

Acquisition of easements required for co-located pipeline and power cable

The Victorian Desalination Project being constructed near Wonthaggi will deliver up to 150 billion litres of water each year to Melbourne, Geelong and some regional towns in South Gippsland and Western Port via an 84 kilometre pipeline.

The plant will require a dedicated electricity supply which will be co-located with the pipeline for most of the route. The co-located pipeline and power cable, both of which will be underground, will be situated within an easement which in part will be located within your property. This information explains some of the terms and processes involved.

Who will build the pipeline and power cable?

The Victorian Desalination Project is a Public Private Partnership (known as a PPP) under the Government's Partnerships Victoria Policy. This means that the Project will be designed, constructed, financed and operated by the private sector. After a competitive tender process, the Victorian Government announced on 30 July 2009 that the AquaSure consortium was the successful bidder. AquaSure will design, construct, operate and maintain the project.

Who is managing the project and who will coordinate the creation of the easement?

The Department of Sustainability and Environment (DSE) is the project proponent and is managing the delivery of the project on behalf of the Victorian Government. Hence, DSE is managing the contract with AquaSure. DSE is also managing and arranging for the creation of the easement utilising powers under the Water Act 1989, for the benefit of Melbourne Water Corporation as the long term owner of the facility. DSE is dealing directly with landowners on land acquisition and the assessment and payment of compensation to landowners.

What is an easement?

An easement allows another person the right to use part of your land for a specific purpose. In this case the easement will allow the construction and operation of the pipeline and power cable by AquaSure and its contractors (Thiess Degrémont Nacap, or PLJV). The easement does not alter your rights as owner or lessee, except that you must permit the easement holder to exercise its rights under the easement and you cannot do anything on that part of your land which interferes with those rights. Compensation is payable for the value of the easement and the effect on your rights.

How wide will the easement be?

The easement will generally be 20 metres wide and will be formally registered on title.

Temporary occupation of land required for construction purposes.

In addition to the permanent easement, a construction area on either side of the easement generally 20 metres wide in total (in addition to the 20 metre permanent easement) will be required while the pipeline and power cable are being laid. DSE is able to authorise this under delegated statutory powers. A Notice of Temporary Occupation will be served upon landowners in regard to this land. This will detail your entitlement to claim compensation separately for these activities (to the extent that any previous payment of compensation does not fully account for these).

Construction and restoration of land.

Consultation: Prior to commencing construction, AquaSure will contact you to discuss the use being made of your land and its seasonal and other needs with a view to mitigating any disturbance. AquaSure will also discuss the maintenance of access with you and any reduction to the level of access to residential and agricultural properties will be kept to the minimum duration necessary to carry out the construction. You will also be provided with contact details for an AquaSure works supervisor who can be contacted at any time while the works are in progress.

Condition survey: An inspection of the existing condition of the land and any buildings or other structures that could be affected by the works will be carried out prior to works commencing. A record of the inspection will be made. This survey will guide restoration work, which will be the responsibility of AquaSure.

Pre-construction: Prior to commencing works, AquaSure will need to enter the land in order to peg the boundaries of the areas of land that it is to use during construction and the boundaries of the easement. AquaSure and its contractors will also be carrying out investigations such as environmental and geotechnical surveys as well as locating utilities.

During construction: Temporary fencing may be installed but once construction is complete the easement will not be fenced unless there are aboveground fittings that require protection from damage.

Procedure for creation of easements and assessment of compensation.

While AquaSure will liaise with you in regard to the physical activities to be conducted on your property, DSE will co-ordinate the creation of the easement and the assessment of compensation payable to landowners.

In this regard a Notice of Acquisition under the Land Acquisition and Compensation Act 1986 (Vic) (LACA) will be published in the Victorian Government Gazette. The Gazette may be viewed on line at www.gazette.vic.gov.au.

You will be forwarded a copy of the relevant page of the Gazette and a statement outlining your rights and obligations under a Notice of Acquisition. A Notice of Acquisition has the effect of vesting the easement in Melbourne Water Corporation and AquaSure will discuss with you entry onto the land to carry out construction works.

An offer of compensation will be made as soon as possible following the publication of the Notice of Acquisition. Your rights in connection with the offer are detailed in the Land Acquisition and Compensation Act 1986 (Vic). The Act is available on line at <http://www.dms.dpc.vic.gov.au/>

You are entitled to seek legal and valuation advice to assist you in this matter and your reasonable costs of obtaining this advice will be met by DSE. Because DSE bears this liability, prior to commencing any work, any legal or valuation advisor that you wish to appoint should discuss his or her proposed fee structure with the DSE officer whose name and number have been provided to you in direct correspondence from DSE.

Payment of compensation.

Following agreement of the amount of compensation, payment is usually made within 30 - 60 days. However, following the publication of a Notice of Acquisition and upon receipt of an offer of compensation from DSE, an advance of the compensation equivalent to the offer can be requested without prejudicing the final compensation payable.

Further information.

Please contact Penny Lamble of DSE on 9948 2806 if you require further information regarding the proposed acquisition and temporary occupation of land required for the construction of the co-located pipeline and power cable.

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For more information contact the DSE Customer Service Centre 136 186.