



Energy Corporation
of New South Wales

Document tendered by Wes Fang
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EXPRESS POST

Ref:

8 December 2023

Sent by email to

Re: Proposed Acquisition Notice to Commence the Compulsory Acquisition Process for the Central-West Orana Renewable Energy Zone Transmission Project

Dear

On behalf of EnergyCo, I would like to thank you for your ongoing engagement with our team as we work towards finalising arrangements for the development of the proposed transmission line for the Central-West Orana Renewable Energy Zone (**CWO REZ**).

As outlined in our letter of 8 November 2023, we are writing to you again to confirm that EnergyCo intends to acquire easements over your property for the proposed transmission line.

This follows the 'opening letter' we sent in May 2023 notifying you that EnergyCo would be seeking to acquire easements over your property, including a Sketch Plan showing the area required for a 'permanent easement for access', various 'temporary construction easements' and the approximate location of the permanent interests likely to be required by EnergyCo once construction is complete.

Since the opening letters were issued, EnergyCo has been seeking to reach a negotiated agreement with you and will continue to pursue agreement throughout this process.

To progress the Central West Orana REZ to meet the timeframes identified by the Australian Energy Market Regulator (**AEMO**) and to maintain energy security, reliability, and affordability in NSW, we now need to progress what is known as "Proposed Acquisition Notice" (**PAN**) for the proposed transmission line under the *Land Acquisition (Just Terms Compensation) Act 1991*.

This means that if we cannot reach agreement with you by **15 March 2024**, the interests required for construction of the proposed transmission line will be acquired in accordance with the process set out by the *Land Acquisition (Just Terms Compensation) Act 1991* and the amount of compensation payable to you for those interests will be determined by the Valuer General of NSW.

A flowchart of the acquisition process is attached for your information, including where we are up to in the acquisition process and the next steps for both the temporary construction easement and the permanent transmission easement.

The relevant details of the property and the interests that we have identified as necessary for the construction of the proposed transmission line are detailed in the PAN.

The Energy Corporation of NSW (EnergyCo) is part of the **Treasury Cluster**

20 Bond Street, Sydney NSW 2000

1800 118 894

energyco.nsw.gov.au

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Proposed Acquisition Notice

It is important to note that this is a *Proposed* Acquisition Notice and EnergyCo will continue to consult with you to try to reach an agreement.

If a written agreement is finalised by 15 March 2024, EnergyCo will withdraw the PAN. However, if agreement cannot be reached, the matter will be referred to the Valuer General for determination.

You are entitled to make a submission directly to the Valuer General using the Claim for Compensation Form to ensure your views about the compensation payable are considered by the Valuer General.

The Claim for Compensation Form is enclosed with this letter and should be completed and returned to us no later than 20 February 2024, as requested by the Valuer General's office.

Independent Advice

EnergyCo understands that the acquisition process can be complex, and we encourage you to consult a legal advisor and/or an independent valuer for advice and guidance on the acquisition process. If agreement is reached, we will reimburse reasonable professional fees incurred in connection with the acquisition of the interests at settlement of the matter. Otherwise, the Valuer General will determine the amount of the reimbursement as part of its determination of the compensation payable.

Further general information about the compulsory acquisition process for public projects is available from the NSW Centre of Property Acquisition at <https://www.nsw.gov.au/housing-and-construction/property-acquisition/about-us>.

The NSW Government also provides a support line on 1-300-089-551 which is available to landowners affected by the compulsory acquisition process.

For any questions regarding the acquisition process, please contact Stephen Page at 0488 328 282 or stephen.page@dpi.nsw.gov.au.

We hope all matters will be able to be resolved by ongoing discussions and negotiations. Stephen Page will be in touch with you shortly to discuss this letter and the enclosures, as well as the next steps going forward.

Sincerely

Andrew Aylward
Senior Acquisition Manager
Copy sent by email to: Helen Pegg, Flynn's Solicitors, admin@flynnsolicitors.com.au

The Energy Corporation of New South Wales (EnergyCo) is part of the Treasury Cluster
20 Bond Street, Sydney NSW 2000 1800 118 894
energyco.nsw.gov.au

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Next Steps - Flow Chart

Acquisition process

Central West Orana REZ Transmission Project

December 2023

It's EnergyCo's strong preference is to negotiate and come to an agreement regarding the compensation for the acquisition of the necessary property interests.



01

Proposed Acquisition Notice (PAN)

If we have been unable to reach an agreement with you after at least six months, we will send you a PAN which will provide both parties with at least 90 days' notice to resolve the acquisition by negotiated agreement. This is known as the PAN period.



03

Property Interests Acquired

If an agreement cannot be reached before the PAN period expires, the required interests in land will be compulsorily acquired by the publication of an Acquisition Notice in the NSW Government Gazette. Once this Acquisition Notice is published, EnergyCo will own the required easement rights (and other required interests) on your land.



05

Compensation notice

Following the Valuer General's determination, we will send you a Compensation Notice to inform you of the amount of compensation payable for the acquisition as determined by the Valuer General.



07

If you disagree with the compensation

If you do not accept the amount of compensation determined by the Valuer General, you must lodge an objection with the NSW Land and Environment Court within 90 days of receiving the compensation notice. If an objection is not lodged within that period, then the Valuer General's determination is deemed to be accepted.

You will be entitled to receive an advance payment of 90 percent of the amount determined by the Valuer General within 28 days of EnergyCo being notified of your objection to the Court and pending finalisation of the Court process.

We Are Here

02

Negotiations continue

During the PAN period we will continue to seek to resolve the acquisition with you by negotiated agreement.

04

Valuer General determination of compensation

Following compulsory acquisition, you will become entitled to compensation in an amount to be determined by the NSW Valuer General in accordance with the Act. The Valuer General's office will contact you directly to explain the process.

Compensation is assessed on the same basis under the Act whether acquisition is by agreement or by compulsory acquisition.

06

If you accept the compensation

If you accept the Valuer General's determination, then payment will be made typically in 28 days following your return of the required executed documents to EnergyCo.

08

Acquisition for permanent interests

Negotiations will continue until after the completion of construction (approximately 4 years). Should agreement not be reached, steps 1-7 will need to be initiated for permanent transmission easement and partial acquisition of land for switching stations (if applicable).

Strategic Benefits Payment (SBP) Scheme

Annual SBP payments of \$200,000 per kilometre of transmission line will commence, indexed to inflation over 20 years to eligible private landowners once the project is energised (i.e. operational).

Contact Us PH :1800 032 101 W: energyco.nsw.gov.au



LAND ACQUISITION (JUST TERMS COMPENSATION) ACT, 1991

SECTION 11

Proposed Acquisition Notice

This is a proposed acquisition notice for the purposes of section 11 of the *Land Acquisition (Just Terms Compensation) Act 1991* ("the Act"), which provides you written notice of the intention of the Acquiring Authority specified below to acquire land by compulsory process.

TO:

1. Energy Corporation of New South Wales ("the Acquiring Authority") proposes to acquire the interest in land described in the schedule to this notice.
2. The interest in land will be compulsorily acquired as soon as practicable after 90 days from the giving of this notice and, in any event, within 120 days from the giving of this notice, unless you and the Acquiring Authority agree in writing to a longer period (see sections 13 and 14 of the Act). The acquisition will be effected by the publication of an acquisition notice in the NSW Government Gazette.
3. When the acquisition notice is published, the legal effect will be that the interest in the land described in the notice will be vested in the Acquiring Authority and, because your interest in the land will be divested, extinguished or diminished by the acquisition notice, you may be entitled to be paid compensation by the Acquiring Authority.
4. If you wish to claim compensation for the acquisition you are requested to lodge with the Acquiring Authority a claim for compensation. If you wish to lodge a claim for compensation, you must lodge it before 20 February 2024.
5. A claim for compensation, should you wish to make one, must be in the form which accompanies this notice and is entitled Claim for Compensation.
6. Compulsory acquisition of land is a significant matter and you may wish to consult a lawyer and consider the terms of the Act as to your rights (a link to a website which has the Act is www.legislation.nsw.gov.au). You may wish to contact the Acquiring Authority for further information and you may find that there is further information publicly available on the website of the Acquiring Authority or at <http://www.propertyacquisition.nsw.gov.au/>

SCHEDULE

Particulars of Title	Interest to be Acquired
Lots 82, 98, 108 and 118 in Deposited Plan 750764, being the land contained in Folio of the Register Folio Identifier 82/750764, 98/750764, 108/750764 and 118/750764	A TEMPORARY EASEMENT FOR TRANSMISSION LINE VARIABLE WIDTH burdening that part of Lots 82, 98, 108 and 118 in Deposited Plan 750764 being the land contained in Folio of the Register 82/750764, 98/750764, 108/750764 and 118/750764 comprised within the site of the PROPOSED EASEMENT FOR TRANSMISSION LINE VARIABLE WIDTH shaded blue in the plan[s] at Attachment A to this proposed acquisition notice, on the terms contained in Memorandum AT283341 registered at NSW Land Registry Services. The easement will expire five years after the date of the publication of the Acquisition Notice.
Lots 82, 97, 98, 108 and 118 in Deposited Plan 750764, being the land contained in Folio of the Register Folio Identifier 82/750764, 97/750764, 98/750764, 108/750764 and 118/750764	A TEMPORARY EASEMENT FOR TRANSMISSION LINE VARIABLE WIDTH burdening that part of Lots 82, 97, 98, 108 and 118 in Deposited Plan 750764 being the land contained in Folio of the Register 82/750764, 97/750764, 98/750764, 108/750764 and 118/750764 comprised within the site of the PROPOSED EASEMENT FOR TRANSMISSION LINE VARIABLE WIDTH shaded orange in the plan[s] at Attachment A to this proposed acquisition notice, on the terms contained in Memorandum AT283341 registered at NSW Land Registry Services. The easement will expire five years after the date of the publication of the Acquisition Notice.
Lot 108 in Deposited Plan 750764, being the land contained in Folio of the Register Folio Identifier 108/750764	An EASEMENT FOR ACCESS burdening that part of Lot 108 in Deposited Plan 750764 being the land contained in Folio of the Register 108/750764 comprised within the site of the EASEMENT FOR ACCESS shaded purple in the plan[s] at Attachment A to this proposed acquisition notice, on the terms set out in Part 11 of Schedule 4A of the Conveyancing Act 1919 (NSW).

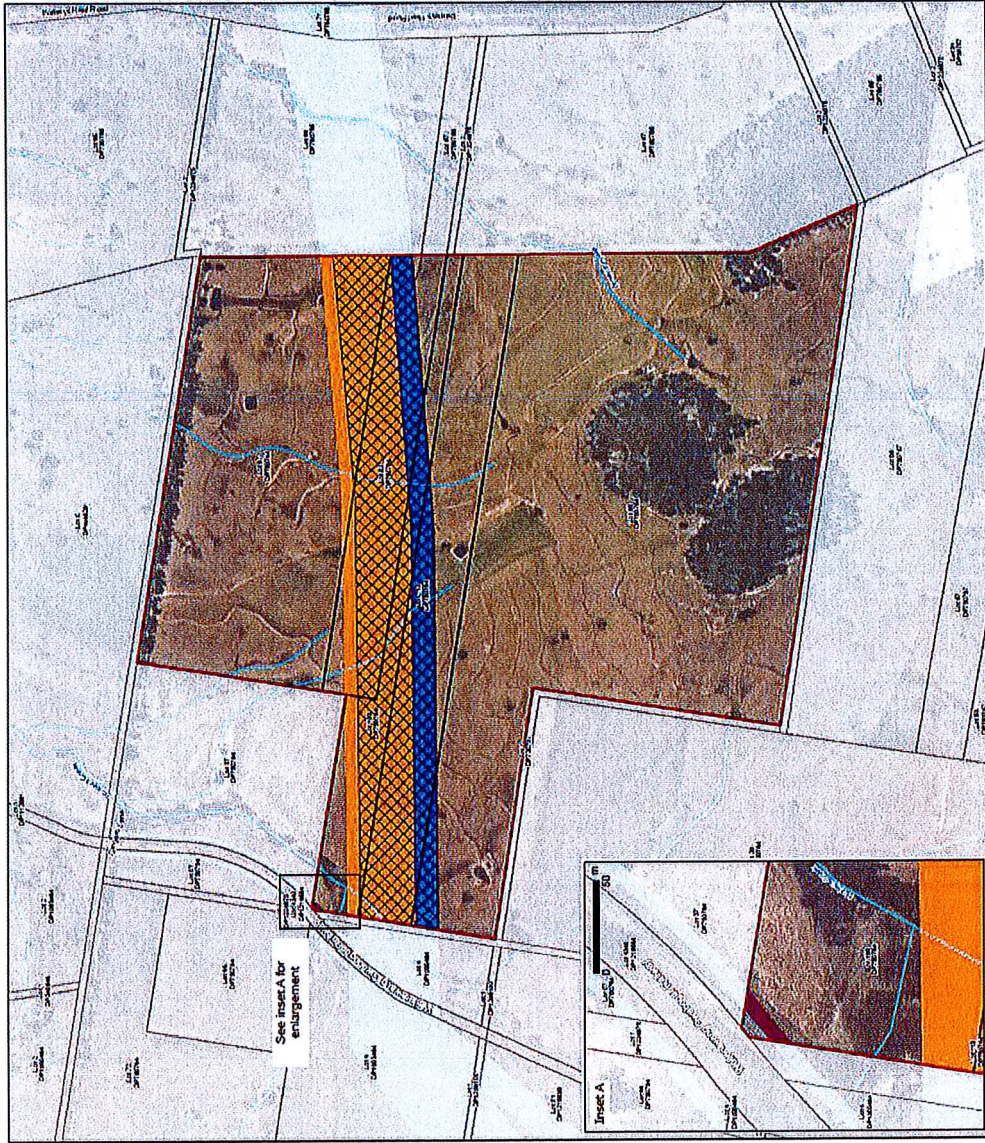
Marcus McClintock
 Director, Land and Property
 Energy Corporation of New South Wales

Date: 8 December 2023

Attachment A - Plan of 330kV Construction Easement, 500kV Construction Easement & Permanent Access Easement



- Legend**
- PROPERTY BOUNDARY
 - INDICATIVE PERMANENT EASEMENT
 - ACQUISITION AREA - 330KV LINE
 - INDICATIVE PERMANENT EASEMENT
 - ACQUISITION AREA - 500KV LINE
 - CONSTRUCTION EASEMENT - 500KV LINE
 - CONSTRUCTION EASEMENT - 330KV LINE
 - INDICATIVE CONSTRUCTION EASEMENT (ADJACENT PROPERTY)
 - CADASTRAL BOUNDARIES
 - WATERCOURSE



Acquisition Type	Approximate Temporary Area (sqm)	Approximate Permanent Area (sqm)
Construction Easement - 330kV Line	12.20	
Construction Easement - 500kV Line	36.10	
Indicative Permanent Easement Acquisition Area - 330kV Line		12.20
Indicative Permanent Easement Acquisition Area - 500kV Line		31.25
Permanent Access Easement		0.25

This sketch plan has been drawn using cadastre taken from the NSW Government Digital Cadastre Database (DCDB), which may be inaccurate in some locations.
Dimensions and positions of permanent interests to be acquired in relation to boundaries are subject to this survey.



PLAN SHOWING INTERESTS TO BE ACQUIRED BY ENERGEX FOR THE CPO REZ PROJECT
 DRAWN BY: [Name]
 DATE PREPARED: 22/05/2023

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

FORM 2

SECTION 39

CLAIM FOR COMPENSATION

If you wish to claim compensation for the compulsory acquisition of your interest in land, you will need to make a claim for compensation using this form. Compulsory acquisition of land is a significant matter and you may wish to seek legal, valuation or other independent advice when completing this form.

The Proposed Acquisition Notice (PAN) will specify the period of time within which the Acquiring Authority requires you to return this form. You will have a minimum of 60 days from the date you receive the Acquiring Authority's PAN to submit the completed claim for compensation form to the address below, or directly to the Valuer General at Just_Terms@property.nsw.gov.au. A valuer acting for the Valuer General will then contact you to discuss your compensation claim.

If you are entitled to compensation, the Valuer General will determine an amount of compensation for you whether or not you submit a claim (provided that the Acquiring Authority or the Valuer General is aware that you hold an interest in the land). However, making a claim will help to ensure that your views on compensation, including any issues or concerns you have, are considered by the Valuer General.

It is an offence under Part 5A of the *Crimes Act 1900* to make a false or misleading statement in this form.

You are required to complete a Statutory Declaration at the end of this form declaring or affirming that the information you provide in this form is correct. The Statutory Declaration must also be signed by an authorised witness, being a person referred to in section 21(1) of the *Oaths Act 1900*. These persons are the Registrar General, a Deputy Registrar General or any Justice of the Peace, notary public, commissioner of the court for taking affidavits, Australian legal practitioner authorised by section 27(1) of the *Oaths Act 1900* to take and receive any affidavit, or other person by law authorised to administer an oath.

This form consists of the three Parts.

- **Part A** must be completed by the Acquiring Authority.
- **Part B** must be completed by the Acquiring Authority. You should check that the Acquiring Authority has completed Part B correctly and note any corrections on the form.
- **Part C** must be completed by you, the claimant.

**PART A
TO BE COMPLETED BY THE ACQUIRING AUTHORITY**

This section is to be completed by the Acquiring Authority.

YOUR PROPOSED ACQUISITION
NOTICE IS DATED (DD/MM/YYYY)

8 December 2023

PLEASE SEND YOUR COMPLETED
CLAIM FORM BY (DD/MM/YYYY)

20 February 2024

PLEASE SEND YOUR COMPLETED CLAIM FORM TO:

Attention

Stephen Page

Acquiring Authority

Energy Corporation of New South Wales

ADDRESS:

Street number and name

20 Bond Street

Suburb

State

Postcode

Sydney

NSW

2000

Email

Telephone

ALTERNATIVELY YOU CAN SEND THE FORM TO THE VALUER GENERAL NSW

Email: Just_Terms@property.nsw.gov.au

Telephone: 1800 110 038 or (02) 9860 5211

In the event that it is not possible to submit this claim for compensation form for any reason before the date required, please contact the Valuer General as soon as possible.

**PART B
TO BE COMPLETED BY THE ACQUIRING AUTHORITY**

This section is to be completed by the Acquiring Authority. Claimants should read the information and, if you think any of the information about you is incorrect, please note this on the form.

1. CLAIMANT NAME AND CONTACT ADDRESS

Family/Surname of claimant

Given name of claimant

OR Corporation name and ACN

ADDRESS:

Street number and name

Suburb

State

Postcode

Email

Telephone

2. DESCRIPTION OF LAND AFFECTED BY COMPULSORY ACQUISITION ADDRESS

Unit number/Street number/Property number (include Lot number, if applicable)

Street name

Suburb

State

Postcode

LAND TITLE DETAILS

Lot number

Deposited Plan / Strata Plan

Title Reference

INTEREST IN THE LAND IDENTIFIED ABOVE TO BE ACQUIRED (Please tick the appropriate box)

- Acquisition of the whole of the claimant's land or interest in the land
- Acquisition of part of the claimant's land or interest in the land
- Acquisition of a new interest (such as a lease or an easement) that will affect the claimant's land
- Other - Please provide a brief description

**PART C
TO BE COMPLETED BY THE CLAIMANT
(THE PERSON CLAIMING COMPENSATION)**

1. CLAIMANT'S INTEREST IN THE LAND

An "interest" in land is defined in the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act). This includes where a person owns the land and is recorded on the title to the land as the "registered proprietor". However, there are many other ways a person can have an interest in land, including as the mortgagee of the land (for example, a bank that has lent money to the registered proprietor to buy the land and has a mortgage as security for the loan repayment), as a tenant occupying the land under a lease or as a person with the benefit of an easement (for example, a neighbour with registered access rights over the land).

Please tick the box that describes your interest in the land.

- Registered proprietor of the land**
A registered proprietor is the owner of the land and is recorded on the title to the land.
- Mortgagee**
A mortgagee is a bank, financial institution or other person that has lent money to the registered proprietor of the land (or has refinanced a loan) and has a mortgage as security for the loan repayment.
- Lessee**
A lessee is a person (including a residential tenant) who leases the land or a building on the land from the registered proprietor.
- Licensee**
A licensee is a person (who is not a lessee or residential tenant) with permission under licence or other agreement to occupy or use land. Please note that in most instances a licence is unlikely to be an "interest" in land as defined in the Act.
- Other**
A licensee is a person (who is not a lessee or residential tenant) with permission under licence or other agreement to occupy or use land. Please note that in most instances a licence is unlikely to be an "interest" in land as defined in the Act.

If your interest in the land to be acquired does not fall into the above categories, please outline your interest below.

If you ticked the box "Other" please provide full details of your interest in the land. For example, you may have an easement for access, the benefit of a restriction on the use of the land, or interest under a Contract for Sale and Purchase of Land.

Is your principal place of residence located on the land?

- Yes No

NOTE that if your interest is not registered on the title to the land, you will need to provide written evidence or other proof of the interest claimed. This evidence may include copies of signed documents to show a legally valid interest.

2. ARE YOU AWARE OF ANY OTHER PERSON WHO HAS AN INTEREST IN THE LAND?

Please note that a "person" may include an individual, a corporation or other entity.

PLEASE TICK THE APPROPRIATE BOX

Yes. Please proceed to question 3.

No. Please proceed to question 4.

Please include details of both registered and unregistered interests in the land to be acquired. Please do not assume the acquiring authority will know of other interests in the land.

For example:

- A purchaser under a signed, but not yet settled contract to purchase the land.
- A person who has agreed to lease the land or a building on the land but does not occupy the land or building until the land is subdivided or building fit-out is completed.
- A person occupying the land or building on the land without a signed lease or agreement, or even if there is a signed document, it is not registered on the title to the land.
- A person with a right to access the land even though it is not registered on the title to the land.
- A person or corporation under a mortgage which is not registered on the title to the land.

3. PLEASE PROVIDE THE NAME AND ADDRESS OF THE PERSON/S.

PERSON 1

Family/Surname

Given name

OR Corporation name and ACN

ADDRESS:

Street number and name

Suburb

State

Postcode

Email

Telephone

PERSON 2

Family/Surname

Given name

OR Corporation name and ACN

ADDRESS:

Street number and name

Suburb

State

Postcode

Email

Telephone

PERSON 3

Family/Surname

Given name

OR Corporation name and ACN

ADDRESS:

Street number and name

Suburb

State

Postcode

Email

Telephone

4. AMOUNTS CLAIMED

The Valuer General will determine the amount of compensation to be offered to you for the compulsory acquisition of your interest in the land or the acquisition of the new interest in the land.

Section 55 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act) sets out the relevant matters to be considered by the Valuer General in determining the amount of compensation*. You should consider each of the following heads of compensation and, where appropriate, indicate the amount claimed.

For more information about each of the heads of compensation, please see sections 55 – 60 of the Act.

A	Market value of the land on the date of the acquisition See section 56 for the definition of market value of land	\$
B	Any special value of the land to the claimant on the date of its acquisition See section 57 for the definition of special value of land	\$

C	Any loss attributable to severance See section 58 for the definition of loss attributable to severance of land	\$
D	Any loss attributable to disturbance See section 59 for the definition of loss attributable to disturbance of land	\$
E	The disadvantage resulting from relocation See section 60 for the definition of disadvantage resulting from relocation Note: Complete this section if the compulsory acquisition will result in the need to relocate your principal place of residence. The maximum statutory amount is \$91,560.	\$
F	Any increase or decrease in the value of any other land of the claimant at the date of the acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired	\$
TOTAL COMPENSATION CLAIMED		\$

* Section 55 of the Act does not apply to all compulsory acquisitions (for example, compulsory acquisitions where sections 204 – 206 of the *Roads Act 1993* or section 2.24 of the *Crown Land Management Act 2016* apply).

5. SUPPORTING DOCUMENTS

Please list below descriptions of any documents that supports the amounts claimed as compensation, and attach them to this claim for compensation form.

For example, these may include stamp duty receipts, business records, relocation expense quotes, proof of length of residency, personal statements regarding your non-financial loss as a result of having the land acquired.

Are there any other relevant issues that you wish to raise in support of your claim?

6. PLEASE PROVIDE DETAILS OF YOUR SOLICITOR OR AGENT (if applicable)

Name of Solicitor or Agent

Name of Firm

ADDRESS:

Street number and name

Suburb

State

Postcode

Email

Telephone

STATUTORY DECLARATION
OATHS ACT 1900, NSW, NINTH SCHEDULE

I, of
[name of declarant] [residence]

do hereby solemnly declare and affirm that the information supplied by me / us in response to questions 1 to 6 above is correct.

And I make this solemn declaration, as to the matters aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: on
[place] [date]

in the presence of an authorised witness, who states:

I, a
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it:
[* please select the text that does apply]

- *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
- *I have known the person for at least 12 months OR *I have confirmed the person's identity using an identification document and the document I relied on was

.....
[describe identification document relied on]

.....
[signature of authorised witness]

**PLEASE SEND THIS FORM AND
ANY SUPPORTING DOCUMENTS
TO:**

THE ACQUIRING AUTHORITY

OR

**THE VALUER GENERAL
BY THE DATE LISTED ON PAGE 1
AND TO THE RELEVANT
ADDRESS LISTED ON PAGE 2**