

Project EnergyConnect (NSW - Eastern Section)

The Department of Planning and Environment – Crown Lands (the Department) has reviewed the proposal.

The department notes that the proposed infrastructure will traverse a number of Crown land parcels, including Western Lands Leases (WLLs), Travelling Stock Reserves (TSRs) and Crown roads. The proponent will need to identify all Crown land parcels that are proposed to be impacted and undertake appropriate consultation. It is understood status searches will be undertaken at the next stage of the project.

If the proposal requires use of these Crown land parcels and/or Crown road(s) in order to implement the Project EnergyConnect (NSW - Eastern Section) proposal, the land will need to be acquired under the *Land Acquisition (Just Terms Compensation) Act 1991* (LATJC Act).

Further information regarding Crown land and the LATJC Act is located at:
<https://www.industry.nsw.gov.au/lands/access/compulsory-acquisition>.

For use and access to Crown land / roads / waterways

As per Figure 1-2 of the EnergyConnect Environmental Impact Statement Report (NSW – Eastern Section), the Department notes that there are a number of Crown roads within the project area. These roads may provide legal access to the development but may not provide practical access. The Department advises that these roads should not be relied upon for practical access to the project site. It is also proposed, in Figure 1-2, that transmission lines may also be placed on or over Crown roads or land.

The Department will need to be referenced, prior to any use or occupation of any Crown roads or land, during the assessment phase.

Authority to use, traverse, access or build infrastructure on Crown land (inclusive of WLLs) and roads is required under the *Crown Land Management Act 2016* and/or the *Roads Act 1993*. It is recommended that the proponent contact the Department as early as possible to discuss and initiate the processes required to authorise the use of and/or access to Crown land and roads.

If infrastructure needs to be built on Crown land, roads and/or waterways, the consent of the Minister for Lands and Water must be obtained, via the Department. Further information regarding land owner's consent for Crown land and roads can be found at:
https://www.industry.nsw.gov.au/data/assets/pdf_file/0003/144345/landowners-consent-application-form.pdf.

There will be multiple Crown roads, including Crown roads with enclosure permits, both within and adjoining the proposed development area. Any Crown road required for access to the development will need to be transferred to Council, or application made to close and purchase the roads. As authority to access or use Crown roads is required prior to the commencement of any works or access, and to avoid any delays for the proposal, a tenure may be required in the interim. More information regarding Crown roads and enclosure permits can be found at the following links:

<https://www.industry.nsw.gov.au/lands/access/roads>, and
<https://www.industry.nsw.gov.au/lands/use/enclosure-permits>

Lineal Infrastructure (eg. Pipelines and/or Electricity Transmission lines) traversing Crown land / roads / waterways

If lineal infrastructure (such as pipelines and/or electricity transmission lines) are expected to traverse Crown land, roads and/or waterways, an easement over said Crown land, roads and/or waterways will be required for protection of the infrastructure. To discuss easement requirements, please contact the Department's Acquisitions Team at the earliest opportunity at: cl.acquisitions@crownland.nsw.gov.au. Information regarding the easement process is available at the below link: <https://www.industry.nsw.gov.au/lands/use/easements>.

As the easement process may be lengthy, it is also recommended that the proponent apply for a licence for each Crown land, Crown road and Crown waterway as soon as possible. A licence will temporarily authorise use and access for the infrastructure to traverse Crown roads and Crown land whilst the easement applications are being processed. Please note that, if the proposed infrastructure impacts WLLs, written concurrence from the affected WLL holders would be required.

Details on how to apply for a licence are available at the below link: <https://www.industry.nsw.gov.au/lands/use/licences>.

The Department may also need to consider the transfer of the affected Crown roads to the local Council.

It is important to note that licences or easements must be in place before Crown land or roads can be used, traversed, accessed or infrastructure can be built.

Travelling Stock Reserves / Reserves / Commons / Aboriginal Land Claims / Native Title

The proposed infrastructure will traverse a number of TSRs, which are managed by either Local Land Services or holders of WLLs. As such, concurrence from the LLS and/or WLL holders would be required. Additionally, a tenure will be required to authorise any use of and/or access to this lot, which may be subject to Native Title. This will need to occur prior to the commencement of any works.

It is noted that the proposed transmission line may pass through Crown land that is currently the subject of an undetermined ALC, which may limit how the land can be used. As such, concurrence with the NSW Aboriginal Land Council (NSWALC). Further information regarding Aboriginal Land Claims can be found at the following link: <https://www.industry.nsw.gov.au/lands/what-we-do/our-work/aboriginal-land-claims>.

If at any stage Crown land subject to a reserve for 'Future Public Requirements' is required for the proposal, or will be impacted in relation to operations associated with the proposal, a tenure may be required to authorise use of and/or access to the land.

Should the proposed infrastructure impact on a reserve under the care, control and management of a Crown Land Manager Board, Council or Organisation, the proponent is encouraged to consult with the reserve manager regarding the use of, or access to, this Crown land and to contact the Department as early as possible if Departmental involvement is required to assist.

If encroachment of a Crown waterway, occurs within the site and proposal area, is required, authority to access and/or use the Crown waterway will be required.

It is recommended that the proponent contact the Department to discuss any requirements as soon as possible, to avoid any possible delays and to ascertain to what extent Crown land, roads or waterways are required for the proposal.

Native Title will need to be a consideration for any tenure proposed to be issued. Further information can be found at: <https://www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title>.

Biodiversity / Environmental

The Department notes that the proposal has identified low ongoing management and maintenance for Crown land involved in the project area, and the consequences if mismanaged, however long-term management and maintenance strategies were not specified for when the Crown land is no longer required for the proposal. The Department requests that this be addressed by the proponent.

It is also noted that there may be possible clearing and development of certain areas for storage purposes. Please advise if additional environmental offsets are being considered for this proposed clearing, under the *Biodiversity Conservation Act 2016*? Information regarding biodiversity offsets can be found at: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme>.

If the proponent requires further information, or has any questions, please contact Shaun Flood, Group Leader Property Management in Department of Planning and Environment - Crown Lands, on 02 6960 1341 or at shaun.flood@crowmland.nsw.gov.au.

Yours sincerely,



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- EnergyConnect (NSW - Eastern Section)
- EnergyConnect (NSW - Western Section)
- Existing Substation
- Existing Railway
- Built Up Areas
- Waterbody
- Watercourse
- Existing environment photo location reference

Figure 4-1

Site location photographs