

[Lake Lyell Pumped Hydro](#)

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

Mount Walker Road is a Crown Road that is either within or immediately adjoining the proposed development area. Please refer to the attached map (figure 1) where Walkers Road is shown in yellow outline, with the track-in use shown as orange dashed line.

DPE Crown Lands views this development as a traffic generating development and is eligible for transfer to Council as a result.

Although not mentioned by name in the proposal document it reasonable to assume that Mount Walker Road is a part of the proposal for the following reasons.

- Significant areas of pipework and the new reservoir are to be installed in its immediate proximity.
- Energy Australia has affirmed previously it is essential to this project, and obtained in August 2022 a permit for work and maintenance in preparation for this development, and
- The proposal document refers to other nearby roads (presumably not mentioned by name in the proposal) in S6.6.2 which states “..... For safety reasons, nearby trails may need to be closed to public access for the duration of the project construction work due to the need to intensive the road for construction access.”

Any Crown road used for access in this proposal, will need to be transferred to Council, or application made to close and purchase the roads by Energy Australia. 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>

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 Crown 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 access to Crown land and roads.

If infrastructure needs to be built on Crown land or roads, the consent of the Minister for Lands and Property 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

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) is 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.crowland.nsw.gov.au/protection-and-management/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.crowland.nsw.gov.au/licences-leases-and-permits/apply-or-manage-licence>

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.

Reserves/Commons/Aboriginal Land Claims/Native Title

It is noted that Lot 7005 DP 1020471 (R178 for Trigonometrical purposes Gaz 5 Nov 1883) is currently the subject of an undetermined Aboriginal Land Claim 14821, lodged by the NSW Aboriginal Lands Council on the 22 Jan 2016, 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>

The whole project area falls within the Warrabinga-Wirajuri Native Title claim #7. 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>

Encroachment of the Crown waterway, known as Farmers Creek, also possibly occurs within the site and proposal area (see figure 2). Authority to access and use the Crown waterway will also be required. See Figure two for location of the Crown Waterway known as Farmers Creek. This would apply to pumping or release of water down the unnamed tributary from Mont Walker, or direct use for the Bridge being planned in that vicinity (or its curtilage), or other access or use during the construction phases of the project.

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.

If the proponent requires further information, or has any questions, please contact Steve Pearson, Senior NRM Officer, Orange in Crown Lands, on 02 6391 4317 or at steve.pearson@crowland.nsw.gov.au.

Yours sincerely

D. Lawrence

Group Leader – Property Management
T 02 6391 4341 | E daryl.lawrence@crowland.nsw.gov.au



