

This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright

Appendix S

ADVERTISED
PLAN

Landowner's Consent

(GWM, Winton Wetlands,
and DELWP)



GMW Ref: PP-20-01148
Doc ID: A3847346

AECOM Australia Pty Ltd
C/- Kristina Butler
kristina.butler@aecom.com

4 December 2020

Dear Sir and/or Madam,

**Re: Notice to Land Manager - Planning Permit Application - Solar Energy Facility
Lake Mokoan Road and Benalla-Yarrowonga Road, Benalla VIC 3672**

Thank you for your letter and information received 07 October 2020 in relation to the above mentioned planning permit application.

Goulburn-Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

GMW understands the application seeks approval for a solar energy facility. The subject site is comprised of numerous titles which are separated by Stockyard Creek. Stockyard Creek is regulated by GMW in this location, and is also known as the Winton Wetland Overflow Channel. GMW's Spur No. 1 Pipeline also abuts the subject site to the east. It is understood from the information and site plan provided that no solar panels are proposed within 5 metres from any easement, freehold or reserve boundaries containing any GMW infrastructure.

It is understood advice and consent is specifically being sought in relation to a proposed medium voltage overhead powerline which is proposed to be located over Stockyard Creek (land formally described as Lot 1 on TP576184). It is understood written consent is required from GMW as the land owner for the proposed works.

Please be advised that Goulburn-Murray Water, as land owner of land described as Volume 8196 Folio 140, Lot 1 on Title Plan 576184, hereby consents to the installation of a power line across Stockyard Creek, subject to the applicant obtaining a 'Construction and Use of Private Works Licence' from Goulburn-Murray Water prior to the commencement of any works.

Applications for a 'Construction and Use of Private Works Licence' can be made by contacting Goulburn Murray Water on 1800 013 357 or by following the link the <http://www.gmwater.com.au/customer-services/forms>.

If you require further information please e-mail planning.referrals@gmwater.com.au or contact 1800 013 357.

**ADVERTISED
PLAN**

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

Yours sincerely

Ranine McKenzie
SECTION LEADER STATUTORY PLANNING

Per: (original signed by Roey Walls)

ADVERTISED PLAN

**This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright**



24 February 2023

Georgia King
LightsourceBP
Level 29/420 George Street, Sydney NSW 2000
georgia.king@lightsourcebp.com

**ADVERTISED
PLAN**

Dear Georgia,

**ACCESS TO AND USE OF CROWN LAND AT WINTON WETLANDS RESERVE –
WEST MOKOAN SOLAR FARM & TRANSMISSION**

I write in response to your email dated 6 February 2023 seeking consent to use and develop Crown land for a transmission line associated with the proposed West Mokoan Solar Farm. Your recent communications suggest the use of the Boundary Road reserve at Winton Wetlands to establish an overhead transmission line and associated infrastructure.

~~This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.~~

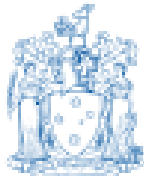
The Department of Environment, Energy and Climate Action (DEECA) and Winton Wetlands Committee of Management (WWCOM) have taken the information provided into consideration and grants conditional consent to AusNet (the proponent) and its subsidiaries, group companies, officers, employees, agents, and contractors for the proposed use and development of the Crown land for the intended purposes pending discussion about payment for use of land where infrastructure will be placed.

~~The document is not to be used for any purpose which may breach any copyright.~~

If you require further advice or assistance, please contact myself on 0418 834 478 or by email to ceo@wintonwetlands.org.au.

Yours Sincerely,

Sue Lebish
CEO
Winton Wetlands Committee of Management Incorporated



Department of Energy, Environment and Climate Action

89 Sydney Road, Benalla
Telephone: 03 5781 1611
p&a.north@delwp.vic.gov.au

Ref : SP484159
20230914 CN

Ms Kristina Butler
Associate Director – Urbanism & Planning ANZ
AECOM Australia Pty Ltd
Tower 2, Level 10
727 Collins Street
MELBOURNE VIC 3008

Attention: Gabrielle Coddington

Dear Ms Butler,

PUBLIC LAND MANAGER CONSENT APPLICATION TRANSMISSION LINE FOR KENNEDYS CREEK SOLAR FARM

Thank you for your letter dated and received on 20 June 2023 requesting public land manager consent to the making of a planning permit application for the installation of a transmission line within the Winton Wetlands to connect the Kennedys Creek Solar Farm to the West Mokoan Solar Farm.

The subject land is zoned Public Use Zone (PUZ1) and is not affected by any Overlays under the Benalla Planning Scheme.

I provide this response under delegation from the Minister of Environment, as the Minister responsible for administering the Crown Land (Reserves) Act 1978 under which the land is controlled or managed.

Comments

This letter was prepared in anticipation of it being forwarded to the responsible authority, together with a planning permit application, within three months of the date of this letter. The following commentary may assist both the applicant and the responsible authority.

Public Land Manager's consent

Clause 36.01-3 of the Benalla Planning Scheme requires an application for a permit within an area zoned PUZ1, by a person other than the relevant public land manager to be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development

Native Title

Obligations under the *Native Title Act 1993* (Commonwealth) or *Traditional Owner Settlement Act 2010* (Victoria) are yet to be determined by DEECA. The consent holder must contact DEECA Hume Land and Built Environment (LBE) team via landadmin.hume@delwp.vic.gov.au to seek an assessment prior to works on Crown land commencing. Please allow a minimum of 10 days for assessment by the LBE team. There may also be a requirement for the Traditional Owner to undertake an assessment, which will be a minimum of 28 days following DEECA's assessment.

Aboriginal Heritage Act 2006

This legislation provides protection for all Aboriginal places, objects and human remains regardless of their inclusion on the Victorian Aboriginal Heritage Register or whether they are located on public or private land. It also provides clear guidance to planners and developers about when and how Aboriginal cultural heritage needs to be considered, and in some situations, work cannot proceed until compliance is met.

Please note that the proposed works are within a landform considered to have the potential for the identification and possible disturbance of Aboriginal Cultural Heritage values. It is the responsibility of all persons or bodies proposing to undertake an activity on private or public land to determine the requirements of the Act in relation to Aboriginal cultural heritage.

Before you commence works on the Crown land, you are required to provide proof that you have assessed the impacts (i.e. undertaken due diligence required by this Act). More information and a link to the tool to assist you in undertaking the required due diligence can be found at <https://www.aboriginalvictoria.vic.gov.au/cultural-heritage-management-plans>.

Please provide a copy of your assessment to the department at p&a.north@delwp.vic.gov.au.

Public Land Manager's Consent to Making a Planning Permit Application

The Department of Energy, Environment and Climate Action, as Public Land Manager for Crown land described as Crown Allotment 2020 Parish of Goorambat and Crown Allotment 2020, Parish of Winton, hereby consents to a planning permit application being made for the installation of a transmission line connecting the Kennedys Creek Solar Farm to the West Mokoan Solar Farm subject to the following condition being included on any permit granted:

1. The proponent must apply for a licence to occupy the site by way of a 17b licence under the Crown Land Reserves Act 1978. An application for a licence is to be submitted to the Land Manager, Winton Wetlands Committee of Management. The works must not proceed until the licence has been issued.

Please note the above Public Land Manager's consent does not provide consent to a planning permit being issued for the proposed works (including native vegetation removal). DEECA, as a recommending referral authority (on behalf of the Secretary to DEECA), is currently assessing the proposed native vegetation removal associated with the proposed power line and is awaiting more information to progress this assessment and its recommendation to the Minister for Planning.

If you have any questions regarding this matter, please contact Chris Naylor at p&a.north@delwp.vic.gov.au.

Yours sincerely



Jeff White
Program Manager
Planning and Approvals, Hume

28 September 2023

cc: gabrielle.coddington@aecom.com



Department of Environment, Land, Water & Planning

Planning and Approvals – Hume Region
15 Hume & Howell Road
PO Box 879, Seymour
Victoria 3660
Humerregion.planning@delwp.vic.gov.au

Our Ref: SP473471
Contact: Simon Hollis
Date: 25/11/2020

Kristina Butler
Associate Director - Planning
AECOM

Via email: kristina.butler@aecom.com

Dear Kristina,

RE: REQUEST FOR PUBLIC LAND MANAGER CONSENT

PROPOSAL: SOLAR ENERGY FACILITY LAKE MOKOAN ROAD AND BENALLA-YARRAWONGA ROAD, BENALLA

I refer to your request for Public Land Manager Consent (PLMC) to apply for a planning permit to enable the construction of a solar energy facility on Crown land at Lake Mokoan Road Benalla.

The subject Crown Land runs generally north west to south east through the north eastern corner of the property at Benalla-Yarrowonga Road, through Lot 1 of TP104377 and Lot 1 of PS206524, and along the eastern boundary of Lot 2 on Plan of Subdivision 206524. The purpose of the Crown land is a channel reserve, however the channel reserve is not in use as Stockyard Creek (Lake Mokoan, now Winton Wetlands, outlet channel) has been formalised where it adjoins the Project site. The Crown Land is intersected by the formalised Stockyard Creek.

It appears the proposal intends placing solar panels and other infrastructure over unreserved Crown land situated to the northeast of Lots 1 & 2 of LP206524 and to utilise unreserved Crown land situated in the southwest corner of Lot 1 of TP104377 for vegetation enhancement and restoration.

DELWP provides the following comments in relation to the request for PLMC:

- The site of the proposed works is located within the Farming Zone (FZ) in the *Benalla Planning Scheme*. Because the land is not located within a public use zone, PLMC pursuant to clause 36 of the *Benalla Planning Scheme* is not required prior to a planning permit application being lodged to use and develop the subject Crown land.
- The Department of Environment, Land, Water & Planning (DELWP) is considered the landowner of the Crown land pursuant to Section 3(c) of the *Planning and Environment Act 1987*. For the purposes of Section 48 of the *Planning & Environment Act 1987*, this letter acknowledges that the applicant has notified the landowner about the proposed development and serves as land owner's consent to undertake the development works subject to compliance with the planning permit and its conditions, and any other statutory approval.

- Sale of Crown land is an expensive and very time-consuming process with many administrative and legal processes and is considered a long-term option only.
- A lease pursuant to section 134 of the Land Act 1958 over the unreserved Crown land would be a simpler way of enabling Crown land occupation of solar farm infrastructure.
- DELWP have responsibility for issuing tenures over unreserved Crown land and it does not support any solar panels or other infrastructure being located within the Crown land until some form of tenure has been created to authorise the occupation.
- In regards to the Crown land where it is intended to undertake the vegetation enhancement and restoration, further discussion will be required regarding obtaining a suitable form of tenure over the land.
- Land owner consent is provided to undertake works associated with the preparation of a Cultural heritage Management Plan.

Native Title Act 1993

Compliance with the *Native Title Act 1993* (Cwlth) (NTA) is required when considering proposed activities within the Crown land estate. In this instance the requirements under the NTA need to be assessed before works commence. Commencement of works prior to the NTA requirements being completed is a breach of the compliance procedures set out in the NTA and is not permitted.

Aboriginal Heritage Act 2006

All works must be undertaken in accordance with the Aboriginal Heritage Act. Information on requirements under this Act are available from Aboriginal Victoria at <http://www.vic.gov.au/aboriginalvictoria/heritage/heritage-tools-and-publications/heritage-tools.html>. If a Cultural Heritage Management Plan (CHMP) is needed DELWP must be sent a copy of the endorsed CHMP before works can commence.

If you have any questions or further correspondence regarding this matter, please quote our reference number which is listed at the top of this letter. If you have any queries, please contact DELWP's Land and Built Environments team on landadmin.hume@delwp.vic.gov.au.

Yours sincerely



Simon Hollis

Program Officer – Planning and Approvals
DELWP - Hume Region.

ADVERTISED PLAN

From: Ian D Walton (DELWP) <ian.walton@delwp.vic.gov.au>

Sent: Thursday, 4 March 2021 2:41 PM

To: Taggart, Natalie <natalie.taggart@aecom.com>; Simon Hollis (DELWP) <simon.hollis@delwp.vic.gov.au>

Cc: Butler, Kristina <Kristina.Butler@aecom.com>; Land Administration (DELWP) <Land.Administration@delwp.vic.gov.au>

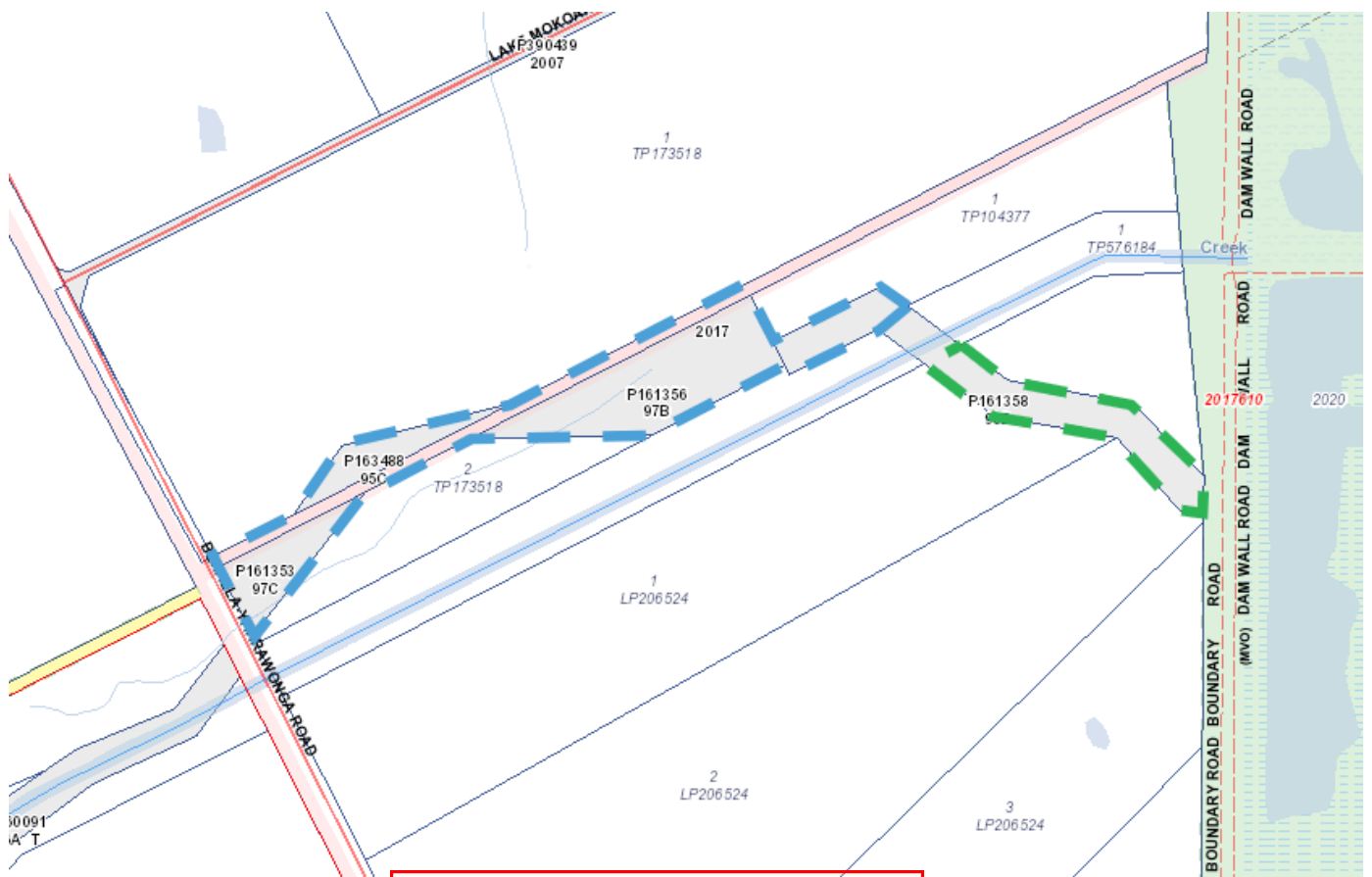
Subject: [EXTERNAL] OFFICIAL: RE: West Mokoan Solar Farm - Crown Land letter of support

Hi Natalie,

Apologies for delay in responding. DELWP are willing to provide in-principal support to South Energy for;

- Issuing of a licence for the purposes of Conservation Management over the Crown land shown below and bordered by the blue dashed line.
- Issuing of a section 134, *Land Act 1958* lease to enable the development of a solar farm over the Crown land shown below and bordered with the green dashed line.

**This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright**



This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

ADVERTISED PLAN

Please let me know if you require any additional information or supporting information from DELWP regarding these potential tenures.

Regards

Ian Walton | Land and Built Environment Hume Region

Forest, Fire and Regions | Department of Environment, Land, Water and Planning

15 Hume & Hovell Road Seymour Victoria 3660

T: 03 57354348 | M: 0419169662 | DX:218676



OFFICIAL

From: Taggert, Natalie <natalie.taggert@aecom.com>

Sent: Thursday, 25 February 2021 1:23 PM

To: Simon Hollis (DELWP) <simon.hollis@delwp.vic.gov.au>; Ian D Walton (DELWP) <ian.walton@delwp.vic.gov.au>

Cc: Butler, Kristina <Kristina.Butler@aecom.com>

Subject: West Mokoan Solar Farm - Crown Land letter of support

EXTERNAL SENDER: Links and attachments may be unsafe.

Hi Simon and Ian,

We met with you a two weeks ago (11 Feb) to discuss the proposed area of Crown land (north of Stockyard Creek) that South Energy wish to obtain a licence over, for the purpose of revegetation and management as part of the proposed West Mokoan Solar Farm (Planning Application No PA2000978). We also previously discussed an area of Crown land (south of Stockyard Creek) that South Energy wish to obtain a lease over for development of the solar farm.

As discussed, you advised that the licencing and leasing process cannot commence until planning approval is granted, however, you advised that the project generally had your in-principle support. You also advised that you are able to provide a short letter confirming your in-principle support for obtaining a lease and a licence over the Crown land if required. Although we agreed that this was not necessary for the purposes of the Planning Permit Application, the project may benefit from such a letter from the perspective of the commercial security aspect of the project.

While South Energy are comfortable with securing a Planning Permit prior to continuing the discussion with DELWP regarding the Crown land, South Energy's commercial partners are not involved in or across the detailed discussions that have occurred and as such, may

possibly consider this component of the project as having potential uncertainty and risk.

In order to reduce the uncertainty from a commercial security perspective, are you able to provide a letter or email confirming your in-principle support for obtaining a lease and a licence over the Crown land?

Please see the attached 'Crown Land map' which indicates the areas of Crown land proposed to be used for development and revegetation/management. The attached 'Revegetation and management area' document outlines the approximate area of Crown land and private land that would be under South Energy's management.

Please let me know if you need any other project details or information.

Kind regards,

Natalie Taggart

Urban Planner

M +61 434 198 455

natalie.taggart@aecom.com

AECOM

Collins Square, Level 10, Tower Two 727 Collins Street, Melbourne, VIC 3008

**ADVERTISED
PLAN**

**This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright**