

12 May 2020

Nicole Brewer
Director Resource and Energy Assets
NSW Department of Planning, Industry and the Environment
Locked Bag 5022
PARRAMATTA NSW 2124



Email: nicole.brewer@planning.nsw.gov.au

Dear Nicole,

Re: PROPOSED SUBDIVISION OF LAND FOR TRANSGRID SUBSTATION FOR SOLAR FARM DEVELOPMENT AT JINDERA (JINDERA SOLAR FARM)

We refer to recent consultation with the Department of Planning, Industry and the Environment (DPIE) regarding the proposed solar farm at Jindera (Jindera Solar Farm) and an additional subdivision element related to the internal substation.

DPIE has requested this Amendment Letter to outline the intended additional subdivision element for the community, government agencies and the consent authority. This letter includes consideration of other relevant matters including the Greater Hume Local Environmental Plan (GHLEP) 2012.

Jindera Solar Farm was declared a State Significant Development and the Environmental Assessment Requirements of the Department of Planning and Environment (DPE) were issued under SSD 9549 on 14 September 2018. NGH act on behalf of Jindera Solar Farm Pty Ltd and the managing contractor Green Switch Australia Pty Ltd.

In addition to the proposed subdivision required in accordance with the provisions of the *Conveyancing Act 1919*, a subdivision of Lot 148 DP753342 is also required to enable the new substation to be managed by TransGrid upon commissioning, as per their requirements (Figure 3 and 4). Proposed Lot E would be dedicated to the proposed solar farm, whilst Lot F would be dedicated to the proposed TransGrid substation. Both lots would be less than the prescribed minimum lot size on the Lot Size Map in relation to that land.

We respectfully request consideration be given to this proposed subdivision component based on the following information provided overleaf.

Should you have any questions please do not hesitate to contact me on 6923 1562 or alternatively email me at sarah.h@nghconsulting.com.au.

Yours sincerely,

Sarah Hillis
Senior Environmental Consultant
NGH



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SUBJECT LAND AND LOCATION

The Jindera Solar Farm would occupy approximately 321 hectares of land and includes Lots 70, 90, 133-136, 138-141, 147, 148, and 154-155 DP753342, Lot 1, DP125930 and Lots 1-3 DP1080215, as indicated in the figure below.

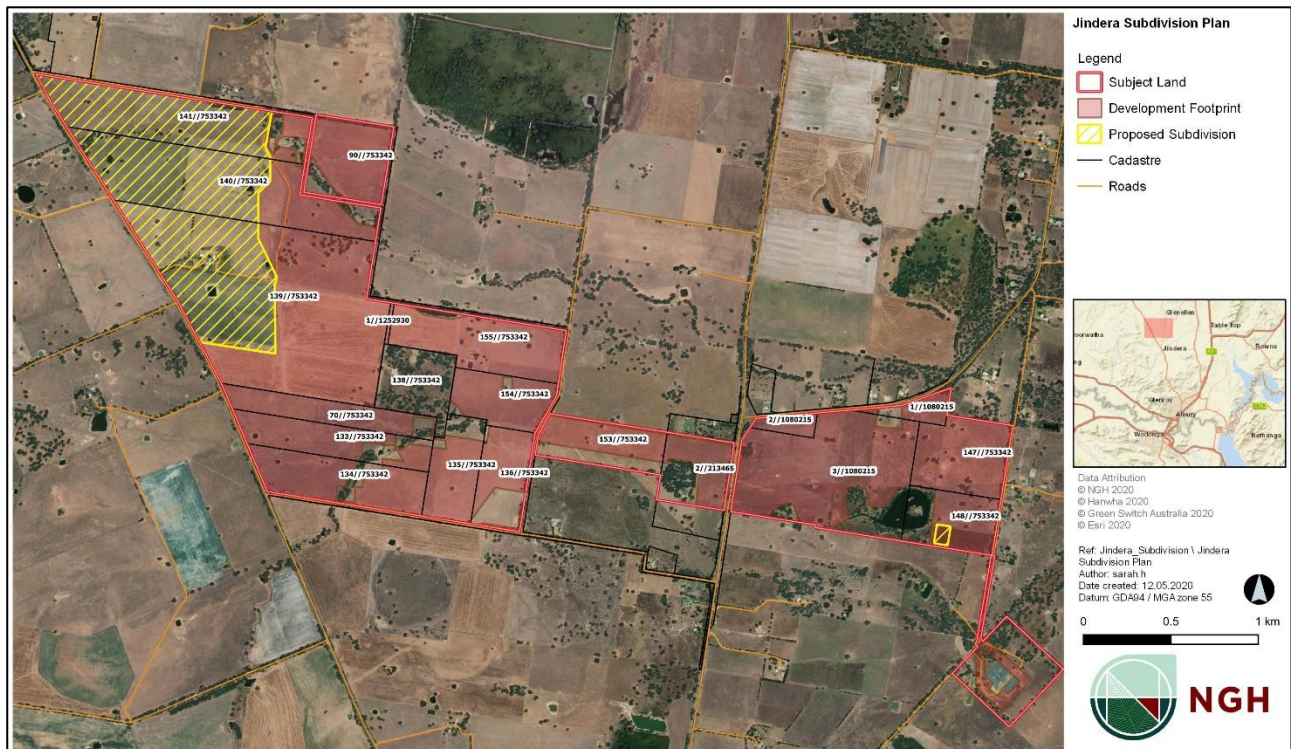


Figure 1 Subject Land

The proposed development would be located approximately 4km north of the township of Jindera and approximately 40km south-west of Culcairn.

The proposal area is bound by Urana Road, Nation Road, and Ortlipp Road, and intersected by Walla Walla Jindera Road, Sparkes Road, Glenellen Road and Klinberg Road. Proposed transmission lines would connect to an existing TransGrid substation on Lot 1 DP588720, located 600 m to the south-east of the proposal. An internal substation, which would be managed by TransGrid, is also proposed within Lot 148 DP753342 adjacent to the existing substation.

The subject land is currently agricultural land comprising several large paddocks that are gently undulating, mostly cleared of native vegetation and which have been historically cultivated for cropping and grazing. Two creeks, Dead Horse Creek and Kilnacraft Creek, run west-east through the western portion of the subject land. These creeks are generally dry, experiencing water flow only at times of high rainfall.

OVERVIEW OF THE PROPOSAL

The Jindera Solar Farm would occupy approximately 321 hectares of land.

The development would involve the construction of a ground-mounted photovoltaic (PV) solar array generating around 120 megawatts (MW) (AC) of renewable energy. The electricity generated would be exported to the national electricity grid. Key development and infrastructure components would include:

- Single axis tracker photovoltaic (PV) solar panels, mounted on steel frames at about 3 m above ground level at maximum tilt.
- Battery Energy Storage System (BESS) with maximum capacity of 30MW/60MWh.
- Electrical cables and conduits.
- Inverter/Transformer stations which have an aggregate capacity of approximately 155 MVA.
- Weather station.
- On-site high voltage substation.
- Control room and storage facility.
- Site office, staff amenities, parking area and perimeter fencing, and CCTV.
- Overhead transmission line infrastructure on poles connecting the project's on-site high voltage substation to the existing TransGrid Jindera 330/132kV substation. A portion of the proposed grid connection inside the TransGrid substation boundary may be underground (as required).
- Internal access tracks.
- Access road entrances from public roads.
- Upgrade to existing roads.
- On-site vegetative screening.
- Other associated ancillary infrastructure.
- A native vegetation buffer to minimise visual impacts in specific locations.

The proposed infrastructure map below illustrates the indicative layout. Detailed design would allow for the avoidance of sensitive features on the site. A native vegetation buffer would be established post-construction to minimise visual impacts in specific locations.

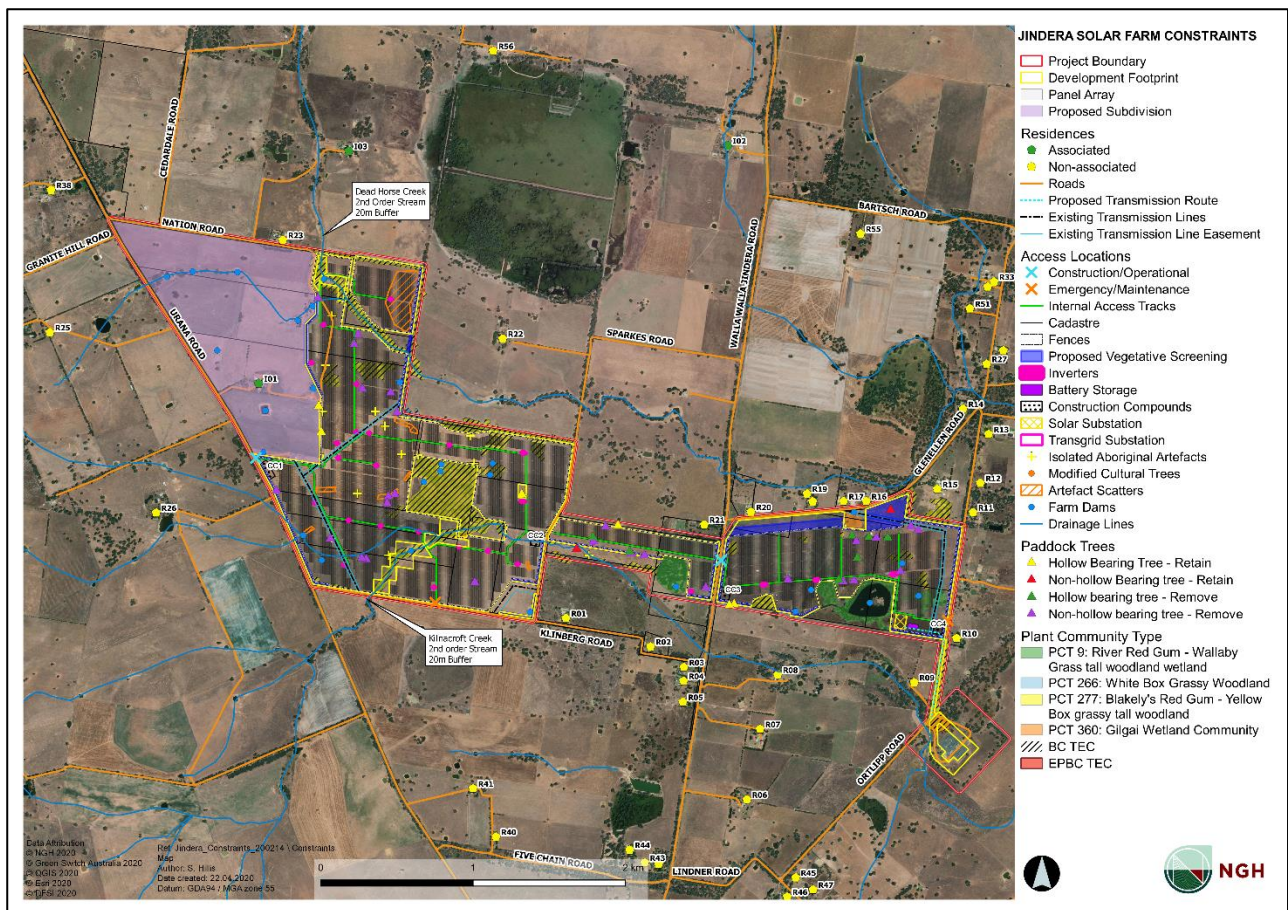


Figure 2: Proposed development footprint including subdivision elements

OVERVIEW OF PROPOSED SUBDIVISION COMPONENT

As indicated in the EIS, earlier correspondence and Figure 3, the proposed development requires the subdivision of land to satisfy leasing requirements, facilitate the proposed solar farm and allow the current landowner to continue agricultural activities on a portion of the land.

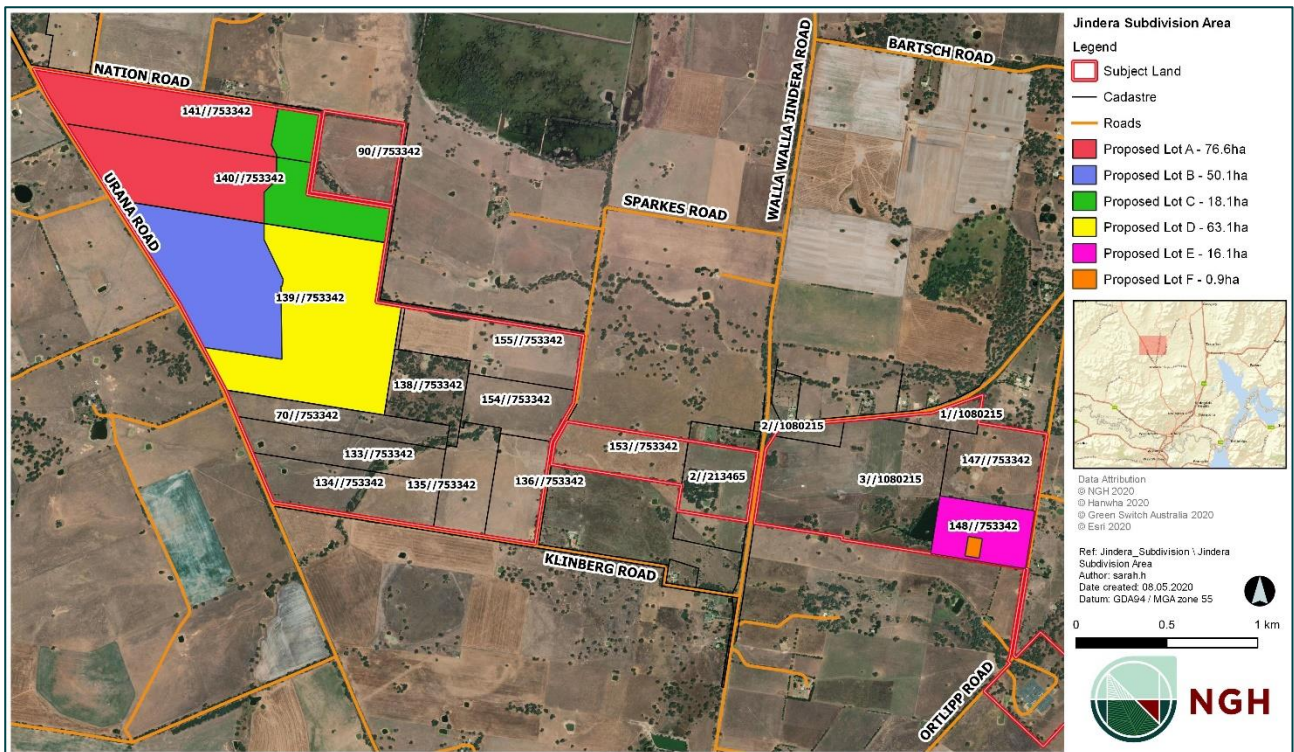


Figure 3. Subdivision plan

Additionally, a subdivision of Lot 148 DP753342 has been requested by TransGrid to enable management of the internal substation upon commissioning.

It is proposed to subdivide Lot 148 into two lots, being proposed Lot E, to be dedicated towards the operation of the proposed solar farm. Proposed Lot F would be utilised for the purpose of an internal substation under TransGrid. Lot 148 DP753342 is approximately 17 hectares in size, less than the prescribed minimum lot size under the GHLEP 2012. The proposed lots would also not meet the prescribed minimum lot size.

The following Figure 4 indicates the proposed subdivision arrangement.

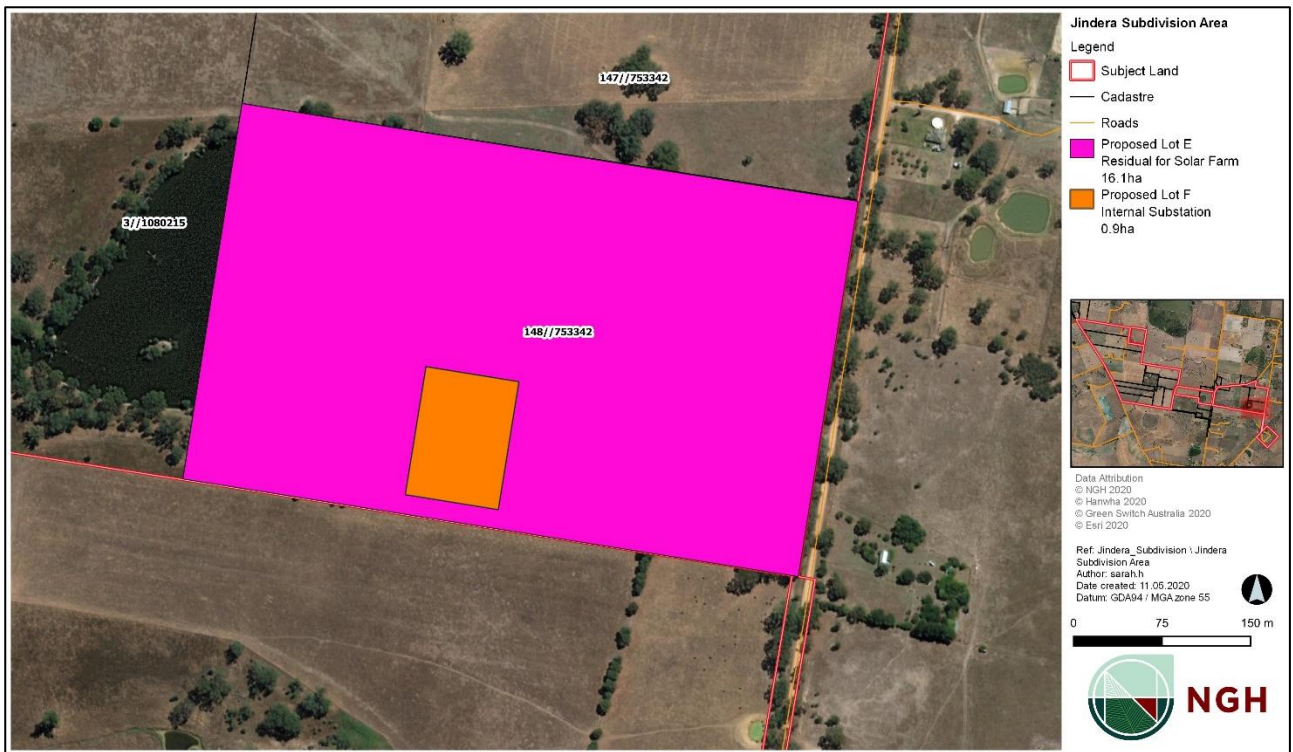


Figure 4: Proposed subdivision of Lot 148 DP753342

PLANNING FRAMEWORK

State Environmental Planning Policy (State and Regional Development) 2011

Despite the provisions of the GHLEP 2012, the provisions of the *Environmental Planning and Assessment Act 1979* provide that the subdivision may be approved by the consent authority, given that the subdivision forms part of a State Significant Development (SSD).

According to clause 8(2) of the State Environmental Planning Policy (State and Regional Development) 2011, where a development application comprises development that is only partly State Significant Development, the remainder of the development is also declared to be State Significant Development.

Furthermore, clause 4.38(3) of the *Environmental Planning and Assessment Act 1979* states “development consent may be granted despite the development being partly prohibited by an environmental planning instrument”. Previous consultation with DPIE has confirmed that this allows the consent authority to approve aspects of a State Significant Development that are prohibited under an environmental planning instrument. DPIE has previously advised that consent may be granted to a proposed subdivision, as part of a State Significant Development, despite prohibitive provisions in an applicable planning instrument.

Greater Hume Local Environmental Plan 2012

The subject land is zoned RU1 Primary Production under the provisions of the Greater Hume Local Environmental Plan 2012 (GHLEP). The land is subject to a prescribed minimum lot size of 100 hectares according to the GHLEP 2012.

Pursuant to clause 2.6 of the GHLEP, development consent would be required for the proposed subdivision, as it would not be Exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

As indicated above, the land is subject to a minimum lot size of 100 hectares. The proposed subdivision of Lot 148 into two lots would be inconsistent with the provisions of the GHLEP. The size of any lot resulting from a subdivision is not to be less than the minimum size shown on the Lot Size Map in relation to that land according to clause 4.1(3).

Some flexibility is provided by clause 4.2 of the GHLEP 2012 in respect of rural subdivision for the purpose of primary production. However, the proposed subdivision may not be considered to be for the purposes of primary production, given the requirement arises from the proposed development of a solar farm and internal substation on the land.

Clause 4.2AA of the GHLEP 2012 also provides flexibility in respect of rural subdivisions, but only where the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land. It is considered this would not be the case for the proposed development.

Aims of the Plan

The aims of the LEP, listed in clause 1.2 are as follows:

- 1) *This Plan aims to make local environmental planning provisions for land in Greater Hume in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- 2) *The particular aims of this Plan are as follows:*
 - a) *to encourage sustainable economic growth and development in Greater Hume,*
 - b) *to protect and retain productive agricultural land,*
 - c) *to protect, conserve and enhance natural assets,*
 - d) *to protect built and cultural heritage assets,*

e) *to provide opportunities for the growth of townships*

It is considered that the proposed development is not inconsistent with the aims of the LEP. The proposed subdivision will facilitate a State Significant Development that would encourage economic growth and provide a range of opportunities. The development proposal would optimise the management and use of solar resources, promote development consistent with the principles of ecologically sustainable development and management of climate change, promote sustainability of natural attributes and co-ordinate development with the provision of public infrastructure and services.

Objectives of the RU1 Primary Production zone

The objectives of the RU1 Primary Production zone are as follows:

- *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 maintain the rural landscape character of the land.*

The proposed subdivision is not inconsistent with the objectives of the RU1 zone. The proposed subdivision is necessary to facilitate the solar farm, which would meet the objective of the zone to encourage diversity in primary industry enterprises and systems appropriate for the area. Additionally, the subdivision will not result in fragmentation and alienation of resource lands. Finally, the proposed subdivision would not give rise to additional dwellings in the locality, and thereby not increase the potential for conflict between land uses.