

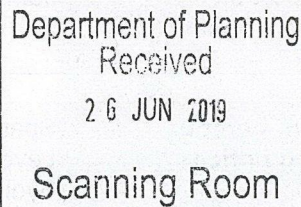
PCU076645



Planning Panels Secretariat
Attention: Pam Allan
Chair
Southern Regional Planning Panel
GPO Box 39
Sydney NSW 2001

25th June 2019

By Post



Dear Pam

Bomen Solar Project (SSD 8835) Surrender of existing development consent (DA 16/0135)

We provide notice of surrender of development consent for development application number DA 16/0135 (**Existing Consent**) as set out below.

Background

On 17 May 2016, Southern Cross Energy Pty Ltd obtained the Existing Consent. The Existing Consent was determined by the Southern Regional Planning Panel (formerly Southern Joint Regional Planning Panel) (**SRPP**) and approved electricity generating works (solar energy system), Torrens Title subdivision and Community Title subdivision.

On 8 October 2018, Renew Estate Pty Ltd (**Renew**) obtained development consent for development application number SSD 8835 (**SSD Consent**). The SSD Consent was determined by the Minister for Planning (on delegation) and approved the Bomen Solar project.

Relevantly, condition 9, Schedule 2 of the SSD Consent provides that:

The Applicant shall surrender all existing development consents for the site in accordance with section 4.63 of the EP&A Act within 12 months of the date of this consent, unless otherwise agreed by the Secretary.

Prior to the surrender or lapsing of any existing development consents, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of these consents.

In relation to condition 9 above, Renew corresponded with the NSW Department of Environment and Planning (**DPE**) to confirm the existing development consents that must be surrendered to satisfy the condition.

On 17 January 2019, the DPE confirmed that the Secretary has agreed that the surrender of the Existing Consent relating to the site subject of the SSD Consent will satisfy the requirements of condition 9 above. A copy of the letter is provided at **Attachment 1**.

The site subject of the SSD Consent includes the current title particulars set out in the table below.

In April 2019, Spark Infrastructure fully acquired the Bomen Solar project from Renew.

Surrender of Existing Consent


In accordance with section 4.63 of the *Environmental Planning and Assessment Act 1979* (NSW), clause 97 of the *Environmental Planning and Assessment Regulation 2000* (NSW) (**EP&A Regulation**) and the matters set out above, Spark Infrastructure provides the SRPP with notice of surrender of the Existing Consent.

In accordance with clause 97 of the EP&A Regulation, the following table below sets out the information required to be provided to the SRPP to surrender the Existing Consent.

Name of person submitting notice	James Millar															
Address of person submitting notice	Spark Infrastructure Level 29, 225 George Street Sydney NSW 2000															
Address of land subject of Existing Consent	299 Trahairs Road, Bomen NSW 2650.															
Particulars of title of relevant land subject of Existing Consent	<table border="1"> <thead> <tr> <th></th> <th>Original title</th> <th>Current title</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Part Lot 108 DP 751405</td> <td>Lot 7 DP 1249028</td> </tr> <tr> <td>2</td> <td>Part Lot 109 DP 751405</td> <td>Lot 109 DP 751405 (no change)</td> </tr> <tr> <td>3</td> <td>Part Lot 110 DP 751405</td> <td>Lot 110 DP 751405 (no change)</td> </tr> <tr> <td>4</td> <td>Lot 174 DP 751405</td> <td>Lot 8 DP 1249028</td> </tr> </tbody> </table>		Original title	Current title	1	Part Lot 108 DP 751405	Lot 7 DP 1249028	2	Part Lot 109 DP 751405	Lot 109 DP 751405 (no change)	3	Part Lot 110 DP 751405	Lot 110 DP 751405 (no change)	4	Lot 174 DP 751405	Lot 8 DP 1249028
	Original title	Current title														
1	Part Lot 108 DP 751405	Lot 7 DP 1249028														
2	Part Lot 109 DP 751405	Lot 109 DP 751405 (no change)														
3	Part Lot 110 DP 751405	Lot 110 DP 751405 (no change)														
4	Lot 174 DP 751405	Lot 8 DP 1249028														
Description of Existing Consent	The Existing Consent approved "Electricity Generating Works (Solar Energy System) and 3 Lot Torrens Title subdivision and 260 Lot Community Title subdivision".															
Statement of landowners consenting to surrender	<p>Bomen Solar Farm Pty Ltd is the registered proprietor of the current particulars of title identified at items 1 to 4 above.</p> <p>A statement of landowner consent to surrender of the Existing Consent is provided at Attachment 2.</p>															
Has development commenced under Existing Consent?	No															

If further information is required, please contact James Millar on 02 9086 3600.

We look forward to receipt of confirmation of surrender of the Existing Consent.

A handwritten signature in black ink, appearing to read 'James Millar', with a stylized flourish at the end.

James Millar

Director

Bomen Solar Farm Pty Ltd

CC:

Steve O'Donoghue
A/Director
Resource and Energy Assessments
Department of Planning and Environment
Level 22, 320 Pitt Street
Sydney NSW 2000

Paul O'Brien
Manager of City Development
Wagga Wagga City Council
243 Baylis Street
Wagga Wagga NSW 2650]



Ms Lauren Lambert
Environmental Planner
Renew Estate

By email to: Lauren@renewestate.com.au

Dear Ms Lambert

**Bomen Solar Project (SSD 8835)
Surrender of Existing Development Consent**

I refer to your email dated 6 November 2018, regarding Condition 9, Schedule 2, of development consent SSD 8835 for the Bomen Solar Project.

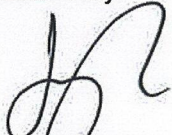
In accordance with Condition 9 of SSD 8835, Bomen Solar must surrender all development consents for the Bomen Solar Project, under section 4.63 of the EP&A Act within 12 months of the issuance of development consent SSD 8835, unless otherwise agreed by the Secretary.

The Department has considered your request that only DA16/135 should be surrendered to meet the condition requirement. Accordingly, the Secretary agrees that Bomen Solar would comply with the requirements of Condition 9, Schedule 2, of development consent SSD 8835, by surrendering the existing Development Consent (DA 16/0135) for a solar energy system at the site.

Please note that the notice of surrender of the development consent provided to the Department must include the information detailed in clause 97 of the EP&A Regulation, including if relevant a signed statement from the owner of the land consenting to the surrender.

If you require further information, please contact Leesa Johnston on 02 82896861.

Yours sincerely



17/1/19

Steve O'Donoghue
A/Director
Resource and Energy Assessments
as the Secretary's nominee

Bomen Solar Project (SSD 8835)
Consent to surrender of development consent number DA 16/0135

From Bomen Solar Farm Pty Ltd ACN 620 832 108 (**Bomen**)

25 June 2019

To Spark Infrastructure

We refer to development consent number SSD 8835 for the Bomen Solar Project and development consent number DA 16/0135 for a solar energy system.

Bomen understands that condition 9, Schedule 2 of development consent number SSD 8835 requires the surrender of development consent number DA 16/0135

Development consent number DA 16/0135 was determined by the Southern Joint Regional Planning Panel on 17 May 2016 and approved "Electricity Generating Works (Solar Energy System) and 3 Lot Torrens Title subdivision and 260 Lot Community Title subdivision".

Development consent number DA 16/0135 relates to:

- folio identifier 108/751405;
- folio identifier 174/751405; and
- auto-consol 11492-420, comprising folio identifiers 109/751405 and 110/751405,

(together, the **Land**).

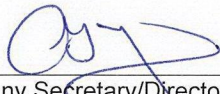
Bomen is the registered proprietor of the Land.

In accordance with the requirements of clause 97(3)(d) of the *Environmental Planning and Assessment Regulation 2000* (NSW), a statement signed by the owner of the land to which the development consent relates indicating its consent to the surrender of the consent must be obtained.

Bomen consents to the surrender of development consent number DA 16/0135.

Signed by
Bomen Solar Farm Pty Ltd
by

sign here ►



Company Secretary/Director

print name

Alexandra Finley

sign here ►



Director

print name

JAMES MILLAR