Generator Network Connection (≥5 MW) Land Acquisition Permits and Approval Guide (Distribution Network)

PROPERTY SERVICES

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Disclaimer

This document is a general guide only and is subject to review or amendment at any time.

The information contained within this document is not tailored to the requirements of your project and is not intended to be a comprehensive instruction in relation to your project. It is critical that you obtain your own property, planning, environmental and legal advice in relation to your project, including the information in this guide.

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1 PURPOSE

The purpose of this document is to provide a guide for renewable energy Generators as to AusNet Services' land tenure and approval requirements when proposing to connect into AusNet Services' regulated electricity distribution network.

This guide also provides a guide as to the permits and approvals the Generator may need to consider as part of the overall project.

2 ABBREVIATIONS AND DEFINITIONS

Term	Definition
Augmentation Works	Works required to be undertaken by AusNet Services to facilitate connection of a renewable energy project to AusNet Services distribution network.
Authority	Any government or regulatory department (including the Regulator), body, instrumentality, minister, local government council, agency or other authority, which has a right to impose a requirement or whose consent is required in connection with the Augmentation Works, or the performance by AusNet Services of its obligations under this Agreement.
Easement	A right to cross or otherwise use someone else's land for a specified purpose.
Generator	The party seeking to connect to AusNet Services' distribution network.
Distribution Infrastructure	All infrastructure, overhead and underground electricity distribution lines, communication lines and works (including all poles, wires, supports, conduits, fittings, meters, signs, cables and other equipment and appurtenances in connection with or incidental to the carriage, conveyance and transportation of electricity, including communications and protection works.
Distribution Infrastructure Works	Erecting, constructing, replacing, reinstalling, inspecting, altering, repairing, renewing, maintaining, using, operating or removing AusNet Services Distribution Infrastructure.
Easement	An encumbrance on private land that gives AusNet Services the right to use and have access to the land for the purpose for which the easement is granted.
Easement Option Deed	Grant of specific privileges and rights that the holder may exercise under duly express conditions.

3 WHEN SHOULD A GENERATOR ENGAGE WITH AUSNET SERVICES

As renewable energy projects will follow a similar development pathway, it is important to identify up front land suitability as well as understanding risks and impediments that may be encountered with particular parcels of land that can impact on project layout and design.

It is recommended that Generators engage early with AusNet Services and continue to engage with AusNet Services until such times as the connection arrangement is finalised, to ensure that every opportunity is made to understand the land tenure and approval risks associated with the proposed Augmentation works.

4 AUSNET SERVICES LAND REQUIREMENTS

It is essential that AusNet Services receive appropriate land, access and licence rights to enable it to construct and operate the Augmentation Works.

The Generator will be required to ensure that the relevant landowner has granted all necessary licences and access rights to enable AusNet Services to construct, access, inspect, operate, maintain or otherwise receiving the benefit of the Augmentation Works until such time as the perpetual land tenure rights are in place.

To enable AusNet Services to operate the constructed Augmentation Works - including to enable it to provide your connection - land tenure rights must be granted in perpetuity (eg through transferred ownership of the land or the granting of perpetual easement rights to AusNet Services). Generators are required to ensure that these perpetual land tenure rights are in place within the timeframes agreed under the conditions of contract, and are required to pay all costs associated with the acquisition of these rights (eg stamp duties, registration fees, gifting taxes if applicable).

Where Easements are deemed acceptable land tenure to AusNet Services for the constructed Augmentation Works, and subject to negotiation of the terms and conditions of contracts between AusNet Services and a Generator, the Generator will be required to satisfy the following Easement requirements:

(a) An Easement or Easements (as the case may be) over areas determined by AusNet Services as being sufficient to enable it to receive the benefit of the constructed Augmentation Works in perpetuity. Such Easement rights are required to be in accordance with AusNet Services standard Creation of Easement terms and conditions and registered in the name of the appropriate AusNet Services entity.

This may include easements over land upon which Augmentation Works have or are proposed to be constructed as well as carriageway easements over adjacent land deemed necessary by AusNet Services to enable it to gain access to the constructed Augmentation Works on an ongoing basis;

(b) Pay all, costs and expenses and do all things required, associated with the Easement acquisition including but not limited payment of any compensation to landowners, legal cost of the land owner, costs of preparation of the survey plan, preparation of documentation, registration fees, taxes and stamp duties;

(c) Undertake all requirements associated with registering the new Easements on each landowner(s) certificates of title with Land Use Victoria including acquiring any secondary consents or surrenders to facilitate this process.

It is noted that, where AusNet Services receives a request from another Generator requesting to connect into the regulated network that will utilise assets paid for by another Generator, AusNet Services does not provide any form of financial compensation to the original Generator.

5 EASEMENT OPTION DEED

Generator should obtain its own legal advice as to the best contractual mechanism between it and the relevant landowners to secure Easement rights.

Generator may wish to consider entering into an Easement option deed.

Adopting this type of approach provides Easement alignment flexibility within a nominated investigation and construction area directly adjoining an Easement and provides the Generator with the right but not the obligation to acquire the Easement at an agreed cost. This will assist in de-risking the project in relation to the security of the occupancy/ land use rights during the planning stages of the project, typically at a small percentage of the actual agreed compensation.

Upon completion of construction, the ultimate Easement can be more accurately defined based upon “as built” survey for the purposes of registration.

6 AUSNET SERVICES LAND REQUIREMENTS (PERMITS AND APPROVALS)

AusNet Services will require the Generator to obtain all permits and approvals required for the works including but not limited to:

(a) in locations where there is a proposal to cross over or traverse a river, road or rail asset, obtain all permits, approvals and meet all requirements of the land manager or relevant Authority;

(b) assess all impacts and prepare Cultural Heritage Management Plans (CHMP) required pursuant to the provisions of the *Aboriginal Heritage Act 2006* (Vic), *Aboriginal Heritage Regulations, 2018*, *Native Title Act 1993 (Cth)* and *Traditional Owner Settlement Act 2010*;

(c) obtain and maintain all *Environmental Protection and Biodiversity Conservation* (EPBC) Approvals under the *Environmental Protection and Biodiversity Act 1999 (Cth*) or otherwise;

(d) obtain and maintain Environmental Management Plans required under the planning requirements for the Project or as a result of augmentation of existing electricity network infrastructure required to accommodate the connection;

(e) obtain and maintain all relevant Shire or Council planning permits (including vegetation removal, landscaping plans etc. and subdivision requirements) for the Augmentation Works and the connection services provided by AusNet Services in relation to the Augmentation Works;

(f) undertake all investigations, studies, protection and obtain and maintain permits required for:

(i) removal of protected vegetation on under the *Flora & Fauna Guarantee Act 1988*;

(ii) any requirements for tree or vegetation removal,

including the requirement to purchase native vegetation offset credits.

(g) enter into, and meet obligations under, any landowner agreements for the specified offset site and complying with the requirements of the relevant landowner agreement (which the Customer acknowledges may include development and/or implementation of vegetation offset management plans endorsed by the Department of Environment, Land Water & Planning).

(h) obtain all other Approvals that are required in relation to the Augmentation Works.

It should be noted that the construction of a power line “associated with a generation facility” is subject to statutory planning approval regardless of voltage.

7 OTHER CUSTOMER LAND CLEARANCE OBLIGATIONS

The construction of a power line “associated with a generation facility” is subject to statutory planning approval regardless of voltage.

The zoning, including any overlays impacting on a parcel of land and also the proposed voltage of the interconnecting power line will determine whether or not a planning permit is required for the construction and operation of AusNet Services Distribution Infrastructure.

Up front consideration of current land zoning will confirm whether or not the land can be utilised for the purpose intended.

8 CROWN LAND

Where possible, Crown Land should be avoided due to the complexities of achieving consents and approvals from all interested parties.

Projects proposing to interface with Crown Land will require either the approval of the Department of Environment, Land, Planning and Water, Parks Victoria or any other Authority managing land on behalf of the Crown.

9 RAIL CROSSINGS

Power lines crossing over, under or along railway lines will require a licence from Vic Track. The Generator is required to engage with VicTrack and undertake the Four Phase application process, including obtaining all rail operator approvals.

Where AusNet Services will own the electricity infrastructure crossing VicTrack land, further advice is required to be obtained from AusNet Services with respect to licensing requirements.

10 WATER LAND MANAGER OR CATCHMENT AUTHORITY

In Victoria there are ten catchment management regions and each has a catchment management Authority to co-ordinate the integrated management of land, water and biodiversity.

Where a power line is to cross over or under a managed water body, a river crossing a permit will be required from the Land Manager or Catchment Authority. This permit will address construction details and erosion management to ensure the water way is not impacted.

11 LEGISLATION

Land tenure rights, permits and approvals will be governed by both Commonwealth and State legislation.

Understanding legislation and potential legislative impacts is critical as these can impact on a project from both a cost and time perspective. Generators should obtain their own legal advice to ascertain the impacts of all applicable legislation.

12 SCHEDULE OF REVISIONS

Issue	Date	Author	Details of Change
1	17/10/2019	Sue-Ann Lowther	Original issue.