

### Wilcannia Weir Replacement

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

#### **For use and access to Crown land/roads/waterways**

As per *Table 3-1: Proposal summary* of the *Environmental Impact Statement Report*, Crown Lands notes that there are several Crown land parcels within the project area. The Department advises that Authority to use, traverse, access or build infrastructure on Crown land and roads is required under the *Crown Land Management Act 2016* and/or the *Roads Act 1993*. It is recommended that the proponent contact Crown Lands as early as possible to discuss and initiate the processes required to authorise the use of and/or access to Crown land and roads.

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

If infrastructure needs to be built on Crown land or roads, the consent of the Minister for Water, Property and Housing must be obtained, via Crown Lands, and constructed roads may need to be transferred to Council. Further information regarding landowner's consent for Crown land and roads can be found at the following link:

[https://www.industry.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0003/144345/landowners-consent-application-form.pdf](https://www.industry.nsw.gov.au/__data/assets/pdf_file/0003/144345/landowners-consent-application-form.pdf)

#### **Lineal Infrastructure (e.g. Pipelines and/or Electricity Transmission lines) traversing Crown land/roads**

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 Acquisitions team at the earliest opportunity at:

[cl.acquisitions@crownland.nsw.gov.au](mailto:cl.acquisitions@crownland.nsw.gov.au).

For transmission lines to traverse Crown land and/or roads, the proponent will need to apply for easements.

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 road and Crown land lot 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.

Details on how to apply for a licence are available at the below link:

<https://www.industry.nsw.gov.au/lands/use/licences>

It is important to note that licences or easements must be in place before infrastructure can traverse Crown land or roads.

It is important to note that authority 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**

Lot 7301 in DP 1181254 is a Travelling Stock Reserve and is currently the subject of an undetermined Aboriginal Land Claim (ALC) and has Non-Exclusive Native Title recognised through the Barkandji Consent Determination. As such, concurrence with the NSW Aboriginal Land Council (NSWALC) and the Barkandji PBC would be required. Additionally, a tenure will be required to authorise any use of and/or access to this lot. This will need to occur prior to the commencement of any works.

It is noted that Lot 7315 in DP 1181235 & Lot 7314 in DP 1181235 are currently the subject of an undetermined Aboriginal Land Claim, which may limit how the land can be used. 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>.

These Lots also have Non-Exclusive Native Title recognised through the Barkandji Consent Determination that will require consideration.

Information regarding Native Title can be found at the below link:

<https://www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title>

Lot 3445 in DP 765734 and Lot 4143 in DP 766648 are both Crown land parcels under a perpetual Western Lands Lease. For the use of these Crown land parcels, written approval from the leaseholder to obtain a Crown Land Licence will be required.

Lot 7314 in DP 1181235 is a Crown Reserve for Commonage. Discussions with Crown Lands as manager of the Common will be required to implement the Wilcannia Weir Replacement proposal. This will need to occur prior to the commencement of any works.

Crown Lands notes that Lot 7315 in DP 1181235 (Reserve 85567) is a reserve for public recreation under the care, control, and management of Central Darling Shire Council. The proponent is encouraged to consult with Central Darling Shire Council regarding the use of, or access to, this Crown land and to contact Crown Lands as early as possible if Crown Lands' involvement is required to assist.

Authority to access and/or use the Crown waterway (Darling River) will be required.

It is recommended that the proponent contact Crown Lands 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.

### **Preliminary Regional Issues Assessment (PRIA Assessments)**

Crown Lands notes that numerous Crown land lots are contained within the proposed exploration site, as identified in the Preliminary Regional Issues Assessment (PRIA). Given the number of Crown land lots involved it is difficult for Crown Lands to provide specific advice for each Crown land lot, within the timeframe required.

As such, it is important to note that the initial review of the Crown land and roads involved shows that some of the parcels are affected by an undetermined Aboriginal Land Claim. The proposal is also within the Barkandji Native Title determination area.

Some sites are reserved for the purpose of environmental protection and include significant Aboriginal and European heritage values. It also includes highly valued areas for recreational pursuits, endangered ecological communities, and threatened species.

## **Biodiversity/Environmental**

It is noted that if any clearing of native vegetation is required for the proposed Wilcannia Weir Replacement, access and storage purposes it is advised the proponent contact Western Local Land Services to obtain appropriate information relating to Clearing activities and Crown Lands for respective concurrence.

### **SUMMARY ACTIONS - CONSIDERATIONS TO BE ADDRESSED:**

#### **1 Removal of Existing Weir**

- As the Crown Land Manager for Victory Park Caravan Park (D1004988), Central Darling Shire Council must be consulted regarding access through the Park to the existing weir and if there are any requirements to temporarily close the Park while removal activities are being undertaken.
- The proposed temporary compound required during the deconstruction phase of the existing weir is located on Crown land and as such will require a Crown Land Licence to authorise access and occupation for the duration of the deconstruction activities.

#### **2 Installation of New Weir Adjoining Western Lands Lease 8334**

- The proposed construction area located on Western Lands Lease 8334 (Lot 4143 in DP766648 and Lot 3445 in DP765734) will require a Crown Land licence that will authorise access and occupation on the lease.
- As part of the Crown Land Licence process, written consent from the Western Lands leaseholder will be required and is to attach to the Licence application.

#### **3 Installation of New Weir Adjoining Wilcannia Common**

- Consultation will be required with Central Darling Shire Council to formalise an Easement for Access across Lot 7314 in DP1181236 that traverses down to Union Bend Reserve.
- There is an undetermined Aboriginal Land Claim (ALC 40498) over Lot 7314 in DP 1181236. Consultation will be required with the Wilcannia Local Aboriginal Land Council (LALC) to determine if they would consider withdrawing the affected areas from the ALC.
- A Crown Land Licence will be required to authorise access and occupation during the construction phase for Lot 7314 in DP1181236. The licence will require the consent of the Wilcannia LALC because of the undetermined ALC before it could be granted by Crown Lands.
- Compulsory acquisition will be required for any permanent weir infrastructure on Lot 7314 in DP1181236. It is understood that an ILUA is being considered with the Barkandji Native Title holders as an alternative to an acquisition for the infrastructure sites. If this is the case, an ongoing tenure may be required.
- An additional Easement for Access will be required across Lot 7314 in DP1181236 that is separate to the Easement being prepared by Council.

If the proponent requires further information, or has any questions, please contact Sarah Overall, Senior Natural Resource Management Officer in Crown Lands, on (02) 6883 5436 or at [sarah.overall@crownland.nsw.gov.au](mailto:sarah.overall@crownland.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Natalie', written in a cursive style.

Natalie Ryan  
A/Group Leader – Property Management