

Merimbula Sewage Treatment Plant Upgrade & Ocean Outfall

The Department of Planning, Industry and Environment – Crown Lands has reviewed the proposal. The proponent will need to ensure that they have lawful authority to carry out the development, taking into consideration the following.

Crown land parcels and waterways (the ocean) are contained within the project footprint. Including:

- Lot 7307 DP1167035
- Lot 7308 DP1167035
- Lot 320 DP750227
- Lot 7917 DP1187854
- Lot 7318 DP 1167151
- Lot 7019 DP1122193
- Lot 355 DP41837 (State of NSW Crown Land (leased to PMGC Ltd)).

If the proposal requires the use of these Crown lands in order to implement the Merimbula Sewage Treatment Plant Upgrade & Ocean Outfall proposal, the land will need to be acquired under the *Land Acquisition (Just Terms Compensation) Act 1991* (LAJTC Act).

Please note that the existing easements across the Crown land parcels (Lot 7307 DP1167035, Lot 7308 DP1167035 and Lot 320 DP750227) are not able to be 'transferred' to the new alignment or relocated as they exist in the acquisition plan as they were gazetted and as per supporting documents, e.g. MoU E931212 and Miscellaneous Plan 214-3088. New easements will be required.

Further information regarding Crown land and the *LATJC Act 1991* is located at the following link:-
<https://www.industry.nsw.gov.au/lands/access/compulsory-acquisition>.

For use and access to Crown land/roads/waterways

Authority to use, traverse, access or build infrastructure on Crown land and roads is required under the *Crown Land Management Act 2016*. 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.

If infrastructure needs to be built on Crown land, 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 can be found at the following link:-

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/144345/landowners-consent-application-form.pdf

Transmission lines traversing Crown land/roads

If 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.

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 road and land lot as soon as possible. A licence will temporarily authorise use and access for the infrastructure to traverse Crown roads and 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.

Aboriginal Land Claims/Native Title

The project area is subject to an underdetermined Native Title claim by the South Coast People and parcels of land subject to Aboriginal Land Claims. The development must comply with any *Native Title Act 1993* or *Aboriginal Land Rights Act 1983* requirements and obligations.

The following parcels of Crown land are subject of an undetermined Aboriginal Land Claim, which may limit how the land can be used:

- Lot 7307 DP1167035 (Reserve 750227)
- Lot 7308 DP1167035 (Reserve 750227)
- Lot 320 DP750227 (Reserve 84937)

The proponent will need to consult with the Aboriginal Land Claim claimants in relation to the development.

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>

Information regarding Native Title can be found at the following link:-

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

Environmental

The development must comply with State Environmental Planning Policy (Coastal Management) 2018, Division 1, section 11 subclause (1) '*Development in close proximity to coastal wetlands or littoral rainforest*' and ensure the development does not impact the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, as well as the quantity and quality of the surface and ground waters flow to and from the adjacent wetland.

If the proponent requires further information, or has any questions, please contact Kirsti Sampson, Group Leader in Crown Lands, on 0408709433 or at Kirsti.sampson@crownland.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K A Sampson', with a long horizontal stroke extending to the right.

Kirsti Sampson
Group Leader

T 0408709433 | **E** email Kirsti.sampson@crownland.nsw.gov.au