

Execution of easement documentation by Essential Energy

Procedure guide

CERM8046.01

Date: 05.09.18

This document has been developed to assist Accredited Service Providers (ASPs), surveyors, lawyers, licensed conveyancers, developers and other interested parties with Essential Energy's easement documentation requirements and associated processes.

Drafting requirements

Easement documentation should be prepared in accordance with Essential Energy's *Easement Requirements* policy (CEOP8046), which you can download from Essential Energy's website: www.essentialenergy.com.au by searching 'easement requirements'.

Please ensure that accurate details of the easement width, type (eg: overhead/underground/multi-purpose) are provided. Additionally, reference must be made to Essential Energy's Memorandum registered with LRS as AG189384 and the relevant Part of that Memorandum.

A copy of the various terms of easement can be found on Essential Energy's website by searching 'terms of easement', and an overview of the execution process is attached for your ease of reference.

Types of easement documentation and execution requirements

Section 88B Instrument

In accordance with the Registrar General's Guidelines, Essential Energy (as the benefited authority) is required to execute the Section 88B Instrument. Essential Energy is not required to execute Administration Sheets or associated Plans. However, a copy of the Plan to be lodged for registration must be provided for execution purposes.

Plans submitted **must not** be larger than A3.

The full final version of the Section 88B Instruments must be submitted to Essential Energy for execution.

Transfer Granting Easement

Transfer Granting Easements must be prepared in accordance with the Registrar General's Guidelines.

Plans required for the Transfer Granting Easement may be in the form of a 'plan annexed to a dealing' or a Deposited Plan, provided the Registrar General's Guidelines are met. Essential Energy is required to sign any 'annexed plan'.

Customer Deeds

Customer Deeds are used when connection is required prior to easement registration. There are three types of Customer Deeds:

1. Customer Deed (CEOF6274b) – when easements are required over land owned by a third party (Landowner). *Note:* the customer and landowner must first enter into the *Landowner Deed* (CEOF6274c)
2. Customer Deed (combined) (CEOF6274d) – when easements are required over land owned by the customer (i.e: there is no third party land)
3. Customer Deed (5.1.2) (CEOF6274e) – for rural land in situations outlined in Section 5.1.2 of Essential Energy's *Easement Requirements* policy.

You can download the Customer Deeds from Essential Energy's website by searching 'easement'. The Customer Deeds are updated from time to time. Essential Energy may not accept a superseded version of the deed, accordingly the Customer Deed should be downloaded from the website each time it is required.

Mandatory Accompanying Information

The following information has been deemed mandatory to ensure that the execution of easement documentation request is progressed as quickly as possible. Failure to include this information when first submitting the request will likely cause delays in the execution process, and may result in the unsigned documentation being returned for further action prior to re-submission.

Project number

The Essential Energy project number must be noted within the covering letter accompanying the documentation. This will ensure the request can be easily referenced and processed efficiently. If no project number has been created, a design information request form (CEOF6010) should be submitted

For new infrastructure, please refer to the customer or applicant's Accredited Service Provider (ASP) to determine if a project number has been created, and if so, what it is.

For existing infrastructure, refer to details below under the heading "Existing Infrastructure".

Existing infrastructure

Should the easement documentation create an easement over an existing powerline as part of a subdivision, lot consolidation or boundary adjustment, a design information request form (CEOF6010) and associated documents should first be submitted. A copy of the form is available on Essential Energy's website: www.essentialenergy.com.au/content/contestable - Subdivisions, Lot Consolidations and Boundary Adjustments.

Original full document

Complete and original easement documentation must be submitted (a copy of the Landowner Deed is only required as annexure to the Customer Deed).

CEOF9091 Advice for Suitability of Easement Documentation

This document is required to be completed and signed by the customer's Accredited Service Provider (or when there are no new powerlines, the customer's surveyor) and must be submitted with the easement documentation. A copy can be downloaded from Essential Energy's website by searching "Easements".

Execution

Easement documentation must be executed by the relevant parties as outlined above in the 'Types of easement documentation and execution requirements'. Documentation will be returned if not signed as required.

Execution by Essential Energy

The original signed easement documentation, together with the mandatory accompanying information (set out above), should be forwarded for approval and execution to Essential Energy at the following address:

Conveyancing Team
Essential Energy
PO Box 5730
PORT MACQUARIE NSW 2444

Return of documentation

The signed documentation will be returned to the person/organisation and address nominated within the covering letter. Return of the documentation will occur within approximately 21 days from receipt of correct documentation.

Please specify any special requirements relating to the return of documentation is required – for example, return to an alternative address – in the covering letter. If the documentation is required to be returned by other means – for example express post – the appropriate self-addressed envelope must be provided with the easement documentation. If no return address is nominated Essential Energy will return the documents to the party that submitted the documentation.

Following registration

Once the easement has been registered with LRS, Essential Energy's form CEOF9090 '*Solicitor/Licensed Conveyancer's advice that easement has been created*' is required to be submitted to Essential Energy together with the supporting attachments. A copy of the form will be provided with the signed easement to documentation, or alternatively can be downloaded from Essential Energy's website.

Further enquiries can be directed to contestableworks@essentialenergy.com.au, or by calling 13 23 91.

Essential Energy's easement documentation process

