

7 May 2019

Nicole Brewer
Team Leader, Resource and Energy Assessments
320 Pitt Street
GPO Box 39
Sydney NSW 2001

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

Dear Nicole,

RE: SSD 6686 Bango Wind Farm Pty Ltd – Section 4.55 Modification

The Bango Wind Farm (**Project**) has been approved as a State significant development in accordance with section 4.38 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**). Approval for the Project (SSD-6686) was granted by the Land and Environment Court of NSW on 6 December 2018 (**Development Consent**).

The approved “development” for the purposes of the Development Consent is the construction and operation of up to 46 wind turbine generators (**WTGs**) between the regional centres of Yass and Boorowa in the Southern Tablelands of New South Wales. Construction of the Project is anticipated to commence in July 2019.

CWP Renewables Pty Ltd, on behalf of Bango Wind Farm Pty Ltd (**Proponent**), has prepared this letter is to request the Minister to facilitate the modification of the Development Consent by the Court under section 4.55(8) of the EP&A Act (**Proposed Modification**). The purpose of the Proposed Modification is to:

1. allow one separate freehold lot to be created for the substation and switching station site to be owned by TransGrid (**TransGrid Subdivision**); and
2. enable long term leases to be granted to the Proponent over part of the lots comprising the Project Site (as defined for the purposes of the Development Consent) (**Deemed Lease Subdivision**).

The provisions of section 4.55(1A) extend to enable the Court to modify a consent granted by it in accordance with the requirements of that provision. The Proposed Modification can be characterised as an administrative modification to be determined by the Court in accordance with section 4.55(1A) because it will not introduce any new or greater environmental impacts beyond those considered for the purposes of the grant of the Development Consent or change any other aspect of the Project as approved. Additional details of the Proposed Modification are provided in **Schedule 1** and **Appendices 1 to 6** to this letter.

The Proponent notes there are no notification requirements in respect of the Proposed Modification under section 4.55(1A)(c) of the EP&A Act by reason of the operation of clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (NSW).

Yours sincerely,



Ed Mounsey
Chief Operating Officer & Head of Development
CWP Renewables Pty Ltd

Schedule 1 – Details of Proposed Modification

TransGrid Subdivision

TransGrid requires freehold title to the substation and switching station lot in order to proceed with the construction of the relevant electrical connections and infrastructure. Creation of a new lot by subdivision will provide flexibility for the method by which TransGrid obtains freehold title, whether through transfer, dedication or acquisition.

Appendix 1 of this letter comprises a series of maps which identify three options for the TransGrid Subdivision. TransGrid has not yet settled on the final preferred option. Accordingly, the final option (being one of the three sites identified to date) will be chosen prior to the application for the subdivision certificate under Part 6 of the EP&A Act.

Deemed Lease Subdivision

The Environmental Impact Statement (**EIS**) (as defined in the Development Consent) for the Project contemplated the need for a subsequent approval “*associated with the lease of the land for the wind turbine sites and associated infrastructure*” (page 21 of Volume 1 of the EIS Main Report).

As the Project extends over a number of adjoining properties (i.e. along several kilometres of ridge line), the Proponent requires separate leases in relation to each property, from each of the registered proprietors of those properties, to carry out the Project. Accordingly, the Proponent has entered into agreements with each of the registered proprietors that provide options for the Proponent to lease or licence parts of the lots listed in Appendix 1 of the Development Consent, Crown road and council land for the purpose of financing, construction, operation and decommissioning of the Project (**Landowner Agreements**).

Once the Proponent obtains long term leases from the landowners, the Proponent will need to register these leases with NSW Land Registry Services (**LRS**). Registration of the leases is a key requirement to obtaining financing for the Project.

The intention of the Deemed Lease Subdivision is not to create new freehold lots and not to give rise to dwelling entitlements. Consent under the EP&A Act for the Deemed Lease Subdivision is sought to allow for the grant and registration of long-term leases of only parts of the existing lots in compliance with the requirements of the EP&A Act and the *Conveyancing Act 1919* (NSW) (**Conveyancing Act**). Accordingly, the deemed subdivisions for lease purposes will not create any fragmentation of the agricultural land.

Requirement of development consent

Development consent under the EP&A Act is required for subdivision of land for lease purposes, as evidenced by the numerous development consents granted for this purpose by the Minister for Planning previously.

“Development” includes “subdivision of land” (section 1.5(1)(b) of the EP&A Act). The definition of “subdivision of land” in section 6.2 of the EP&A Act means the “division of land into 2 or more parts that after the division would be obviously adapted for separate occupation, use or disposition”. The division may be affected by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition. This includes the grant of a lease of a part of a lot.

The definition of “subdivision of land” also includes the procuring of registration in the office of the Registrar-General of a “plan of subdivision” within the meaning of section 195 of the Conveyancing Act. Section 195 of the Conveyancing Act specifies that “plan of subdivision” includes any plan that shows the division of land.

Clause 2.6 of the Local Environmental Plans (**LEPs**) applying to land within the Project Site (the Boorowra LEP 2012 and the Yass Valley LEP 2013) provides that: “*Land to which this Plan applies may be subdivided, but only with development consent*”.

Interaction with the Conveyancing Act

Further, under section 23F(2) of the Conveyancing Act, the Registrar-General may refuse to register a “transaction”, including the lease of part of an existing lot for a period exceeding five years, unless it is shown on a “current plan” and the boundaries of each part into which the land is divided follows the boundaries of an existing lot. The exception to the application of section 23F in section 23G(e) of the Conveyancing Act to a “transaction” that comprises the lease of a building does not apply because the WTGs will not have been constructed at the time the options to leases are required to be exercised.

As the long term leases arising as a result of the Landowner Agreements will be over parts of existing lots and will exceed five years, the Registrar-General will not register the leases unless the relevant lots are deemed to be subdivided so that the leases are for the whole of each ‘lot’.

That a lease of part of an existing lot of land for greater than five years creates a subdivision under the Conveyancing Act is explained in the *Registrar-General’s Guidelines for Lease of land* at **Appendix 2**.

Process for deemed subdivision

After completing final surveys for the preparation of the long-term leases, deposited plans for lease purposes will be created to show the boundaries of the leased areas. The leased areas will be ‘circle’ sites to accommodate dimensions of the selected WTG (in particular the extent of the rotor) and centred on the location of each WTG, as well as the leased area for the operations and maintenance facilities (**Plans for Lease Purposes**). The Plans for Lease Purposes will also identify easements for access and services connecting to each WTG, consistent with the *Registrar-General’s Guidelines for Wind Farms* at **Appendix 2** (although noting that the Guidelines were prepared in relation to turbines which have already been built).

The areas that will be the subject of the leases will not comprise the whole of the development corridor (as that term is defined in the Development Consent). **Appendix 3** of this letter comprises a series of maps that are consistent with the Development Consent and show the lots which will be the subject of the Deemed Lease Subdivision. At this stage, these attached maps do not identify the specific sites of each WTG; the specific ‘circle’ sites will be identified in the Plans for Lease Purposes which are currently being finalised.

The long-term leases for the WTG sites and the operations and maintenance facilities will be registered on the existing titles and will not subdivide the underlying titles to create new titles. Once a lease is registered, the title search will state that a lease over a windmill, together with an easement of access and services as shown on the deposited plan, has been granted to the project entity. By way of example, at **Appendix 4** of this letter contains copies of Plans for Lease Purposes and title searches showing registered leases for turbines and associated easements the Sapphire Wind Farm and Crudine Wind Farm, also developed by the Proponent.

The reason that the long term leases are not registered over the whole of the existing lots is to allow the current registered proprietors to continue to maintain control over the majority of their land, and use that land, for ongoing agricultural purposes.

Following the expiry or earlier termination of the leases, a landowner may request that LRS remove the lease from their title. Alternatively, if another unrelated dealing is registered on a landowner's title, following the expiry of the lease and of all of the relevant option terms contained in the leases, the leases will automatically be removed from their titles (and therefore the references to the Plans for Lease Purposes will also be removed).

This process would provide further assurance to the Minister and consent authority that the land to be the subject of the leases will be prevented from being used, including being subdivided, in a manner that is beyond the scope of the Deemed Lease Subdivision, and that the Deemed Lease Subdivision will not create any fragmentation of land.

Planning context

Clause 4.1(3) of the LEPs state that *"The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land"*.

The Project Site is zoned as RU1 Primary Production under both LEPs. The minimum lot size which applies to RU1 Primary Production under both LEPs is 40 hectares. Therefore, the creation of a lot which is less than 40 hectares is prima facie prohibited under both LEPs. While the LEPs set out the initial requirements for subdivision and minimum lot size, this must be read in the context of the broad power in section 4.38(3) of the EP&A Act.

Clauses 4.1 of both LEPs contain objectives. Additionally, clause 4.1C(3) of the Yass Valley LEP 2013 provides that development consent for the subdivision of land zoned RU1 Primary Production must not be granted unless the consent authority is satisfied of specified matters. Additionally, the objective of this clause 4.1C(3) is stated as being *"to enable appropriate subdivision of land ... having regard to topographical constraints, agricultural productivity, biodiversity values and environmental impact"*.

In the context of these LEP provisions, the applicable legal framework supports the approval of the Proposed Modification in the following manner:

1. the use of the Project Site for the Project, including for the substation and switching station, has already been approved by the Development Consent. Appendix C of the Secretary's Assessment Report stated that the Department was satisfied that the Project can be managed in a manner that is generally consistent with the aims, objectives and provisions of the LEPs;
2. the full impacts of the Project, including for the substation and switching station, have already been identified in the EIS and assessed through the Departmental, Independent Planning Commission and Court processes. Accordingly, the substance of the considerations under the Boorowra LEP 2012 and the Yass Valley LEP 2013 as set out above have already been canvassed and considered through that process;
3. the Deemed Lease Subdivision is merely the legal mechanism to enable the approved Project to be carried out under the Development Consent. The Deemed Lease Subdivision will not detract

from the objectives of the minimum lot size requirements under the Boorowra LEP 2012 and the Yass Valley LEP 2013, as there will be no actual subdivision of the relevant titles for the purposes of future development which could give rise to any new dwelling entitlements and there will therefore be no fragmentation of this agricultural land; and

4. while the LEPs prima facie prohibit the subdivision of land to create lots of less than 40 hectares, section 4.38(3) of the EP&A Act allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument (which includes an LEP). Accordingly, under the applicable statutory framework, consent for the TransGrid Subdivision can be granted, even if the new lot is less than 40 hectares, and consent for the Deemed Lease Subdivision can be granted as it will not create any new dwelling entitlements.

More detailed analysis of the merits of the Proposed Modification against the LEP provisions is provided at **Appendix 5**.

In addition, the Proponent notes that the numerous previous consents granted for wind farms throughout the State (refer to **Appendix 6**), demonstrate that the ability for section 4.38(3) of the EP&A Act to prevail over LEP development controls is accepted as a desirable and essential administrative planning outcome required to facilitate the financing and commercial arrangements for the approved Project with no inherent environmental impact. This outcome aligns with the clear intention of the EP&A Act to prioritise the requirements of State significant development over the localised considerations that may be otherwise relevant for the purposes of the applicable LEPs.

Justification for reliance on section 4.55(1A)

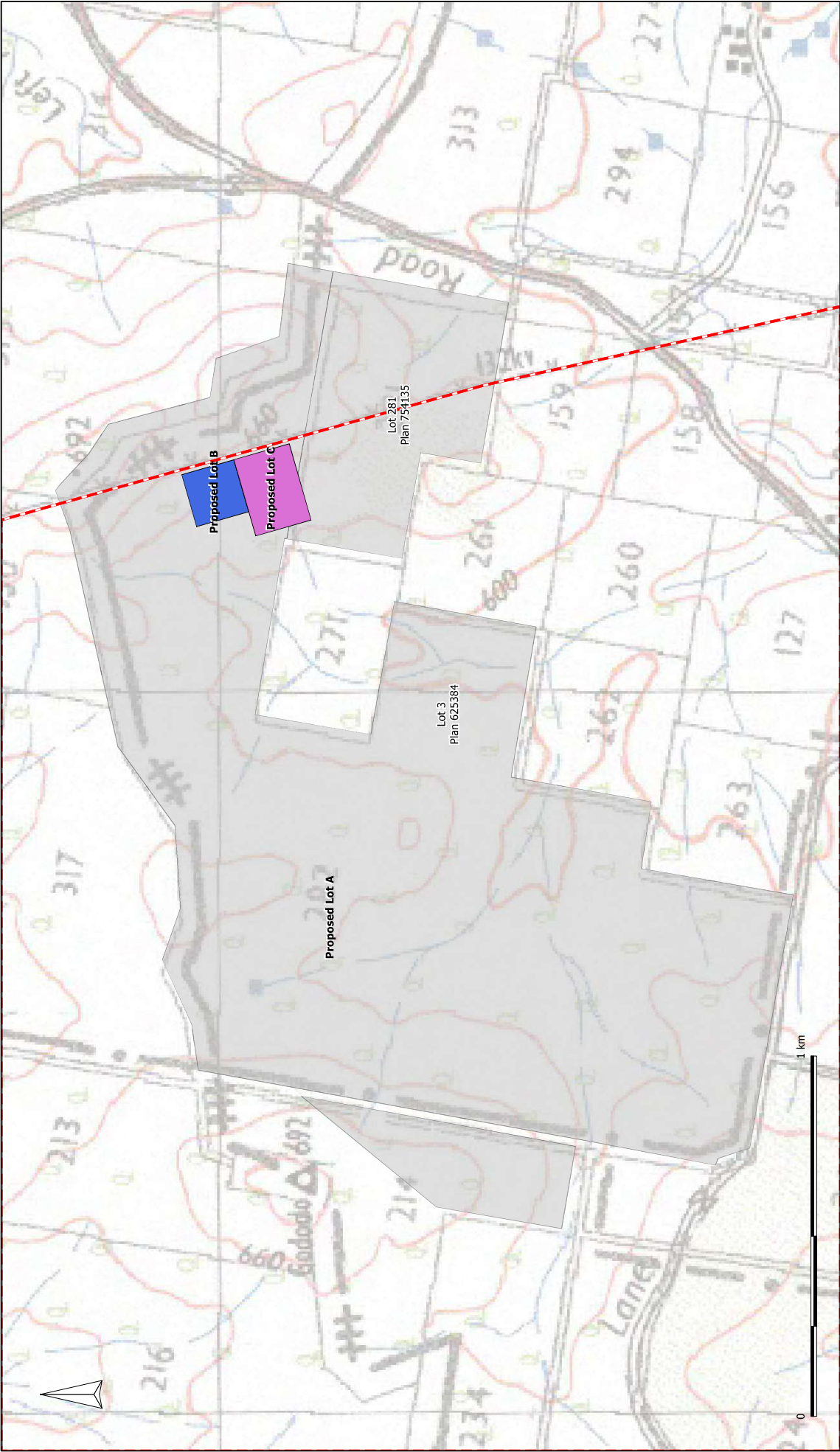
As identified above, the Proposed Modification is administrative in nature because it will not introduce any new, greater or changed environmental impacts beyond those considered for the purposes of the grant of the Development Consent or change any other aspect of the Project as approved. In particular, the Deemed Lease Subdivision will not create new subdivided lots for the purposes of future development, and the need for the Deemed Lease Subdivision was expressly identified in the EIS.

Accordingly, the Proposed Modification should be determined by the Court against the requirements of section 4.55(1A) of the EP&A Act and in accordance with section 4.55(8).

Project: Bango Wind Farm
Phone: (02) 4013 4640
Email: ed.mounsey@cwprenewables.com



Appendix 1 – TransGrid Subdivision Options



LEGEND

Proposed Lot A

Proposed Lot B (Collector Substation)

Proposed Lot C (Switching Station)

132 kV Transmission Line

COMPANY

BANGO WIND FARM PTY LTD

TITLE

ELECTRICAL CONNECTION INFRASTRUCTURE 1

DATE

27 MAR 2019

DRAWN BY

B KRONENBERG

SCALE

1:11000

CHECKED BY

E MOUNSEY

DWG NO

236

SHEET

1 OF 3

REV

A

JOB NO

080811

VER

1

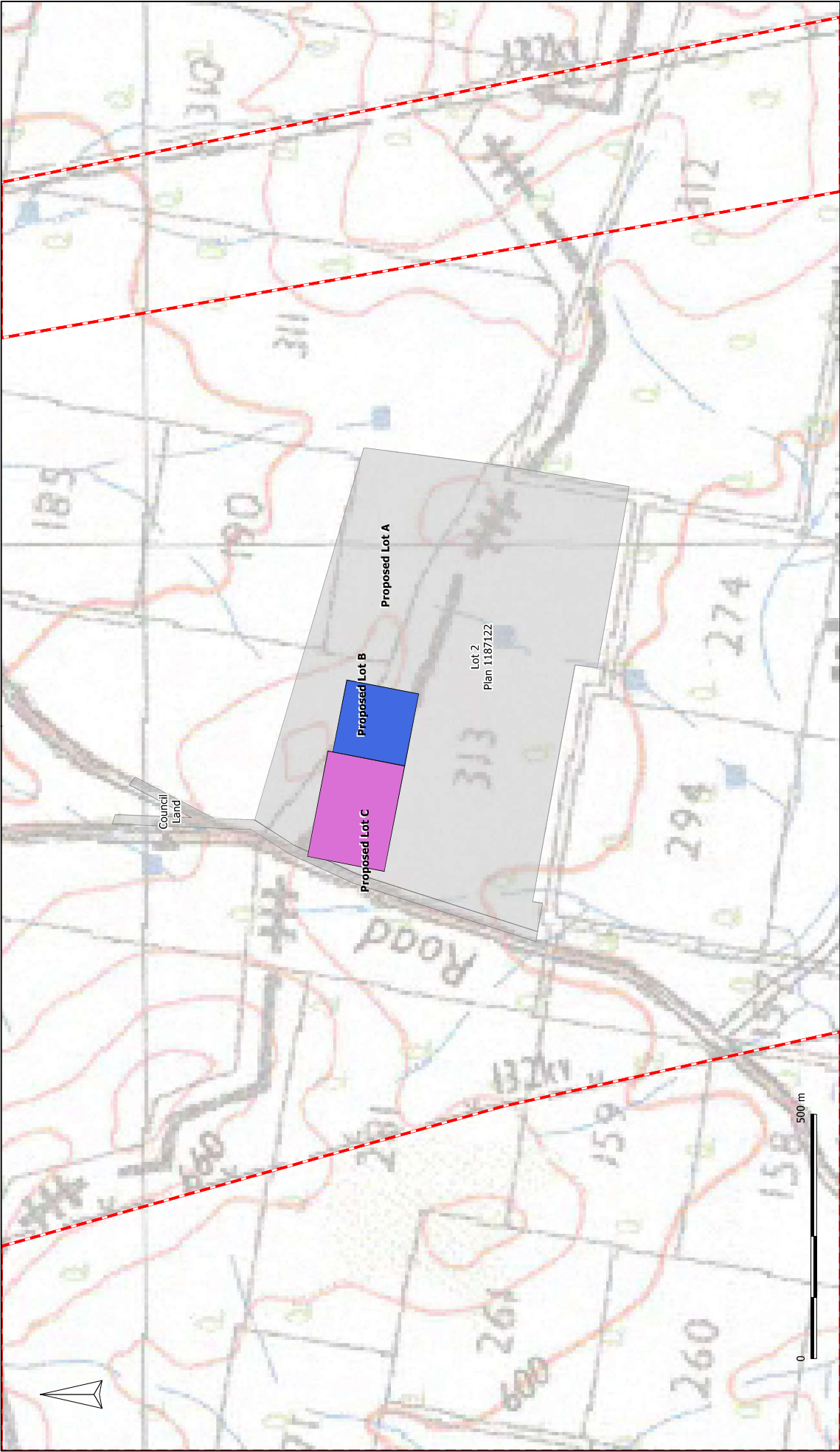
SIZE

A3

cwp

Renewables

Note, final location of Proposed Lots B and C are subject to micro-siting, in accordance with the Development Consent



LEGEND

- Proposed Lot A
- Proposed Lot B (Collector Substation)
- Proposed Lot C (Switching Station)
- 132 kV Transmission Line

Note, final location of Proposed Lots B and C are subject to micro-siting, in accordance with the Development Consent

COMPANY

BANGO WIND FARM PTY LTD

TITLE

ELECTRICAL CONNECTION INFRASTRUCTURE 3

DATE	27 MAR 2019	SCALE	1:7800	DWG NO	236	REV	A	VER	1
DRAWN BY	B KRONENBERG	CHECKED BY	E MOUNSEY	SHEET	3 OF 3	JOB NO	080811	SIZE	A3

cwp
Renewables

Project: Bango Wind Farm
Phone: (02) 4013 4640
Email: ed.mounsey@cwprenewables.com



Appendix 2 – Registrar General's Guidelines

Lease of land

A lease may be registered affecting whole or part of a current parcel.

If it is intended to lease a piece of land that comprises part of a current parcel, the site must be defined in either a deposited plan or a compiled sketch plan annexed to the lease. Any compiled plan must comply with the Registrar General's compiled plan policy.

The requirements for the plan and the associated lease document will depend on the length of the total term of the lease. The total term is the combination of the original term plus any option of renewal period. There are two periods to consider:

- total term of 5 years or less, or
- total term of more than 5 years.

Total term of 5 years or less

When the lease affects the whole of a lot in a current plan - the body of the lease will simply identify the area to be leased by reference to the lot and deposited plan number. A new plan is not required.

When the lease affects part of a lot or lots in a current plan - it will be necessary to provide a plan to define the land in the lease. The description in the body of the lease should adequately define the land by reference to:

- the unique way in which the land is designated in the plan, and
- the plan used to define the boundary of the land being leased.

Examples

- '... being part of the land in common property in Strata Scheme No. , situated at 345 Schemes Road, Strataville, hatched and designated A in the plan annexed to ', or
- '... being the part shown in Lot...DP....'

A plan used to define the part of the lot or lots in the current plan should comply with one of the following:

- a plan of compilation (**not survey**) [annexed to the lease](#).
- a plan of survey lodged as a deposited plan, where:
 - the plan must comply with normal plan preparation and lodgment requirements
 - the heading should state 'Plan of Part of Lot.....for lease purposes'
 - the plan purposes will be 'LEASE'
 - no residue lot will be shown
 - normal survey plan requirements must be adopted, or
- a plan which has already been lodged in NSW LRS and complies with one of the above standards.

Subdivision consent not required

A lease with a total term of 5 years or less does not constitute a subdivision in terms of Section 4B of the *Environmental Planning & Assessment Act 1979* [see s.7A(3) *Conveyancing Act 1919*]. Consequently subdivision consent is not required.

However, any deposited plan for a lease with a total term of 5 years or less should bear a statement on the Administration Sheet e.g:

**THIS PLAN IS ONLY AVAILABLE TO DEFINE LAND FOR LEASE PURPOSES WHERE THE TERM PLUS ANY
OPTION FOR RENEWAL IS 5 YEARS OR LESS.**

IT IS NOT AVAILABLE FOR SUBDIVISION OR TITLE ISSUE PURPOSES.

Easements created by inclusion in a lease

Section 47(2)&(3) *Real Property Act 1900* provides for the grant or reservation of an easement by a lease. The lessor must be the registered proprietor of the servient tenement (land burdened) in the case of a grant of easement, or of the dominant tenement (land benefited) in the case of a reservation of easement. The reservation of an easement in favour of a third party is not authorised by s.47(3) *Real Property Act 1900*

The approved Form of Lease [Form 07L](#) (PDF 234 KB) should be used, accompanied by an annexure stating all references to title affected by the easement and a plan (for which the prescribed fee is payable) setting out the terms and the site. The easement to be created must be included in the property leased panel of the lease form.

All relevant certificates of title should be lodged with the lease.

The easement will cease once the lease is terminated.

Total term for more than five years

A lease of land creates a subdivision under s.7A *Conveyancing Act 1919* (formerly s.327AA *Local Government Act 1919* now repealed) when the total of the original term of the lease, together with any option of renewal, is more than five years.

When the lease affects the whole of a lot in a current plan - the body of the lease will simply identify the area to be leased by reference to the lot and deposited plan number. A new plan is not required.

When the lease affects part of a lot or lots in a current plan - it will be necessary to provide a plan to define the land in the lease and the residue of any lot in a current plan affected by the leased area.

The plan must:

- be a deposited plan of subdivision
- bear a completed [subdivision certificate](#) and
- be a survey, complying with the normal requirements for plan preparation and lodgment.

Alternatively, the lease may refer to a plan which has already been lodged in NSW LRS and complies with the above standards.

Note A sub-lease with a term greater than five years will constitute a subdivision, even if the head lease affects the entirety of the parcel.

Windfarms

A Windfarm is an electricity generation plant comprising a series of 'windmill' towers supporting turbines driven by large revolving 'propeller' blades powered by the wind. The power authority will lease the sites of the towers (and associated easements) from the proprietors of the affected land. Due to the size and number of towers required to generate sufficient electricity, a windfarm usually extends over many adjoining properties (e.g. along several kilometres of ridge line) each of which require a separate lease.

To ensure that the windmill always faces into the wind the turbine and attached propeller blades can be rotated in any direction. Consequently, a circular site affected by a restriction on the use of land usually surrounds each tower. Easements for access and services are also required.

Lease of a windfarm site will be treated as a lease of premises. Regardless of whether the lease will be for more or less than 25 years, the description in the lease must refer to 'Lease of premises of Windmill Tower(s) No(s) shown in DP', together with any easements

As the plan defines 'premises' (being the windmill towers) it will not constitute a 'current plan' within the meaning of s.7A *Conveyancing Act 1919* and therefore will not require subdivision consent under s.23G *Conveyancing Act 1919*. Each tower site will **not** be numbered as a lot but will be shown as 'Windmill No.' or 'Tower No'. Easements that benefit a lease affecting land not owned by the lessor (eg extensive rights of access through adjoining properties) may also be shown 'proposed' on the deposited plans and can be created by the lodgment of a 'Transfer Granting Easement' dealing. The terms of the easement may include a sunset clause indicating that the easement will extend only for the term of the lease.

Rights may also be created in the lease to ensure the 'free passage of air' and may extend over the entirety of the remainder of the affected land.

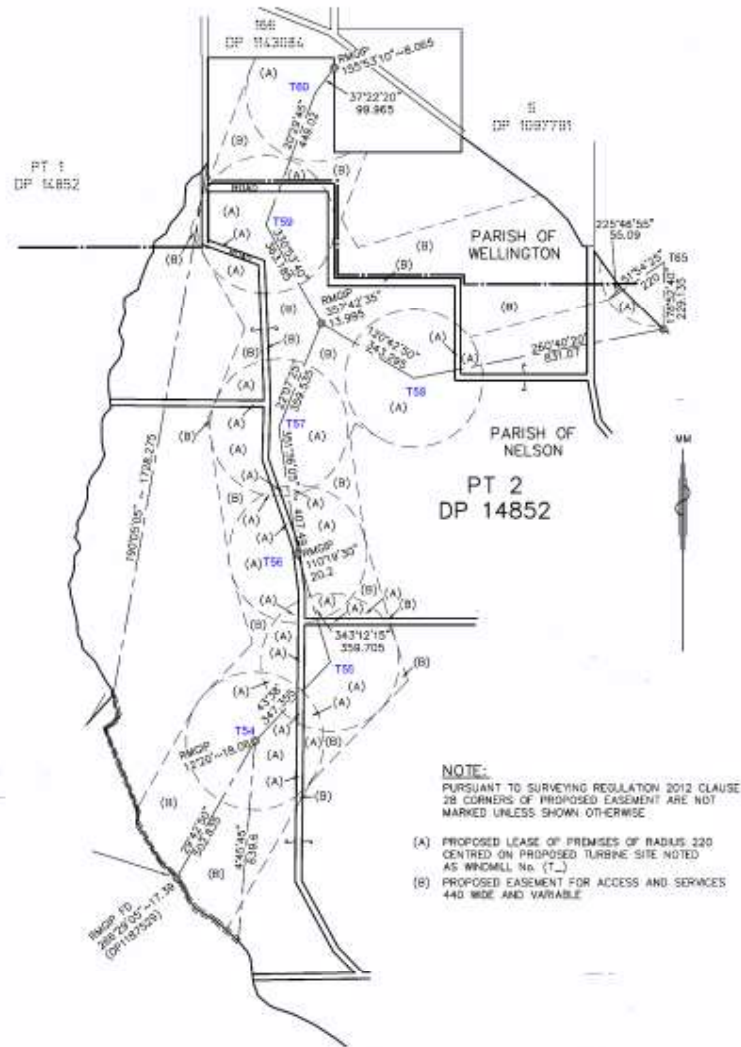
Definition on the plan

The position of every windmill tower must be defined in a plan of survey lodged as a deposited plan and headed 'Plan for lease purposes of Windmill Generating Towers'. The deposited plan locates each tower on a centreline traverse connected at each end to the parcel boundaries. The site of each tower must be defined by a suitable mark, peg or GNSS Co-ordinates.

The plan should also show the sites of any rights associated with the lease (eg easements for access and services). The easements should be shown as 'proposed' on the face of the plan and will be created as rights as part of the terms of the lease. The sites of the easements may be defined as a set width on either side of the centreline traverse or by full survey of all boundaries.

If the towers have not yet been constructed at the date of survey the position of each future tower along the 'centreline' must be suitably marked. Any subsequent variation(s) in tower position will necessitate the preparation of a Variation of Lease dealing and an appropriate new plan.

Example of a windfarm

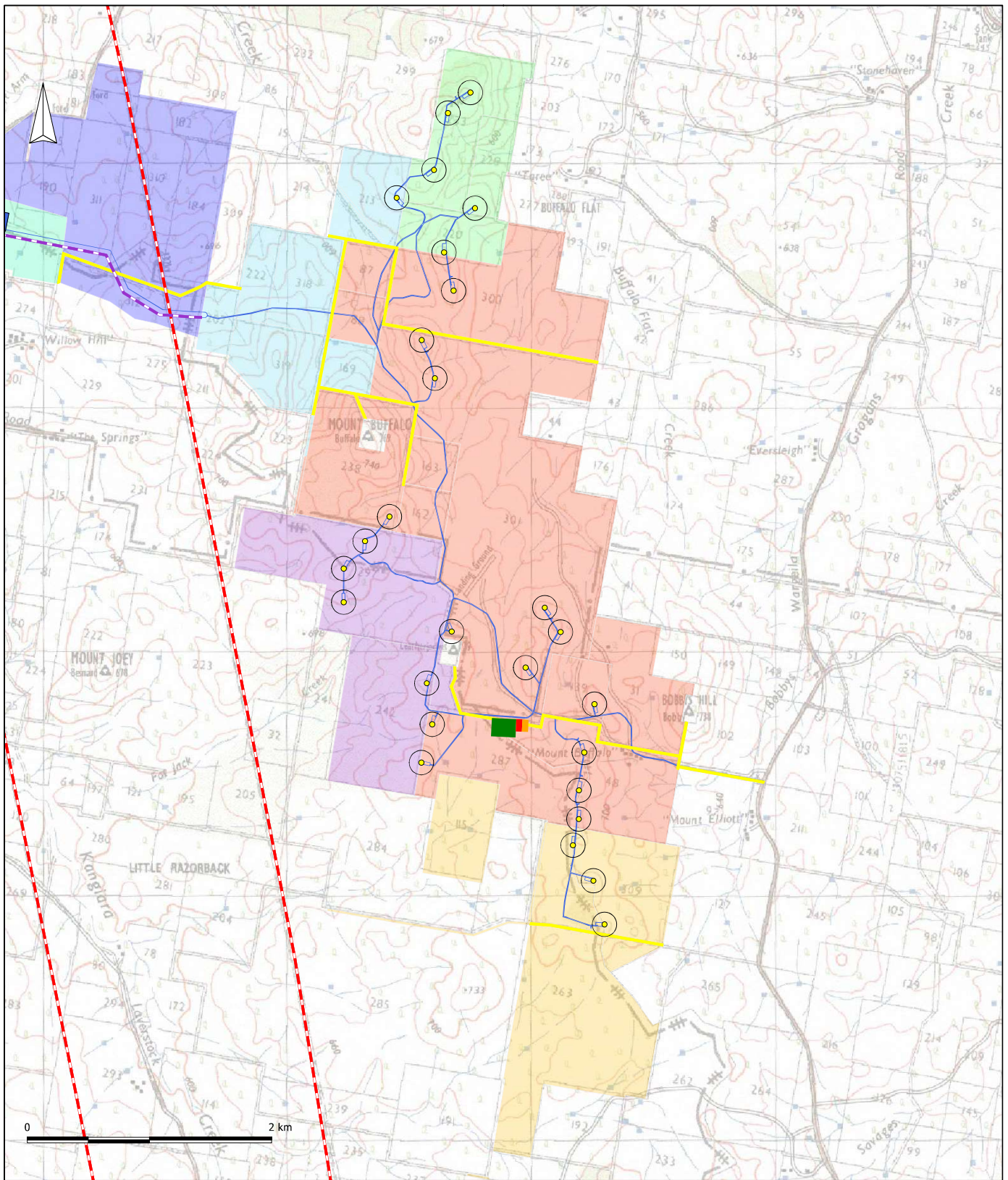


Click on plan image to enlarge

Project: Bango Wind Farm
Phone: (02) 4013 4640
Email: ed.mounsey@cwprenewables.com



Appendix 3 – Existing lots for the Deemed Lease Subdivision



LEGEND

- 49 WTG Layout
- Access Track
- Wind Turbine Generators
- Overhead Transmission Line
- 132 kV Transmission Line

Construction Facilities

- Construction, Maintenance and Operations Compound
- Concrete Batching Plant
- Rock Crushing Facility
- Collector Substation Option
- Switching Station Option
- Unformed Crown & Council Roads

COMPANY

BANGO WIND FARM PTY LTD

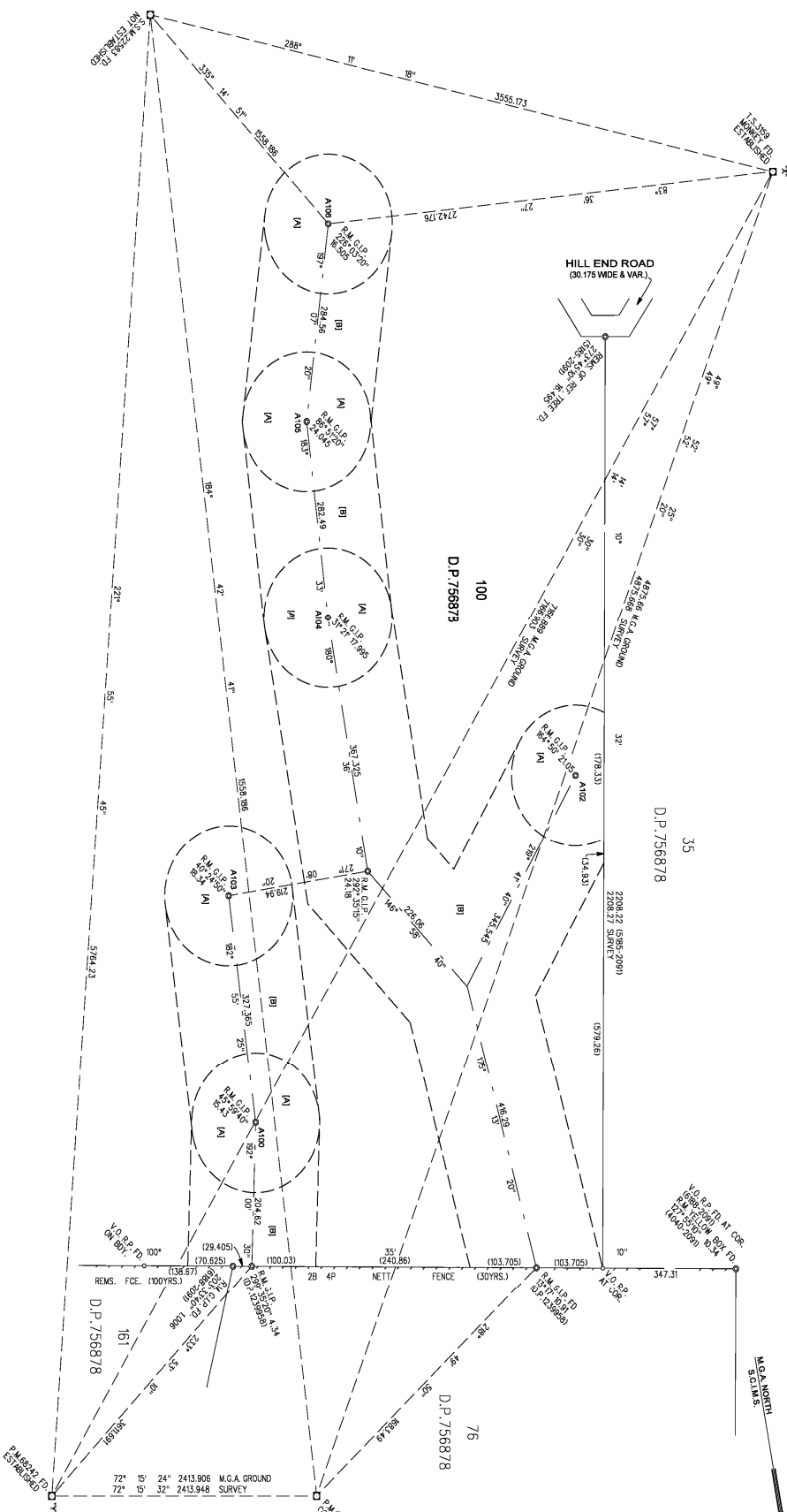


TITLE

BANGO WIND FARM INDICATIVE SITE INFRASTRUCTURE
& TURBINE LAYOUT MAP

DATE	SCALE	DWG NO	REV	VER
06 MAY 2019	1:30000	258	A	1
DRAWN BY	CHECKED BY	SHEET	JOB NO	SIZE
B KRONENBERG	E MOUNSEY	3 OF 3	080811	A4

Appendix 4 – Sample of Plans for Lease Purposes and title searches for other projects



GNSS VALIDATION SCHEDULE					METHOD
FROM	TO	GNID BEARING (R)	GNID BEARING (R)	DISTANCE	
T.S.5359	P.M.8242	57° 14' 32"	237° 14' 28"	766.589	G.N.A. GROUND
T.S.5359	P.M.8242	57° 14' 35"	237° 14' 31"	766.593	G.N.S. RTK
T.S.5359	P.M.8381	49° 52' 23"	229° 52' 19"	4815.669	G.N.A. GROUND
T.S.5359	P.M.8381	49° 52' 23"	229° 52' 19"	4815.667	G.N.S. RTK
P.M.8838	P.M.68242	72° 45' 24"	252° 15' 23"	2413.906	G.N.A. GROUND
P.M.8838	P.M.68242	72° 45' 32"	252° 15' 31"	2413.948	G.N.S. RTK

CO-ORDINATE SCHEDULE						
MARK	M.G. CO-ORDINATES	CLASS	ORDER	METHOD	STATE	
	EASTING					
T 5 3392	740 800196	2X	0	FROM S.C.I.M.S	FOUND	
T 5 3622	6 342 926 555		3	FROM S.C.I.M.S	FOUND	
U 186922	746 828 042		0	FROM S.C.I.M.S	FOUND	
S.S.M.22383	744 1781		4	FROM S.C.I.M.S	FOUND	
P.1839381	744 528 886		5			
	6 345 538 487	D	4	CONS. INTAKE	PLACED	
DATE OF S.C.I.M.S. CO-ORDINATES: 08-01-2018				M.G.A. ZONE: 35		
COMBINED SCALE FACTOR: 1.000191				M.G.A. DATUM: IGDA84		

DENOTES THE CENTRELINE FROM WHICH THE EXTENTS OF PROPOSED EASEMENT (BI) HAVE BEEN DETERMINED. 100m FROM THIS LINE UNLESS NOTED OTHERWISE


Name : MICHAEL ALEXANDER BROWN
Date : 17 FEB 2018
Reference : 78406_BKC

PLAN HEADING
PLAN OF PROPOSED LEASE OF PREMISES
FOR WINDMILL GENERATING TOWERS &
EASEMENT FOR ACCESS & SERVICES
WITHIN LOT 100 D.P. 756878


LGA: BATHURST REGIONAL
Locality : CRUDINE
Reduction Ratio 1:4000
Lengths are in metres

REGISTERED
7.8.2018

(DP NUMBER)
DP1239956

PLAN FORM 6 (2017)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)	
Registered:  7.8.2018 Title System: TORRENS		Office Use Only		Office Use Only	
		DP1239956			
PLAN OF PROPOSED LEASE OF PREMISES FOR WINDMILL GENERATING TOWERS & EASEMENT FOR ACCESS & SERVICES WITHIN LOT 100 D.P.756878		LGA: BATHURST REGIONAL Locality: CRUDINE Parish: CUNNINGHAM County: WELLINGTON			
Survey Certificate I, MICHAEL ALEXANDER BROWN of RYGATE & COMPANY PTY. LIMITED, SYDNEY a surveyor registered under the Surveying and Spatial Information Act 2002, certify that : *(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on 17/2/2018. *(b) The part of the land shown in the plan (*being/*excluding ^) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017. Datum Line : "X" - "Y" Type : *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous Signature :  Date : 23/7/2018 Surveyor Identification No : 8739 Surveyor registered under the Surveying and Spatial Information Act 2002 * Strike out inappropriate words. ** Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey		Crown Lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the shown herein have been given. Signature : Date : File Number : Office :			
		Subdivision Certificate I, * Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature : Accreditation number : Consent Authority : Date of endorsement : Subdivision Certificate number : File number : * Strike through if inapplicable.			
Plans used in preparation of survey/compilation 4040-2091, 6188-2091, 4328-2091, 5185-2091 If space is insufficient continue on PLAN FORM 6A		Statements of intention to dedicate public roads, public reserves and drainage reserves, acquired/resume land.			
Surveyors Reference : 78406_BKC		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A			

PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 sheet(s)

<p style="text-align: right;">Office Use Only</p> <p>Registered:  7.8.2018</p>	<p style="text-align: right;">Office Use Only</p> <p style="font-size: 24pt; text-align: center;">DP1239956</p>
<p>PLAN OF PROPOSED LEASE OF PREMISES FOR WINDMILL GENERATING TOWERS & EASEMENT FOR ACCESS & SERVICES WITHIN LOT 100 D.P.756878</p>	<p>This sheet is for the provision of the following information as required :</p> <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) SSI Regulation 2017 Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 Signatures and seals - see 195D Conveyancing Act 1919 Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
<p>Subdivision Certificate number :</p> <p>Date of Endorsement :</p>	

SCHEDULE OF LOTS AND ADDRESSES				
Lot	Street number	Street Name	Street Type	Locality
	N/A			
	N/A			

If space is insufficient use additional annexure sheet

Surveyors Reference : 78406_BKC



FOLIO: 100/756878

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
1/5/2019	5:31 PM	2	13/12/2018

LAND

LOT 100 IN DEPOSITED PLAN 756878
LOCAL GOVERNMENT AREA BATHURST REGIONAL
PARISH OF CUNNINGHAM COUNTY OF WELLINGTON
(FORMERLY KNOWN AS PORTION 100)
TITLE DIAGRAM CROWN PLAN 4328.2091

FIRST SCHEDULE

BRENDEN EDWARD COLE
KERRY CHRISTINE COLE
AS JOINT TENANTS (T T186087)

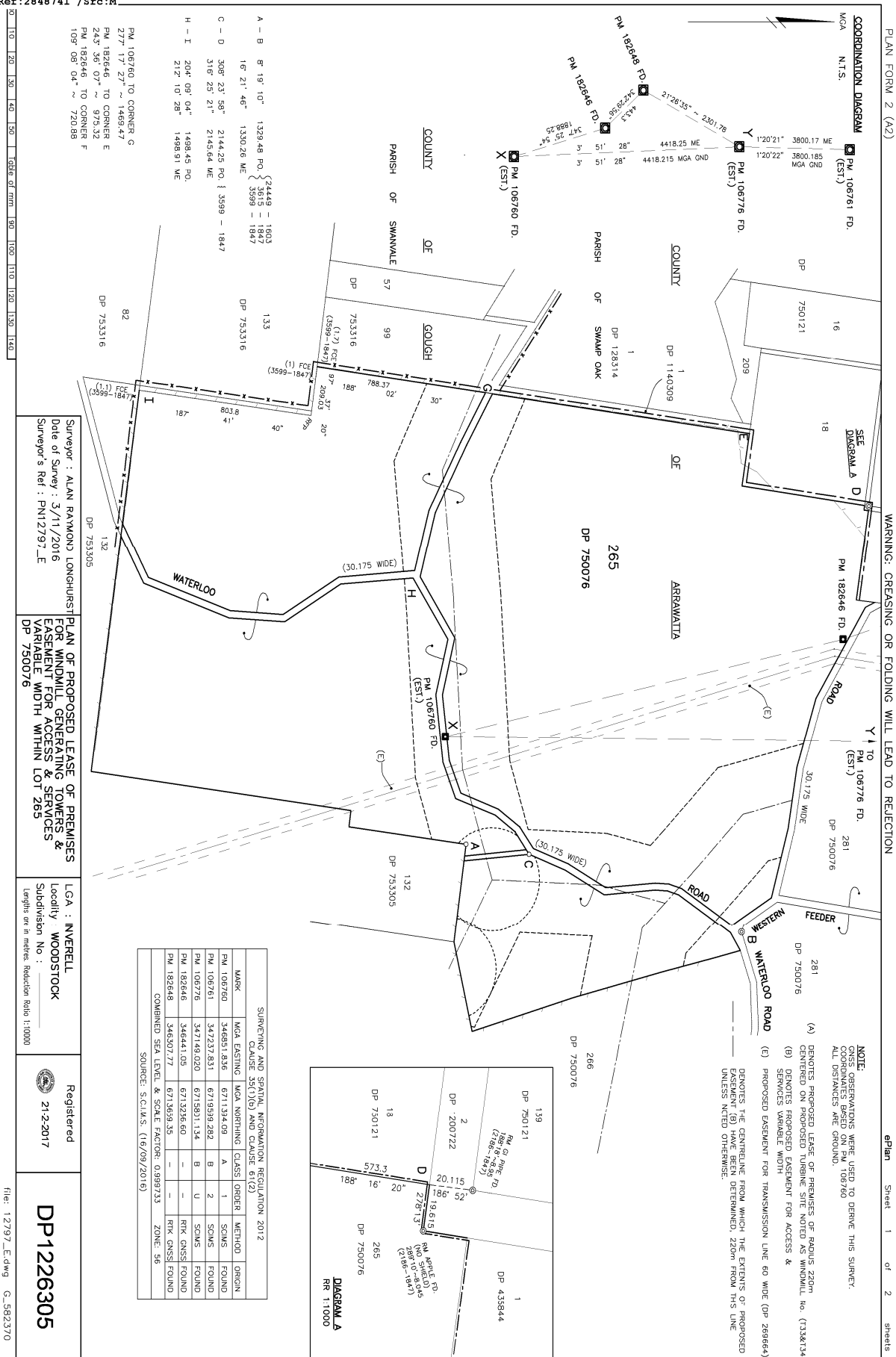
SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 AN613656 LEASE TO CRWF NOMINEES PTY LTD OF WINDMILL TOWER
NOS. A100, A102, A103, A104, A105 & A106 DESIGNATED
(A) IN DP1239956 TOGETHER WITH EASEMENT FOR ACCESS &
SERVICES VARIABLE WIDTH AFFECTING THE PART DESIGNATED
(B) IN DP1239956. EXPIRES: 23/5/2043. OPTION OF
RENEWAL: 25 YEARS AND ONE FURTHER OPTION OF 25 YEARS.
AN663692 MORTGAGE OF LEASE AN613656 TO WESTPAC
ADMINISTRATION PTY LIMITED

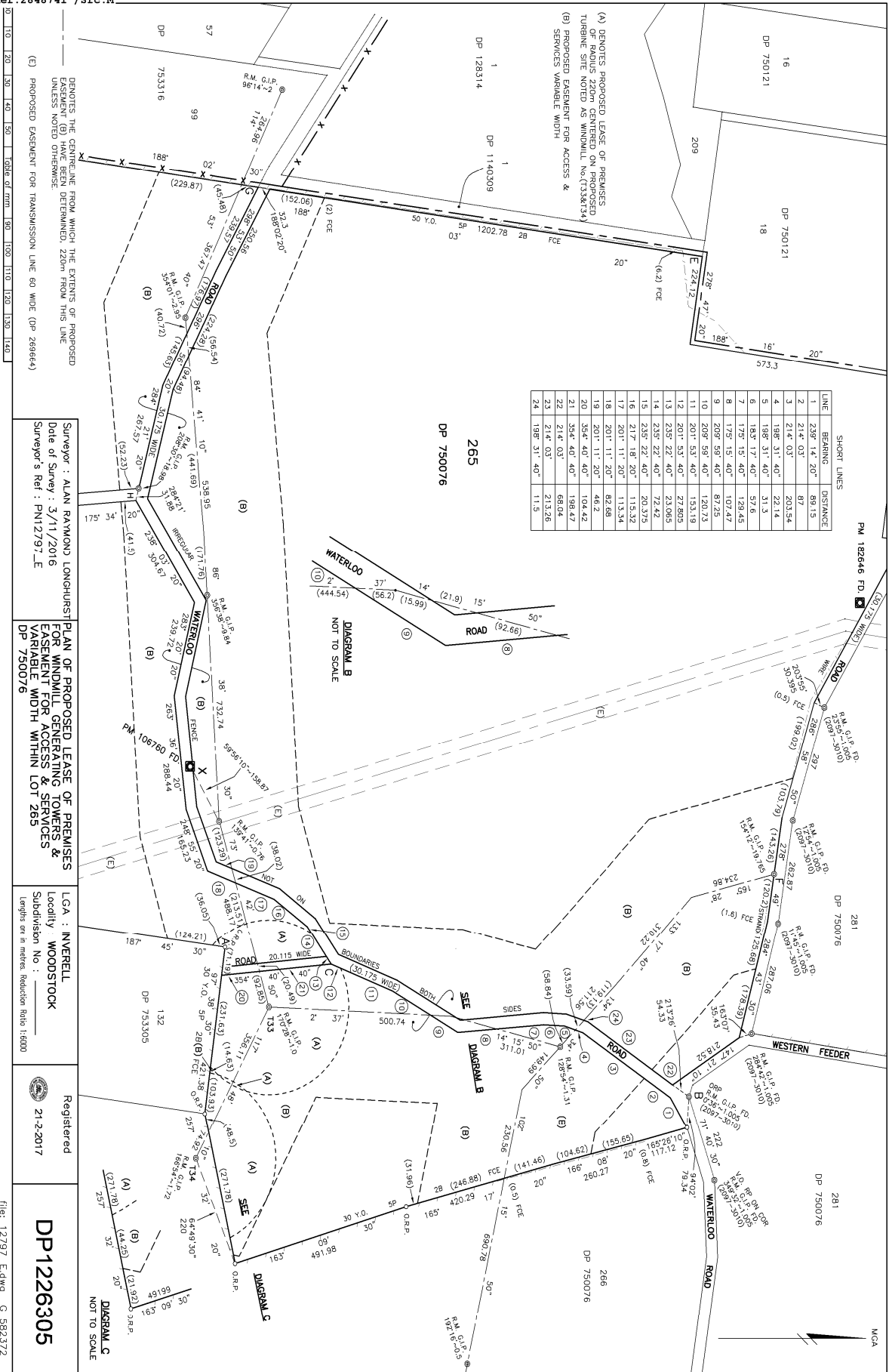
NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



SHOULDER LINES		
LINE	Bearing	DISTANCE
1	N 23° 41' E 20'	89.15
2	S 21° 14' W	87.18
3	S 21° 03'	22.14
4	N 18° 31' 40"	20.54
5	N 18° 31' 40"	31.3
6	N 18° 31' 40"	57.6
7	N 17° 15' 40"	129.45
8	N 17° 15' 40"	107.47
9	S 20° 59' 40"	87.25
10	S 20° 59' 40"	120.73
11	S 20° 53' 40"	153.19
12	S 20° 53' 40"	27.805
13	S 23° 22' 40"	23.005
14	S 23° 22' 40"	72.42
15	S 23° 22' 40"	20.532
16	S 21° 18' 20"	115.52
17	S 20° 11' 20"	82.63
18	S 20° 11' 20"	82.63
19	S 20° 11' 20"	46.2
20	S 24° 40' 40"	70.42
21	S 24° 40' 40"	196.47
22	S 21° 45' 40"	69.04
23	S 21° 45' 40"	213.26
24	N 19° 31' 40"	11.5




PLAN FORM 6 (2013)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

Registered:  21-2-2017 Title System: TORRENS Purpose: LEASE	Office Use Only <div style="text-align: center; font-size: 2em; font-weight: bold;">DP1226305</div>
PLAN OF PROPOSED LEASE OF PREMISES FOR WINDMILL GENERATING TOWERS & EASEMENT FOR ACCESS & SERVICES VARIABLE WIDTH WITHIN LOT 265 DP750076	LGA: INVERELL Locality: WOODSTOCK Parish: BUCKLEY County: ARRAWATTA
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: Date: File Number: Office:</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, ALAN RAYMOND LONGHURST of PHL SURVEYORS a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on</p> <p>*(b) The part of the land shown in the plan (required for easement definition) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on 3/11/2016, the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i></p> <p>Signature:  Dated: 7/11/2016 Surveyor ID: 1487 Datum Line: X - Y Type: Rural The terrain is *Level-Undulating</p> <p><small>*Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>
<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number:</p> <p><small>*Strike through if inapplicable.</small></p>	<p>Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.</p> <p>Plans used in the preparation of survey. 1945-1761, 2738-1847, 1545-1761, 7601-1761, 3234-1847, 3233-1847, 5203-1761, 2097-3010, 3599-1847, 3600-1847, DP651984, DP269664</p> <p style="text-align: center;"><small>If space is insufficient continue on PLAN FORM 6A</small></p> <p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p> <p>Surveyor's Reference: PN 12797_E</p>

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

Registered:



21-2-2017

Office Use Only

Office Use Only

DP1226305

PLAN OF PROPOSED LEASE OF PREMISES
FOR WINDMILL GENERATING TOWERS &
EASEMENT FOR ACCESS & SERVICES
VARIABLE WIDTH WITHIN LOT 265 DP750076

- This sheet is for the provision of the following information as required:
- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
 - Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
 - Signatures and seals- see 195D *Conveyancing Act 1919*
 - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number:

Date of Endorsement:

STREET ADDRESSES: NOT APPLICABLE

If space is insufficient use additional annexure sheet

Surveyor's Reference: PN 12797_E



FOLIO: 265/750076

SEARCH DATE	TIME	EDITION NO	DATE
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1/5/2019	5:21 PM	7	10/9/2018

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY RABOBANK AUSTRALIA LIMITED.

LAND

LOT 265 IN DEPOSITED PLAN 750076
LOCAL GOVERNMENT AREA INVERELL
PARISH OF BUCKLEY COUNTY OF ARRAWATTA
(FORMERLY KNOWN AS PORTION 265)
TITLE DIAGRAM CROWN PLAN 3599.1847

FIRST SCHEDULE

ANTHONY DAVID FREND
ROSEMARY ANNE FREND
AS TENANTS IN COMMON IN EQUAL SHARES (T Y414457)

SECOND SCHEDULE (8 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- 2 EXCEPTING ANY ROADS AND RESUMED LAND
- 3 Y414458 MORTGAGE TO RABOBANK AUSTRALIA LIMITED
- 4 6048912 PROPOSED ACQUISITION PURSUANT TO SECTION 11 LAND
ACQUISITION (JUST TERMS COMPENSATION) ACT, 1991
AFFECTING THE EASEMENT SHOWN IN DP269664
- 5 AM185839 LEASE TO SWF NOMINEES PTY LTD OF WINDMILL NO. T33
DESIGNATED T33 TOGETHER WITH AN EASEMENT FOR ACCESS
AND SERVICES VAR WIDTH DESIGNATED (B) IN DP1226305.
EXPIRES: 8/12/2041. OPTION OF RENEWAL: 25 YEARS WITH 1
FURTHER OPTION OF 25 YEARS.
AM185840 MORTGAGE OF LEASE AM185839 TO CBA CORPORATE
SERVICES (NSW) PTY LIMITED
- 6 AN44520 EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE
AFFECTING THE PART DESIGNATED (A) IN DP1236257
- 7 AN445323 EASEMENT FOR TRANSMISSION LINE, ACCESS AND SERVICES
VARIABLE WIDTH AFFECTING THE PART DESIGNATED (E) IN
DP1237812
- * 8 AN561461 CAVEAT BY SAPPHIRE SOLAR FARM PTY LTD

NOTATIONS

DP269664 NOTE: PLAN OF PROPOSED EASEMENT FOR TRANSMISSION LINE -
ARMIDALE-TEXAS

END OF PAGE 1 - CONTINUED OVER

FOLIO: 265/750076

PAGE 2

NOTATIONS (CONTINUED)

6305379 NOTE: PART OF EASEMENT FOR TRANSMISSION LINE SHOWN IN DP
269664 ACQUIRED FOR THE PURPOSE OF THE ELECTRICITY SUPPLY ACT
1995 SEE GAZ. 8.10.1999 FOLS. 9839-40

UNREGISTERED DEALINGS: PP DP1236653.

*** END OF SEARCH ***

4012393

PRINTED ON 1/5/2019

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Appendix 5 – Analysis of Proposed Modification against LEP considerations

LEP PROVISIONS	TRANSGRID SUBDIVISION ANALYSIS	DEEMED LEASE SUBDIVISION ANALYSIS
Boorowa LEP 2012		
Clause 4.1 (Minimum subdivision lot size) (1) The objectives of this clause are as follows: (a) to ensure land use and development are undertaken on appropriately sized parcels of land.	<ul style="list-style-type: none"> This consideration is not relevant because the TransGrid Subdivision will not change the nature or scope of the approved land use (including for the substation and switching station). The proposed locations, and environmental impacts of the substation and switching station were assessed prior to the grant of the Development Consent. As TransGrid will be the registered proprietor of the new lot there is no intention for any future development to be carried out on those lots. In addition, the new lot will not give rise to new dwelling entitlements. 	<ul style="list-style-type: none"> This consideration is not relevant because the Deemed Lease Subdivision will not change the nature or scope of the Project as approved and there will be no actual subdivision of the relevant titles for the purposes of future development which could give rise to new dwelling entitlements.
Yass Valley LEP 2012		
Clause 4.1 (Minimum subdivision lot size) (1) The objectives of this clause are as follows: (a) to minimise the likely impact of subdivision on the amenity of neighbouring properties, (b) to ensure that lot sizes and dimensions have appropriate regard to the characteristics of the	<ul style="list-style-type: none"> For the reason specified in relation to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on the amenity of neighbouring properties. The characteristics of the land, the rural environment, the protection of biodiversity, 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on the amenity of neighbouring properties. For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, these factors

LEP PROVISIONS	TRANSGRID SUBDIVISION ANALYSIS	DEEMED LEASE SUBDIVISION ANALYSIS
land, the rural environment, the protection of biodiversity, significant geological and natural resources, the heritage and the built form of Yass Valley,	significant geological and natural resources, the heritage and the built form of Yass Valley were assessed prior to the grant of the Development Consent and will not otherwise be affected by the TransGrid Subdivision. Additionally, we repeat the comment made in response to clause 4.1(1)(a) of the Boorowa LEP above.	will not otherwise be affected by the Deemed Lease Subdivision. Further, the characteristics of the land, the rural environment, the protection of biodiversity, significant geological and natural resources, the heritage and the built form were assessed prior to the determination of the Development Consent.
(c) to ensure that subdivision reflects and reinforces the predominant subdivision patterns of neighbouring properties and surrounds,	<ul style="list-style-type: none"> See the response to clause 4.1(1)(a) of the Boorowa LEP above. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, this consideration is not relevant.
(d) to maintain the character of Yass Valley,	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on the character of Yass Valley. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on the character of Yass Valley (including in the RU1 Primary Production zone).
(e) to ensure subdivision occurs in a planned and sustainable way,	<ul style="list-style-type: none"> See the response to clause 4.1(1)(a) of the Boorowa LEP above. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, this consideration is not relevant.
(f) to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services,	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on the demands for the provision or extension of services. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on the demands for the provision or extension of services.
(g) to prevent the subdivision of land on the fringe of urban areas into small lots that may negatively influence the layout of future urban areas.	<ul style="list-style-type: none"> See the response to clause 4.1(1)(a) of the Boorowa LEP above. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, this consideration is not relevant.
Clause 4.1C (Additional requirements for subdivision)		

LEP PROVISIONS	TRANSGRID SUBDIVISION ANALYSIS	DEEMED LEASE SUBDIVISION ANALYSIS
<p>in certain rural zones)</p> <p>(1) The objectives of this clause are to enable appropriate subdivision of land to which this clause applies having regard to topographical constraints, agricultural productivity, biodiversity values and environmental impact.</p> <p>...</p> <p>(3) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the pattern of lots created by the subdivision and the location of any future buildings on the land are not likely to have a detrimental impact on any riparian land, watercourses or biodiversity values, or exacerbate existing erosion or salinity processes, and</p> <p>(b) the subdivision layout has regard to protecting areas of remnant vegetation and will minimise the need for clearing vegetation for any future buildings, accessways, fences and any associated asset protection zones, and</p>	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional environmental impacts, nor any additional impacts on topography, agricultural productivity, nor biodiversity values to what was assessed prior to the grant of the Development Consent. For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on any riparian land, watercourses or biodiversity values, or exacerbation of existing erosion or salinity processes. In addition, the Development Consent contains conditions for the appropriate management of environmental and biodiversity impacts associated with the Project. For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on any areas of remnant vegetation and will not involve any clearing of vegetation. In addition, conditions have already been imposed in the Development Consent in relation to minimising the need for clearing vegetation. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional environmental impacts, nor any additional impacts on topography, agricultural productivity, nor biodiversity values to what was assessed prior to the grant of the Development Consent. For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on any riparian land, watercourses or biodiversity values, or exacerbation of existing erosion or salinity processes. In addition, the Development Consent contains conditions for the appropriate management of environmental and biodiversity impacts associated with the Project. For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact on any areas of remnant vegetation and will not involve any clearing of vegetation. In addition, conditions have already been imposed in the Development Consent in relation to minimising the need for clearing vegetation.

LEP PROVISIONS	TRANSGRID SUBDIVISION ANALYSIS	DEEMED LEASE SUBDIVISION ANALYSIS
(c) the pattern of lots will not significantly increase access to a watercourse for stock and domestic purposes, and	<p>Consent in relation to clearing vegetation.</p> <ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, the TransGrid Subdivision will not significantly increase access to a watercourse for stock and domestic purposes. In addition, it is not contemplated that any existing fencing will be removed as a result of the development of the Project as approved. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no significant increase in access to a watercourse for stock and domestic purposes. In addition, it is not contemplated that any existing fencing will be removed as a result of the development of the Project as approved.
(d) the subdivision will not adversely affect the use of the land and surrounding land for agriculture.	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional impact the use of the land and surrounding land for agriculture. 	<ul style="list-style-type: none"> For the reason specified in response to clause 4.1(1)(a) of the Boorowa LEP above, there will be no additional adverse impact on the use of the land and surrounding land for agriculture other than what was assessed prior to the grant of the Development Consent. The landowners can continue their existing use of the land and surrounding land outside the leased areas for agriculture.

Appendix 6 – Wind farm projects with approved subdivision for substations and lease purposes

No.	Project	LGA	Consent Authority	Conditions relating to subdivision	Date of approval
1.	Coppabella Wind Farm (formerly Yass Valley) (SSD 6698, Mod 1)	Yass Valley	Independent Planning Commission	N/A	10 December 2018
2.	Flyers Creek Wind Farm (MP 08_0252, Mod 3)	Blayney Shire	Minister for Planning	N/A	30 November 2017
3.	Crookwell 2 Wind Farm (DA 176-8-2004-i, Mod 2)	Upper Lachlan	Minister for Planning	N/A	31 October 2017
4.	White Rock Wind Farm (MP 10_0160, Mod 5)	Inverell Shire Council	Minister for Planning	B18. The Applicant may subdivide Lot 1 DP624913 and Lot 153 DP753260 to create two new allotments, in accordance with MOD 5 and the requirements of the EP&A Act and EP&A Regulation.	11 October 2017
5.	Crudine Ridge Wind Farm (SSD 6697)	Mid-western Regional Council / Bathurst City Council	Minister for Planning	N/A	10 May 2016
6.	Sapphire Wind Farm (MP 09_0093)	Inverell Shire Council	Minister for Planning	N/A	26 June 2013