

Understanding resumptions for transmission line infrastructure



Building for the future



Key Points

- This brochure has been prepared to help explain the resumption process Powerlink Queensland undertakes for transmission line easements and substation sites.
- Resumption is a legal process which involves the compulsory acquisition of property rights or land to allow Powerlink to build, operate and maintain infrastructure. It is governed by the *Acquisition of Land Act 1967*. Powerlink usually uses this process to resume easements or land (freehold title is often resumed e.g. for substations) to allow Powerlink to build, operate and maintain infrastructure.
- Once land or property rights are acquired Powerlink has a legal right to access the property and carry out work. Where an easement is obtained there may also be some restrictions on current and proposed land uses.
- All landowners affected by resumption are entitled to make a claim for compensation in accordance with the *Acquisition of Land Act 1967*. Compensation is paid as one lump-sum. The Act requires a claim for compensation to be made within three years of the day the easement or land is acquired.
- Landowners, mortgagees and any other person entitled to claim compensation (including bodies corporate) are entitled to object to a proposed resumption and have their objection heard by Powerlink's delegate.
- Resumption is a separate and different process from Ministerial designation. Designation is a State Government planning approval process which allows certain land or easements to be used for 'community infrastructure purposes' (electricity works), but does not change land ownership or create easements over land.
- Designation is governed by the *Sustainable Planning Act 2009* and is covered in our information sheet *Understanding designation for transmission line infrastructure*.





What is designation and resumption?

Queensland is one of the fastest growing states in Australia. To ensure we can meet the current and future demands of Queensland's rapidly growing population, we need to build new transmission lines and substations and upgrade existing ones.

Once land or property rights are acquired, Powerlink has a legal right to access the property and carry out work. Where an easement is obtained there may also be some restrictions on current and proposed land uses.

When Powerlink's planning forecasts identify a future requirement, where possible, we strategically acquire land or easements for future transmission infrastructure. This forward planning helps provide certainty to landowners and the community about the location of future infrastructure. The timing of construction is dependent on when the infrastructure is needed – sometimes construction will commence straight away, and at other times construction may not occur for several years.

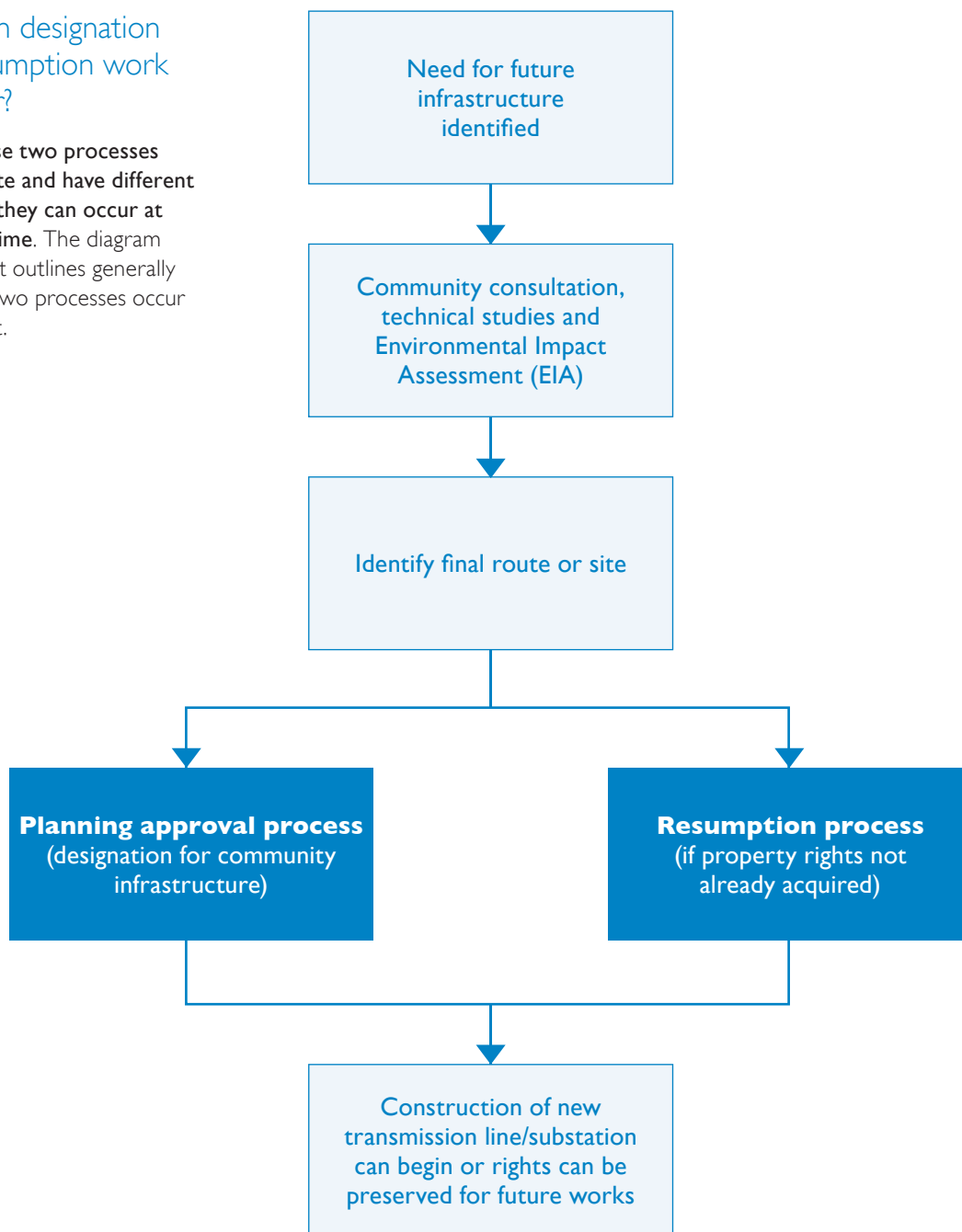
Powerlink follows appropriate State Government processes when it needs to acquire rights over land or gain planning approvals. These processes are known as **designation** and **resumption** and the differences between them are explained in the table below:

Process	Governing act	Description	Compensation?
Designation	<i>Sustainable Planning Act 2009</i>	<p>A planning approvals process, which occurs only after detailed environmental investigations and community consultation. Areas of land (generally identified by proposed easement or substation boundaries) are specified for use as community infrastructure.</p> <p>There are no changes to land ownership.</p>	No – see our <i>Understanding designation for transmission line infrastructure</i> information sheet for more information.
Resumption	<i>Acquisition of Land Act 1967</i>	<p>This process involves resuming land or easements in order for Powerlink to build, operate and maintain infrastructure.</p> <p>For transmission lines, Powerlink typically only resumes easements, which means land ownership doesn't change. Resuming an easement provides Powerlink with a legal right to access and carry out work on the easement, and to restrict certain activities by occupiers for safety and access reasons. The restrictions on occupiers' activities are set out in the easement document.</p> <p>In some circumstances (e.g. for a substation), Powerlink resumes part or all of a lot in freehold title. This means Powerlink assumes full land ownership. Where Powerlink resumes part of a lot in freehold the resumption operates in a similar way to a subdivision.</p> <p>Resumption occurs in accordance with <i>Acquisition of Land Act 1967</i> processes.</p>	Yes – see our <i>Easement compensation</i> information sheet for more information.

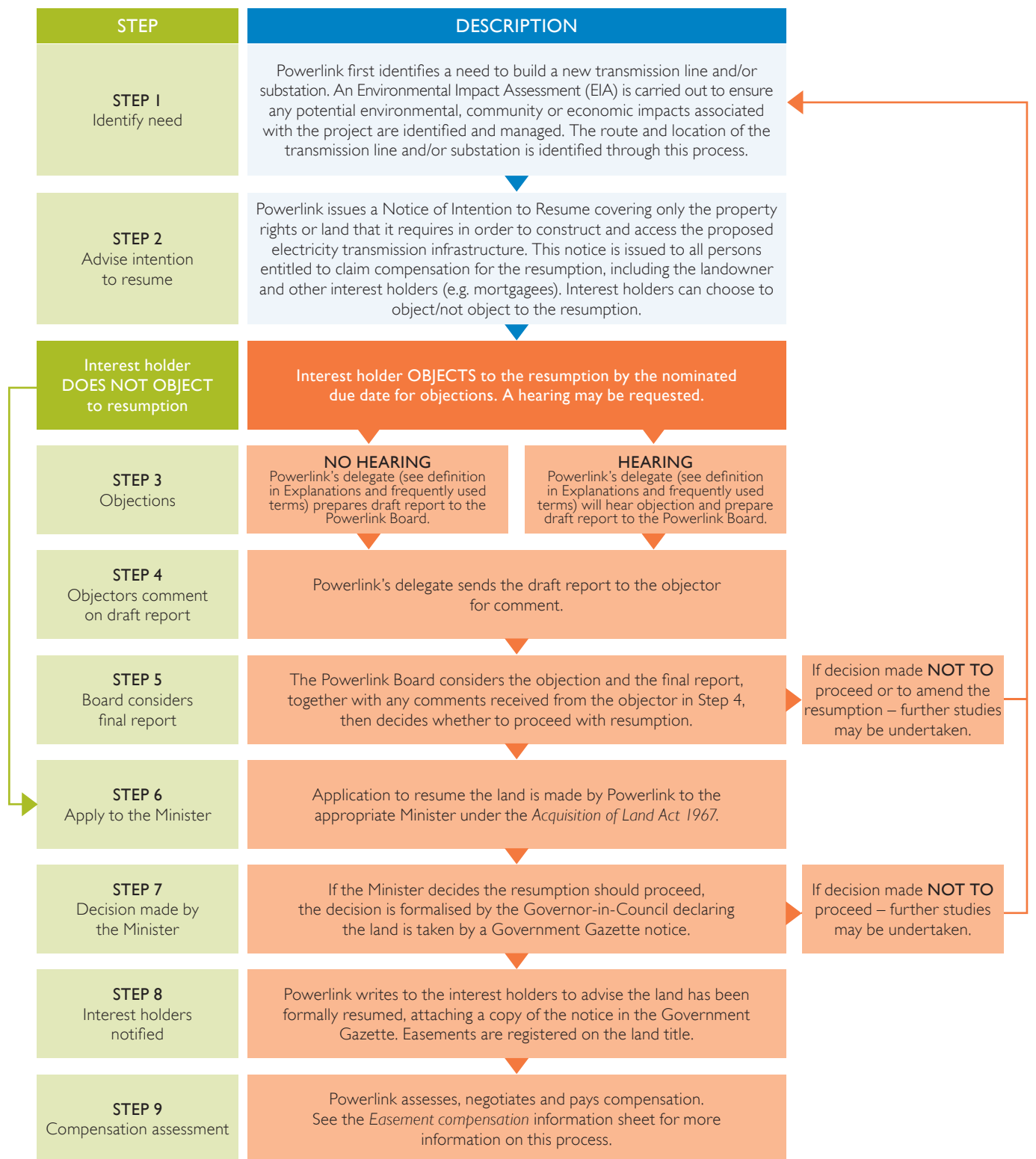


How can designation and resumption work together?

While these two processes are separate and have different purposes, they can occur at the same time. The diagram on the right outlines generally when the two processes occur in a project.



What is the resumption process?





Common questions

If I have no objection to the resumption – what should I do?

You do not need to do anything if you have no concerns about the proposed resumption. Powerlink will write to you when the resumption has been gazetted and contact you again to discuss compensation.

Who can object?

The *Acquisition of Land Act 1967* provides freehold landowners, mortgagees and any other person entitled to claim compensation (including bodies corporate) with the right to object to the proposed resumption as described in the *Notice of Intention to Resume*.

The *Land Act* does not provide a similar right to leaseholders because they do not own the land. However, we invite leaseholders to provide comments on the proposed land or easement resumption in the same period given to freehold landowners.

How do I raise my objection to the resumption?

Objections need to include the information set out in the *Notice of Intention to Resume*. They should be in the form of a letter. The objection must be received at the nominated address by the due date for objections.

Your notice of objection must state the reasons for the objection and the facts and circumstances to support those reasons. It should also state whether you wish to support your written objection by formally presenting your reasons in person at a hearing with the delegate of the Powerlink Board.

If you have asked for a hearing to support your written objection, the Powerlink delegate will organise a meeting (hearing) with you. You will then have an opportunity to elaborate on your written objection to the acquisition.

Following the hearing, the delegate prepares a draft report that covers written and verbal objections. The delegate will give you a copy of the draft report for your comment before it is submitted to Powerlink's Board for consideration.

Your comments on the draft report, as well as details of your objection, will be included in the final report submitted to the Board. The Powerlink Board then decides whether to proceed with a request for resumption.

Anything relating to the amount or payment of compensation is not a ground for objection under the *Acquisition of Land Act 1967*. Compensation is negotiated once resumption has occurred. You may refer the matter to the Land Court who will determine compensation.

Do I need to lodge an objection to the resumption process even if I make a submission to the designation process?

Yes. The designation and resumption processes are separate. If you want to express a view on both processes, you must make a submission during the designation process and lodge an objection during the resumption process.

How does the resumed land or easement get valued and can I seek independent advice?

The *Acquisition of Land Act 1967* requires that compensation is paid for the value of the land or easement taken. A registered property valuer is engaged by Powerlink to assess the level of compensation payable. Key considerations for the amount of compensation can include market value of the land or easement, reductions in property value, visual impact and impact on farming.

We encourage landowners to seek independent valuation advice regarding compensation and legal advice regarding the resumption. We will reimburse reasonable costs for you to seek this advice, upon agreement on compensation. See the *Easement compensation* brochure for more information.

Once the land or easement has been resumed, when will construction begin?

Timing of construction is dependent upon the need for the new transmission line or substation, but it can commence anytime after the land or easement has been designated and resumed. Construction can proceed before compensation has been paid – see our *Easement compensation* brochure for more information.

When Powerlink's planning forecasts identify a future requirement, where possible, we designate and resume land or easements in advance to provide long term planning certainty for landholders and the community.



Explanations and frequently used terms

Resumption of an easement

An easement is a legal 'right of way' over a portion of land which allows Powerlink to construct, operate and maintain its transmission lines. Easements are resumed by Powerlink under the *Acquisition of Land Act 1967*. The landowner continues to own the land over which the easement is acquired, and retains most of the rights and responsibilities of ownership. To help ensure community safety and the security of electricity supply, there are some restrictions on the landowner's use of the land within the easement. All landowners affected by resumption are entitled to make a claim for compensation in accordance with the *Acquisition of Land Act 1967*. Compensation is paid as one lump-sum. A claim for compensation must be made within three years of the day the land or easement is acquired.

Resumption of a substation site

Where a substation site is resumed, Powerlink becomes the legal owner of the freehold title for the required area of land. If the area of land resumed is less than the total of the lot on which the resumption occurs, then the resumption operates in a similar way to a subdivision, with the relevant plans for the new lots created prepared and submitted to the Titles Registry Office by Powerlink. Landowners are entitled to a lump sum payment.

Designation

The process of designation serves as planning approval, which allows certain land or easements to be used for 'community infrastructure' purposes (electricity works). Before constructing a transmission line or substation, Powerlink submits an application to the relevant Minister to designate the land corridor or site for community infrastructure under the *Sustainable Planning Act 2009*. The process of designation does not affect ownership of the land or create easements over land.

Environmental Impact Assessment (EIA)

An Environmental Impact Assessment (EIA) is the process to ensure any potential environmental, community or economic impacts associated with the project are identified and managed. A written report called an Environmental Impact Statement (EIS) is produced as part of the EIA process. An EIS examines the environmental, community and economic aspects of proposed projects and identifies ways to manage any impacts. The EIS is an important part of Powerlink's consultation process and is advertised for public comment. Included in the EIS is an Environmental Management Plan (EMP). An EMP details the steps that must be taken to manage the environmental impacts of a particular project.

Powerlink's delegate

Powerlink's delegate is appointed by the Powerlink Board for the purpose of hearing the objection. The delegate may be an employee of Powerlink, in which case he/she will be a senior officer of the organisation (e.g. the Chief Financial Officer or Manager of Legal and Commercial) and will be responsible for hearing the objection and preparing a report to the Powerlink Board.

To ensure procedural fairness for the landowner, the delegate will not be the same person who issues the notices of intention to resume.

Substation

The role of a substation is to monitor and control the flow, stability, quality and voltage of electricity on the transmission lines connected to the facility. Equipment located within the substation is used to transform the voltage of electricity, protect the network, measure the flow of the electricity, and switch electricity between the different transmission lines and transformers on the grid. A substation is not a power station – it does not generate electricity.

Transmission line

A transmission line is a powerline which is capable of carrying large amounts of electricity at high voltages. Transmission lines are larger and taller than the everyday distribution powerlines which deliver electricity to your home and business. Transmission lines are normally built on tall steel towers or concrete and steel poles.



About Us

Powerlink Queensland is a State Government Owned Corporation which owns, develops, operates and maintains the high voltage transmission network in Queensland.

Our network of high voltage substations and transmission lines extends 1,700km from Cairns to the New South Wales border – approximately half of Australia's eastern seaboard.

Powerlink's transmission network is the central link in the electricity supply chain, transporting electricity from power stations where it is generated, to distributors Energex, Ergon Energy and Essential Energy that deliver electricity to around two million customers.

Powerlink also transports electricity directly to industrial customers and to New South Wales via the Queensland/New South Wales Interconnector transmission line.

Powerlink does not generate or buy or sell electricity – we simply transport it 'in bulk' from wherever it is generated across our high voltage transmission network to where it is needed. For more information see our *About Powerlink Queensland* information sheet.

Important note: The contents of this information sheet are current at the time of print and are indicative only. Powerlink reserves the right to change its policies and procedures from time to time. Before relying on this information you should contact Powerlink to check whether it is still current.

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More Information

It is also recommended that you review the provisions of the *Acquisition of Land Act 1967*, and obtain independent legal or valuation advice.

Other information sheets can be accessed from www.powerlink.com.au including:

- *Understanding designation for transmission line infrastructure*
- *Easement compensation*
- *Easement co-use*

Contact Us

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