Attachment C), including:
 - Consultation material (provided by South Energy, 2018-2019)
 - Application Plans (AECOM and Lightsource bp, 2019-2023)
 - Ecological Flora and Fauna Assessment² (AECOM, 24 February 2023)
 - Surface Water Assessment (AECOM, 24 February 2023)
 - Traffic Impact Assessment (AECOM, 25 January 2023)
 - Landscape Character and Visual Impact Assessment (AECOM, 15 February 2023)
 - Landscape Plans and Landscape Early Works Strategy (AECOM, 24 January 2023)
 - Heritage Due Diligence Assessment and Addendum (AECOM, 17 June 2019 and 22 February 2023)
 - Draft Cultural Heritage Management Plan (AECOM, 20 December 2023)
 - Glint and Glare Assessment and Addendum (AECOM, 13 September 2019 and 22 February 2023)
 - Agricultural Impact Assessment and Addendum (Ag Challenge, 4 September 2019 and 22 February 2023)
 - Preliminary Geotechnical Assessment and Addendum (AECOM, 13 September 2019 and 22 February 2023)
 - Operational Noise Assessment (AECOM, 19 December 2023)
 - Preliminary Environmental Management Plan and Addendum (AECOM, 13 September 2019 and 22 February 2023)

² It is noted that targeted surveys were conducted for the transmission line investigation area. The potential for SLL habitat to occur within Kennedys Creek is being considered in a separate memo that is currently being prepared.

- Plan of Subdivision (Tomkinson Group, 15 August 2019)
- Written consent from the public land manager, Winton Wetlands
- A summary of the proposed amendments to the conditions to align with the conditions of Planning Permit PA2000978 (Attachment D)

Where an updated report has been provided, both clean and tracked change versions have been provided for ease of review by DTP.

We trust that the above and enclosed information regarding the proposed Solar Energy Facility is to the satisfaction of the Minister for Planning and look forward to your consideration of the proposal.

Please do not hesitate to contact the undersigned or Gabrielle Coddington on 0412 632 575 or gabrielle.coddington@aecom.com should you have any enquiries in relation to this submission.

Yours faithfully



Kristina Butler
Associate Director - Planning ANZ
kristina.butler@aecom.com

Mobile: +61 438 961 624

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ATTACHMENT B – CERTIFICATES OF TITLE

Table 1 Certificates of Title Details

Address	Standard Parcel Identifier	Owner of Land
Murray Road, Benalla	Lot 3 on Plan of Subdivision 318659S	433 Link Pty Ltd
	Lot 4 on Plan of Subdivision 318659S	433 Link Pty Ltd
51 Nelson Road, Benalla	Lot 6 on Plan of Subdivision 627741K	433 Link Pty Ltd
67 Nelson Road, Benalla	Lot 7 on Plan of Subdivision 627741K	433 Link Pty Ltd
127 Nelson Road, Benalla	Lot 2 on Plan of Subdivision 803108D	433 Link Pty Ltd
284 Benalla-Yarrowonga Road, Benalla	Lot 3 on Plan of Subdivision 715932M	433 Link Pty Ltd
Lake Mokoan Road, Winton North	Allotment 2020 Parish of Winton PP3843	Secretary to the Department of Environment, Land, Water and Planning of 8 Nicholson Street East Melbourne Vic 3002
368 Benalla-Yarrowonga Road, Benalla	Lot 2 on Plan of Subdivision 627741	Jason Paul Straughen of 51 Murrays Road Benalla Vic 3672 and Kerri-Anne Straughen of 51 Murrays Road Benalla Vic 3672
370 Benalla-Yarrowonga Road, Benalla	Lot 1 on Plan of Subdivision 627741	Mindarrapark2 Pty Ltd of 99a Auburn Street Conisten NSW 2500
82 Snowy Lane, Benalla	Lot 2 on Local Plan 123365	Darren Michael Askew and Narelle Louise Askew
Benalla-Yarrowonga Road, Benalla	Lot 1 on Plan of Subdivision PS717978	Darren Michael Askew of 11 Snowy Lane Benalla Vic 3672
524 Benalla-Yarrowonga Road, Benalla	Lot 6 on Local Plan 206524	Edwina Lillian Jewell of 1 Hope St. Benalla 3672
572-616 Benalla-Yarrowonga Road, Benalla	Lot 5 on Local Plan 206524	Kelvyn Malcolm Greaves
	Lot 4 on Local Plan 206524	Kelvyn Malcolm Greaves
	Lot 3 on Local Plan 206524	Kelvyn Malcolm Greaves
n/a	Allotment 2019 Parish of Goorambat PP2704	n/a
Snowy Lane, Benalla road reserve	n/a	n/a

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AECOM Australia Pty Ltd +61 3 8670 6800 tel
Wurundjeri and Bunurong Country
Tower 2, Level 10 ABN 20 093 846 925
727 Collins Street
Melbourne VIC 3008
Australia
www.aecom.com

ATTACHMENT D – PROPOSED CONDITION AMENDMENTS

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