

Silver City Energy Storage System

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

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. To ensure all parcels are correctly identified inside the footprint, the department requests shapefiles be provided detailing the extent of development over Crown parcels.

The following lots, identified by the proponent to be within the development area, are Crown Land parcels: 7320/1201053, 7336/1201053, 7314/1185108, 7331/1182907, 7490/1200701, 1/914762, 7481/1200701, 7485 & 7486/1200701, 7489/1200701, 4/1220372, 2/757304, 7302/1181129, 162/725335.

For use and access to Crown land/roads/waterways

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 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.

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 land owner'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

Any Crown road required for access to the development/proposal, 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 (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@crowland.nsw.gov.au.

In order 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>

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 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

It is noted that multiple lots 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>

Crown Lands notes that some of the identified land parcels are located in R23158 and R2421 which are reserves with the purpose of 'Temporary Common' under the care, control and management of Willyama Common Trust managed by Broken Hill City Council. The proponent is encouraged to consult with Broken Hill City 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.

If encroachment of a Crown waterway 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 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.

Crown Lands notes that the project footprint may include a reserve for future public requirements. The proponent is encouraged to consult with Crown Lands regarding the use of, or access to, this Crown land and to contact Crown Lands as early as possible.

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 many of the parcels are affected by undetermined Aboriginal Land Claims.

Biodiversity/Environmental

Crown Lands notes that the proposal must identify ongoing management and maintenance for Crown land involved in the project area, and the consequences if mismanaged.

It is also noted that there may be possible clearing and development of (location), for storage of (items to be stored). Are additional environmental offsets being considered for this proposed clearing, under the *Biodiversity Conservation Act 2016*?

Information regarding biodiversity offsets can be found at the below link:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme>.

Crown Land and Crown Roads Subject to Mining Leases and Exploration Licences

For mining operations involving Crown land or Crown Roads, the following requirements apply:

1. All Crown Land and Crown Roads within a Mining Lease (with surface rights), subject to mining or mining related activity, must be subject to a Compensation Agreement issued under Section 265 of the *Mining Act 1992*, to be agreed and executed prior to any mining activity taking place. The Compensation Agreement may include conditions requiring the Mining Lease Holder to purchase Crown land impacted on by mining activity.
2. All Crown Land and Crown Roads located within an Exploration Licence, subject to exploration activity, must be subject to an Access Arrangement issued under Section 141 of the *Mining Act 1992*, to be agreed and executed prior to any exploration activity taking place.
3. All Crown Land and Crown Roads within a Mining Lease (with sub-surface rights only) must be subject to a Section 81 Consent under the *Mining Act 1992* where surface activities are proposed, to be agreed and executed prior to any surface activity taking place.
4. All Crown Roads within a Mining Lease or Exploration Licence must be subject to a works consent approval under s138 and or s71 of the *Roads Act 1993* where exploration, mining or mining related activity impact on these roads.

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

Yours sincerely



Sarah Overall

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