

Ref: Raelene Myers:472006

Mishka Holt
Principal Legal Officer
NTSCORP Limited
PO Box 2105
STRAWBERRY HILLS NSW 2012

Dear Mishka

Proposed Acquisition Notice of Easement – Nyngan

I would like to inform you that the Minister for Resources and Energy has approved the issue of a Proposed Acquisition Notice (**PAN**) under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) to compulsorily acquire an easement for overhead powerlines 40 metres wide (**Easement**) affecting Crown land known as Lot 7300 in DP1156652 (**Land**) as shown in registered plan DP1185827.

1. Purpose of the acquisition

AGL Energy Limited (**AGL**) has been selected by the Australian Government under the Solar Flagships Program to develop a 106 MWac solar photovoltaic power station at Nyngan. As part of that development, AGL has requested it be connected to Essential Energy's existing high voltage powerlines between Nyngan and Cobar.

Accordingly, Essential Energy proposes to acquire the Easement over the Land affected by the powerlines.

2. Documents in support of this application

As this compulsory acquisition will affect Crown land over which there is no evidence of Native Title having been extinguished, please find enclosed copies of the following documents:

1. Proposed Acquisition Notice.
2. Claim for Compensation Form.
3. Copy of registered plan DP1185827.
4. Copy of a geographic map of the area showing the site of the Easement.

3. Compensation and procedure

Whilst Essential Energy would have preferred not to use the full compulsory acquisition process to acquire the Easement, Essential Energy is required under section 24MD(6A) of the *Native Title Act 1993* (Cth) to provide any native title holders that may be affected by the acquisition with the same rights as freehold title holders.

Essential Energy's native title searches have indicated that there is a registered native title claim made by Ngemba, Ngiyampaa, Wangaapuwan and Wayilwan in the area where the Easement is being acquired.

Essential Energy has no evidence that native title has been extinguished and because Essential Energy is required to afford native title holders with the same rights as freehold owners, Essential Energy must follow the compulsory acquisition process under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW). It is for this reason that Essential Energy is using the compulsory acquisition process.

In so far as any Native Title rights and interests may exist over the Crown land affected by the easement, the "non-extinguishment principle" as defined in section 238 of the *Native Title Act 1993* (Cth) applies to the acquisition of the Interest in Land.

Accordingly, Essential Energy encloses, by way of service under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW), a PAN.

Further details in relation to the compulsory acquisition procedure and compensation are set out in the PAN.

Should you require any further information, please do not hesitate to contact Raelene Myers from Essential Energy on 02 6589 8810.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Gary Humphreys', written over the printed name and title.

06 JUN 2014

Gary Humphreys
Chief Operating Officer

Essential Energy

Notice of Proposed Compulsory Acquisition of an Interest in Land for the Purpose of an Infrastructure Facility

Land Acquisition (Just Terms Compensation) Act 1991 (NSW)

Native Title Act 1993 (Cth) sections 24MD(3), (6A) & (7), 26(1)(C)(iii)(A) & (B), and 238

Native Title (Notices) Determination Act 1998 (Cth)

Native Title (New South Wales) Act 1994 section 103

Description of the area that may be affected by the compulsory acquisition

Essential Energy, pursuant to section 44 of the *Electricity Supply Act 1995* and section 12 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* ("the LAJTC Act"), intends to acquire by compulsory process for the purposes of the *Electricity Supply Act 1995* the easement described in Schedule 1, the terms of which are described in Schedule 2. The purpose of the acquisition is to confer rights or interests in relation to the land described in Schedule 1 on Essential Energy and to provide an infrastructure facility within the meaning of sections 26(1)(C)(iii)(A) & (B) of the *Native Title Act 1993 (Cth)*.

Period within which it is intended that the easement will be compulsorily acquired

The compulsory acquisition will occur by acquisition notice published in the NSW Government Gazette under section 19 of the LAJTC Act declaring the easement to be acquired by compulsory process. That notice will appear in the NSW Government Gazette not less than 90 days after the giving of this notice. The compulsory acquisition will have effect from the date of publication of the acquisition notice in the NSW Government Gazette and will continue to have effect thereafter.

Non-extinguishment of native title rights and interests

The "non-extinguishment principle" as defined in section 238 *Native Title Act 1993 (Cth)* applies to this acquisition, with the effect that any native title rights and interests that are affected by the compulsory acquisition of the easement are not extinguished and continue to exist, but have no effect in relation to the land.

Compensation

The acquisition notice may affect native title rights and interest in the land as provided in section 24MD(3) of the *Native Title Act 1993 (Cth)* and compensation may be payable for any such rights and interests so affected. The acquisition notice will vest the easement in Essential Energy subject to the "non-extinguishment principle". Section 55 of the LAJTC Act states that regard must be had to the following matters in determining the amount of compensation:

- (a) The market value of the land on the date of its acquisition;
- (b) Any special value of the land to the person on the date of its acquisition;
- (c) Any loss attributable to severance;
- (d) Any loss attributable to disturbance;
- (e) Solatium; and
- (f) Any increase or decrease in the value of any other land of the person at the date of 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.

Claim for Compensation form

A Claim for Compensation form is enclosed. Any owner who wishes to claim compensation for the acquisition is requested to lodge a claim for compensation with Essential Energy within 60 days after the date of this notice.

Date of notice: 6 June 2014

For further information contact Essential Energy:

Contact: Raelene Myers
Manager Legal Network Easements
Direct: 02 6589 8810
Fax: 02 6589 8766
Email: raelene.myers@essentialenergy.com.au

SCHEDULE 1

Interest in Land	Easement for overhead powerlines 40 metres wide affecting Lot 7300 in DP1156652 shown as "V – Proposed easement for overhead powerlines 40 wide and variable" on DP1185827.
Locality	Nyngan
LGA	Bogan
Parish	Gilgai
County	Flinders

SCHEDULE 2

The easement for overhead powerlines listed in Schedule 1 is on the terms set out in Part A of Memorandum No. AG189384 registered on the Register held under the *Real Property Act 1900*.

This acquisition is a future act to which section 24MD(3) of the *Native Title Act 1993* (Cth) applies. In so far as any Native Title rights and interests exist over the Crown land affected by the easement, the "non-extinguishment principle" applies.

CLAIM FOR COMPENSATION

Section 39 Land Acquisition (Just Terms Compensation) Act 1991 (NSW)

To Raelene Myers
Manager Legal Network Easements
Essential Energy
PO Box 5730, Port Macquarie NSW 2444

From Mishka Holt
Principal Legal Officer
NTSCORP Limited
PO Box 2105, Strawberry Hills NSW 2012

1 Description of the Land.

- a) Address Barrier Highway, Nyngan NSW
- b) Title Lot 7300 in DP1156652

2 What is your interest in this land?

- ☐ Registered Proprietor ☐ Mortgagee ☐ Lessor ☐ Lessee
- ☐ Residential Tenant ☐ Licensee ☒ Other

3 If you ticked box "other" provide full details here of your interest in the land.

4 Are you aware of any other persons or corporations that may have an interest in this land? (tick appropriate box) ☐ Yes ☐ No

5 If you ticked the "Yes" box in 4, provide here full details including name, address, nature and extent of interest.

6 Compensation for your interest in the land that has been compulsorily acquired will be determined by the Valuer-General.

You may provide here details of any matters that should be taken into account by the Valuer-General when determining the amount of compensation payable to you.

You should consider each of the following compensation items and where appropriate indicate the amount claimed:

- | | |
|---|----|
| a) The market value of the land on the date of its acquisition | \$ |
| b) Any special value of the land to the person on the date of its acquisition | \$ |
| c) Any loss attributable to severance | \$ |
| d) Any loss attributable to disturbance | \$ |
| e) Solatium | \$ |
| f) Any increase or decrease in the value of any other land of the person at the date of 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 | \$ |
| g) Any other matter | \$ |

Total Compensation Claimed \$

- 7 State short description of documents of title (Leases, Mortgages etc) which support your claim to your stated interest in the land.**

8 Provide the following information:

- a) Names and addresses of person having custody of the above documents

- b) Where can the above documents be inspected

- c) If documents are held or in the custody of someone other than the claimant in what capacity is that other person holding or has custody of the documents

- d) Name and address of your solicitor or agent

Signature(s) of Claimant(s)

Date

The following Statutory Declaration must be completed by the Claimant(s)

STATUTORY DECLARATION

Oaths Act 1900 Ninth Schedule

NEW SOUTH WALES

TO WIT.

Name in full I/We, the undersigned _____

Residence of _____

**Occupation in the State of New South Wales, _____

The facts to be
stated according
to the Declarant's
knowledge, belief,
or information,
severally do hereby solemnly and sincerely declare and affirm that the
information supplied by me/us in paragraphs 1 to 8 above is correct

And I/we, make this solemn declaration, as to the matter aforesaid, according to the law
in this behalf made, and subject to the punishment by law provided for any wilfully false
statements in any such declaration.

Taken and declared at _____

in the State of New South Wales

this _____ day of _____

2014, before me:

Justice of the Peace

Claimant(s)

Notes:

1. If this Notice of Claim is not returned to Essential Energy the Valuer-General will determine your interest without the benefit of information you may have been able to provide.
2. The services of a solicitor, registered valuer and/or accountant may be of assistance in providing information to question 6. Where appropriate claims should be supported by relevant business records.
3. No compensation will be payable to you until you have satisfactorily completed this Claim for Compensation form and returned it to Essential Energy.
4. It is a criminal offence to supply false information in this Claim for Compensation.

- V - PROPOSED EASEMENT FOR OVERHEAD POWERLINES
40 WIDE AND VARIABLE
Z - EASEMENT FOR TRANSMISSION LINE 30.48 WIDE
WIDE Mts 2175-3030

PM CONNECTIONS

PM 179940 TO PM 4996 - 17° 24' 00" 1821.59
PM 4996 TO PM 179940 - 345° 09' 59" 1825.15
PM 4996 TO CORNER L - 251° 44' 50" 465.285
PM 179940 TO CORNER P - 3° 52' 30" 18.74

COR.	BEARING	DIST.	FROM	ORIGIN
H	285° 30'	0.815	STEEL ROD	
J	217° 59'	7.605	STEEL ROD	
K	285° 30'	29.285	STEEL ROD	
L	358° 02'	1.09	STEEL ROD	
M	210° 02'	28.325	BOX - STUMP FOUND	C416-2146
N	246° 24'	20.94	BOX - FOUND	C276-2146
P	102° 56'	9.215	BOX - FOUND	C276-2146

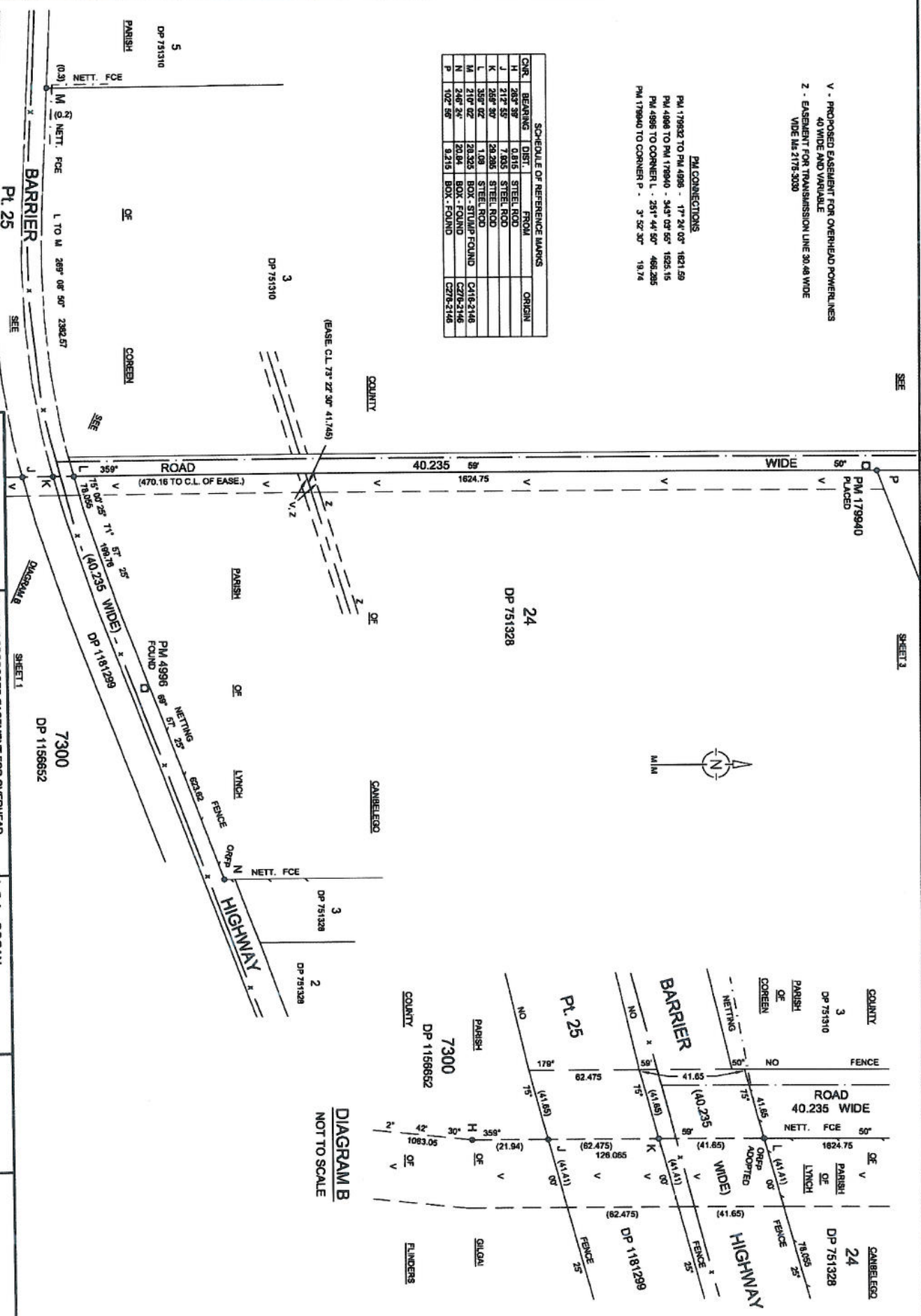
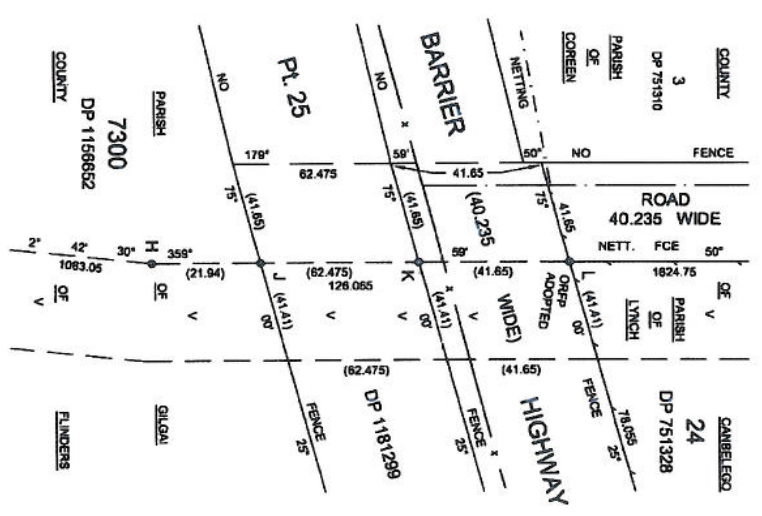


DIAGRAM B
NOT TO SCALE



County of **FLINDERS** Parish of **GILGAN**

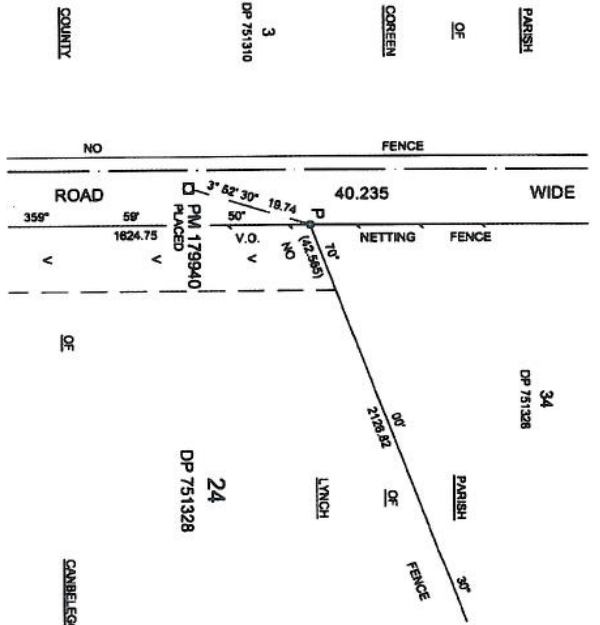
Surveyor: **WAYNE KETHA ROWE** of **LANGEORNS AND ROWE SURVEYORS** 08860
Date of Survey: **10/10/2012**
Surgeon Ref: **2012/146.01**

PLAN OF PROPOSED EASEMENT FOR OVERHEAD POWERLINES 40 WIDE AND VARIABLE WITHIN LOT 8 IN DP 724628, LOT 24 IN DP 751328, LOT 7300 IN DP 1156652, LOT 25 IN DP 1181299 AND ROAD 40.235 WIDE

L.G.A.: **BOGAN** Locality: **MYNAGAN** Subdivision No: **---**

Registered 7.6.2013

DP1185827



SCHEDULE OF REFERENCE MARKS				
CH	BEARING	DIST.	FROM	ORIGIN
P	102° 00'	8.218	BOX - FOUND	CD18-2148
Q	0° 00'	4.028	6.1 PIPE - FOUND	CD18-2148
R	180° 00'	4.028	6.1 PIPE - FOUND	CD18-2148

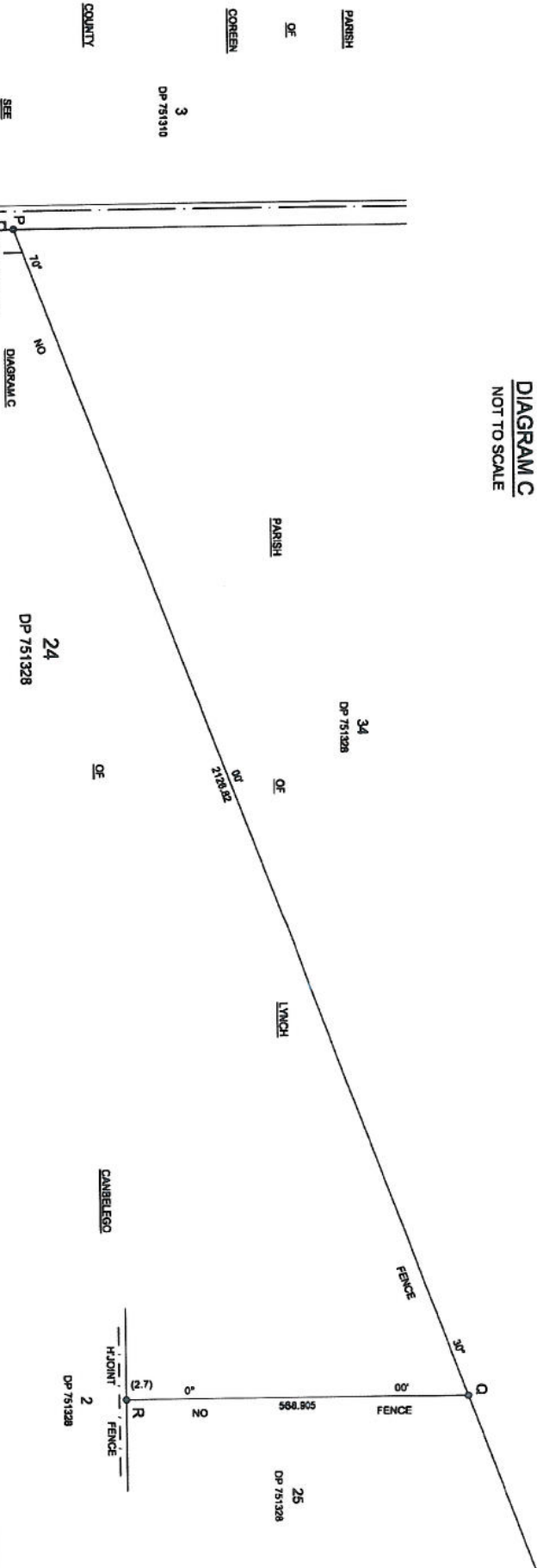
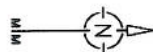


DIAGRAM C
NOT TO SCALE

Surveyor: WAYNE KEITH ROWE
of: LANDSCAPE AND RURAL SURVEYORS, DUBBO
Date of Survey: 10/06/2012
Surveyors Ref: 2012/148.01

PLAN OF PROPOSED EASEMENT FOR OVERHEAD
POWERLINES 40 WIDE AND VARIABLE WITHIN LOT 8 IN
DP 724628, LOT 24 IN DP 751328, LOT 7300 IN DP 1156652,
LOT 25 IN DP 1181298 AND ROAD 40.235 WIDE

L.G.A.: BOGAN
Locality: MURUMBIDGEE
Subdivision No: _____



DP1185827

Location of Easement
proposed to be acquired
by Essential Energy

Nyngan NSW, Australia

Newcastle NSW, Australia

Sydney NSW, Australia

