

Cedric Berge

From: Stevens, Laurie <LaurieS@berriganshire.nsw.gov.au>
Sent: Thursday, 9 November 2017 10:26 AM
To: Cedric Berge
Subject: RE: Finley Solar Farm - Reconfiguration of the lots

Hi Cedric

We have had some issues with MIL in the past with regard to subdivision.

The subdivision of land has nothing to do with MIL.

MIL have their own requirements for the subdivision of holdings (eg E387) for the purpose of water supply and allocations etc. This is for their purposes only.

What concerns me is that there needs to be legal access from one property to another where access to an irrigation water supply point is located. This is for the property owners only. MIL still retain the right to access land for the delivery of water therefore easements for their access is not necessary.

With regard to the disposal of stormwater I note that access to the MIL drainage system may not be available during wet periods. It would be in your interests to consider appropriate on site detention of a sufficient volume to contain a 1 in 10 year rainfall event given that the large area of panels will significantly reduce on site infiltration.

Happy to discuss.

Regards,

Laurie Stevens
Development Manager



P: 03 5888 5100 F: 03 5885 2092

W: www.berriganshire.nsw.gov.au

Address: 56 Chanter Street (PO Box 137) Berrigan, NSW, 2712

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From: Cedric Berge [mailto:cedric@escopacific.com.au]
Sent: Thursday, 9 November 2017 9:36 AM
To: Stevens, Laurie
Cc: Tim Stuckey; Allison Hawke
Subject: RE: Finley Solar Farm - Reconfiguration of the lots

Hi Laurie,

Regarding Murray Irrigation, we will comply with their policy in terms of Subdivision application and Boundary Alteration Removal application when required. Please see below a copy of our correspondence with MIL a few months ago.

I also note that Murray Irrigation retains the right to access of channels on landholdings under *Water Management Act 2000* Section 120. Therefore, I understand no formal easement is required along the channels.

Kind regards,

Cédric Bergé
Environmental Consultant - Development Manager
ESCO Pacific Pty Ltd
0402 055 443

From: Elise Campbell [<mailto:elise.campbell@murrayirrigation.com.au>]

Sent: Thursday, 11 May 2017 3:51 PM

To: Tristan Robertson <Tristan@escopacific.com.au>

Subject: Murray Irrigation - potential Finley site

Good afternoon Tristan,

As per our phone conversations today, please find details of our conversation regarding E387 site.

- To discharge into Murray Irrigation's drainage system, the landholding must be a customer of Murray Irrigation with a current Entitlements Contract.
- Murray Irrigation cannot guarantee, in the event of a major flood event (5-7 inches on-ground), that flood water can be discharged successfully into the drainage system and taken off property. Due to the capacity of the drainage system and topography of area, if a major flood event were to occur in the area, then every customer with connection to the drainage system would be in the same situation. The drainage system would be full or over capacity and it does not drain quickly, increasing the likelihood/potential of the drainage system backing up and back onto properties causing further flooding.
- The best option is to remain connected to Murray Irrigation as a landholding with an outlet. No entitlements are necessary to remain connected. This would give the ability to utilise the drainage system at any point in time where on-ground water reached a level that is potentially problematic to Esco Pacific as discussed.

Option: SUBDIVISION

Upon commencement of council subdivision to create two separate Lot & DP for the current landholding E387, a subdivision application is also required by Murray Irrigation to create a second landholding from the first.

- Form 27 Boundary Alteration/amalgamation/subdivision is required, plus application fee \$630 and all requirements pertaining to subdivision as per Form 27. Form 27 is available online under Customers>Forms>Land
<http://www.murrayirrigation.com.au/media/24742/SHA-QF027%20Amalgamation%20Boundary%20Alteration%20Subdivision.pdf>
- No Entitlements (shares, water entitlements or delivery entitlements) are required to remain an 'irrigation' landholding with Murray Irrigation, however customers are unable to vote at annual AGM, will not receive general security announced allocation ML (Megalitres) or receive standard variable fees for delivery of ML through outlet/s.
- Landholdings over 4ha with a 'large' outlet are automatically classed as 'irrigation' landholdings regardless of actual land use.

On-going Irrigation Landholding fixed fees per annum. Fees are available online under Customers>Fees and prices>2016/17 Fees and Prices Schedule

<http://www.murrayirrigation.com.au/media/26622/Fees%20%20Prices%2016-17%20-%20WATER%20OFFER%2025%20October%202016.pdf>

- Landholding access fee \$1,190 p/a
- Large irrigation outlet fee \$732 p/a
- Account administration fee (minimum) \$52.25 – invoices and statements must be received electronically and paid electronically to receive this lower admin fee.
- Total per annum fixed fees \$1974.25 or \$493.56 per quarter.

- This does not include usage charges for ML delivered through outlet. See Fees and Prices Schedule for these amounts.

NB: Subdivision option depends on infrastructure being present on the subdivided portion i.e. irrigation outlet, or the customer wishing to install an irrigation outlet at their cost.

Option: BOUNDARY ALTERATION REMOVAL

Upon commencement of council subdivision to create two separate Lot & DP for the current landholding E387, a boundary alteration remove application is required to remove the portion being retained as a dry block. With no access to Murray Irrigation structure thereafter.

- Form 27 Boundary Alteration/amalgamation/subdivision is required, plus application fee \$132 and all requirements pertaining to boundary alteration - removal as per Form 27. Form 27 is available online under Customers>Forms>Land
<http://www.murrayirrigation.com.au/media/24742/SHA-QF027%20Amalgamation%20Boundary%20Alteration%20Subdivision.pdf>
- Removed portions are not removed from Murray Irrigation's Area of Operations unless under special circumstances.
- Channel fencing and/or drainage system fencing will be required at customer's expense where applicable. Murray Irrigation retains the right to the access of channel/s on landholding/s under *Water Management Act 2000 NSW* Section 120.
- Upon registration and finalisation of Form 27 application, no further access to Murray Irrigation's supply or drainage systems in relation to the landholding is permitted.
- Any later reconnection of the land as a landholding will be treated as an application for new landholding.

If you have any further queries please do not hesitate to contact me.

Kindest regards

Elise Campbell

Water Trade Administration Supervisor



443 Charlotte Street Deniliquin NSW 2710
T. 03 5898 3348 F. 03 5898 3301
murrayirrigation.com.au

From: Stevens, Laurie [<mailto:LaurieS@berriganshire.nsw.gov.au>]

Sent: Wednesday, 8 November 2017 4:44 PM

To: Cedric Berge <cedric@escopacific.com.au>

Subject: RE: Finley Solar Farm - Reconfiguration of the lots

Hi Cedric

I refer to the proposed subdivision of the land associated with the development of the land for the solar farm and offer the following comments:

- In general the proposal complies with the provisions of Berrigan Local Environmental Plan 2013.

- I am not sure of the legalities of creating the small lot for the switchyard however I will leave that to the Department. As discussed this isolated lot will need to have an easement or right of carriageway from the Transgrid property or Canalla Road to create legal access. An easement will also need to be created between the small lot and the Transgrid property to enable power lines/cable access.
- The western boundary of the larger lot, which follows a physical barrier being the Murray Irrigation Limited(MIL) supply channel, will need to be carefully placed and appropriate easements created to ensure delivery of irrigation water to adjoining properties.
- An easement will need to be created over the MIL community drain which currently runs along the common boundary of lots 133 and 136 and which will bisect the proposed new lot. It would be in your interests to discuss access arrangements over this drain from one section of the proposed new lot to the other with MIL. NOTE that this drain disposes stormwater from the township of Finley in wetter periods as well as from adjacent rural properties.

Should the Department support the subdivision Council would be happy to act as the certifying authority for the subdivision.

Please call if you require further information or clarification.

Regards,

Laurie Stevens
Development Manager



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From: Cedric Berge [<mailto:cedric@escopacific.com.au>]
Sent: Wednesday, 8 November 2017 11:39 AM
To: Stevens, Laurie
Cc: Tim Stuckey; Allison Hawke
Subject: RE: Finley Solar Farm - Reconfiguration of the lots

Hi Laurie,

In addition to my previous email, and following our phone call earlier this morning, I can confirm there will be an Access easement from Canalla Road to the Switchyard lot for TransGrid.

I will update the 'Proposed Reconfiguration of the Lots' map with the indicative location of the easement.

Would you be able to confirm the points as developed in my previous email?

Regards,

Cédric Bergé
 Environmental Consultant - Development Manager
 ESCO Pacific Pty Ltd
 0402 055 443

From: Cedric Berge
Sent: Tuesday, 31 October 2017 2:41 PM

To: Stevens, Laurie <LaurieS@berriganshire.nsw.gov.au>

Cc: Tim Stuckey <Tim.Stuckey@planning.nsw.gov.au>; Allison Hawke <Allison@escopacific.com.au>

Subject: Finley Solar Farm - Reconfiguration of the lots

Importance: High

Hi Laurie,

As discussed yesterday, we would like to clarify the requirements for Reconfiguration of the lots as a consequence of the Finley Solar Farm project. The Department of Planning & Environment requested *"to consult with Council and confirm they support the subdivision – which would include Council as certifying authority (issue the subdivision certificate) and the Department being the consent authority for the subdivision. Include evidence of this consultation with Council in the response to submissions (RTS)."*

I have attached 2 maps:

1. Existing configuration

- **Landowner #1** – Lot 136 on Plan 752299 – ESCO Pacific has signed an option to Purchase with this LO, on the eastern part of the parcel only,
- **Landowner #2** – Lot 133 on Plan 752299 – ESCO Pacific has signed an option to Purchase with this LO, on the whole parcel,
- **Landowner #3** – Lot 134 on Plan 752299 – ESCO Pacific has signed an option to Lease with this LO, on the whole parcel.

According to Berrigan Local Environmental Plan 2013, I understand the Minimum subdivision lot size for the study area is 120ha (Zone AD).

2. Proposed reconfiguration of the lots

- The Finley Solar Farm would create a new lot on the land purchased for the project, which would encompass the existing Lot 133 and the eastern part of Lot 136. The new lot would be approximately 288 hectares.
- The residual land for Landowner #1 would be approximately 130ha – **reconfiguration would comply with section 4.1 of Berrigan LEP**
- A new lot would be created for the switchyard (TransGrid) with an area of approximately 300 sq. metres – **reconfiguration would not comply with section 4.1 of Berrigan LEP but subdivision for the purpose of a substation is exempt from minimum lot requirements associated with other subdivision. The DPE will considered this exemption**
- Land ownership would remain unchanged for Landowner #3 (Land leased to Finley Solar Farm)

Please note proposed boundaries and areas shown on the maps are indicative at this stage, and will need to be surveyed before execution of Options to purchase.

Would you be able to confirm this approach, and would you support reconfiguration of the lots as part of DPE's Development Consent?

Please let me know if you need more information.

Kind regards,

Cédric Bergé

Environmental Consultant - Development Manager



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