

Crown Land Easements - Essential Energy

Date: 24.02.2020

This information sheet provides external customers and Accredited Service Providers (ASPs) with a general overview of the Compulsory Acquisition process for easements over Crown Land (including Crown Roads and Crown Waterways).

Crown Land requirements

Easements over Crown Land are obtained through a different process to easements obtained over other lands by parties connecting to Essential Energy's network.

Crown Land easements must be acquired through the compulsory acquisition process, in accordance with procedures set out in the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

Only an authorised party can acquire an interest (such as an easement) through this compulsory acquisition process. Private individuals are not able to do this. Essential Energy is an authorised party pursuant to Section 44 of the *Electricity Supply Act 1995* (NSW).

What do you need to do?

Provide the following to Essential Energy's Contestable Works Team via e-mail contestableworks@essentialenergy.com.au:

- written confirmation to proceed;
- copies of all title searches, Deposited Plans / Crown Plans for the affected Crown Land, Native Title and Aboriginal Land claims, and any other third party interests, should be identified and consent to proceed obtained;
- an indicative plan clearly showing the proposed easements to be acquired over the affected Crown Land; and
- confirmation of the type of easements required (overhead, underground, multi-purpose) and width/s of the easements.

What will Essential Energy do?

- seek consent to the acquisition of easements from Crown Lands. Crown Lands will require consent from any Native Title or Aboriginal Land claimants, and any other interested third parties, prior to responding. In some cases, acquisition may be significantly delayed or not proceed if there are issues with claims and/or consent;
- make an initial submission to the Minister for Energy and Environment, seeking consent to issue Proposed Acquisition Notices (PANs). PANs are generally necessary to ensure compliance with administrative and procedural law requirements; and
- make a second submission, seeking consent from the Minister and from the Governor of NSW to publish the Acquisition Notices in the NSW Government Gazette.

This process can take approximately 9-12 months from the time all relevant documentation is provided to Essential Energy.

Costs and charges

Substantial costs may be incurred when acquiring easements through this compulsory process. These costs are to be borne by the Customer and are often in excess of \$20,000.00. A project specific estimate of the anticipated costs can be provided on request.

Construction prior to acquisition

As this process does take time, it is possible to commence construction prior to easement acquisition being finalised. To facilitate this, the Customer must apply to Crown Lands for a licence to construct.

Notices required by legislation are to be served on any third parties, particularly any Native Title claimant.

The Customer and Essential Energy enter into a Customer Deed – Crown Land Acquisition. By entering into this Customer Deed, Essential Energy makes a concession that the easement need not have been finalised by the time the Customer connects to the network. To mitigate any risk associated with making this concession, a condition of the Customer Deed is to provide Essential Energy with a Bank Guarantee.

Please note that construction works *cannot commence* until Essential Energy has certified the design and the Customer Deed has been entered into. Once the electrical works are connected to Essential Energy's network and energised, the licence will need to be transferred or a new licence negotiated with Crown Lands to Essential Energy. This licence must remain in force until the acquisition of the easement/s is finalised.

Any construction carried out prior to acquisition is to be carried out entirely at the Customer's own risk. If for any reason the compulsory acquisition is unable to be completed, then the Customer may be required to relocate network assets, at their cost, at a future date.

Where should enquiries be directed?

Further enquiries can be directed:

- by e-mail to conveyancingteam@essentialenergy.com.au or;
- by calling 13 23 91 or;
- for HV load/large scale generator connections progressing through Major Connections Team, contact your appointed Case Manager or networkconnections@essentialenergy.com.au. Please ensure that you use the following subject heading in emails – your Projects (ENQ/ATC)Ref# _Crown Land Easement Query.