



File Reference: DOC20/084689

27 April 2020

Charisse Jones
Executive Manager
Consolidated mining & Civil Pty Ltd
PO Box 5079
BROKEN HILL NSW 2880
Email: charisse@conmc.net.au

Dear Charisse,

Consent for proposed development:	Extension to Sand Quarry in Mindioomballa Creek at Silverton
Crown reserve	R84334 for Beds and Banks of Rivers in Western Division of NSW, notified 22 March 1963 Reserve 58865 for temporary common (Lot 7341 DP 1180852 & Lot 117 DP757270), notified 7 May 1926 – Managed by Silverton Commons Trust
Parish	Bray
County	Yancowinna

Under section 2.23 of the *Crown Land Management Act 2016* (CLM Act), consent is taken to have been given by the Minister for Water, Property & Housing to make a development application for the purposes of the *Environmental Planning and Assessment Act 1979* for the development proposal described above.

Please be aware that land owner's consent is taken to have been given in accordance with the following:

1. Land Owner Consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent may be sought
2. You are required to forward a copy of the DA approval to the NSW Department of Planning, Industry & Environment – Crown Lands ("the Department") after approval and prior to commencing works.
3. You are required to ensure that the approval provided is consistent with this Land Owner Consent.
4. You must apply to the Department for authority to occupy the Crown land. Crown land cannot be occupied prior to this authority being granted.
5. The Land Owner Consent is provided for the works detailed on the plans provided by you and retained by the Department as DOC20/082518.

Land Owner Consent is granted in accordance with the following:

- Landowners consent over Lot 117 DP757270 is only provided subject to the proponent obtaining written consent from NSW Aboriginal Land Council due to an undetermined claim ALC 40473.

- AHIMS search results or other factors indicates Aboriginal heritage is present, therefore the need to complete Aboriginal Due Diligence Assessment and contact NSW Office of Environment & Heritage. The proponent will also be required to provide the consent authority (Planning NSW) with the updated Statement of Environmental Effects V4 which identifies a new AHIMS site 23-4-0681
- Land Owner Consent is given without prejudice so that consideration of the proposed development may proceed under the *Environmental Planning and Assessment Act 1979* and any other relevant legislation;
- The grant of this Land Owner Consent does not guarantee that any subsequent authority to occupy will be granted;
- Land Owner Consent does not imply the concurrence of the Minister for Water, Property & Housing for the proposed development and does not provide authorisation under the Crown Lands Management Act 2016 for this proposal;
- The issue of Land Owner Consent does not prevent the Department from making any submission commenting on, supporting or opposing an application;
- The Minister reserves the right to issue Land Owner Consent for the lodgement of applications for any other development proposals on the subject land concurrent with this Land Owner Consent;
- Any changes made to the proposal, including those imposed by the consent authority, must be consistent with the Land Owner Consent and therefore if modifications are made to the proposed development details must be provided to the Department for approval;
- Land Owner Consent also allows application to any other approval authority necessary for this development proposal.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application. You are responsible for identifying and obtaining all other consents, approvals and permits required under NSW and Commonwealth laws from other agencies for the proposed development.

If any alterations are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the amended or modified development remains consistent with this land owner's consent. If there is any inconsistency or uncertainty you are required to contact the department before carrying out the development to ensure that the consent remains valid under section 2.23 of the CLM Act. A subsequent land owner's consent application may be required and incur additional application fees.

It is advised that the department will inform the relevant planning authority of the giving of this land owner's consent and will request that the relevant planning authority notify the department of the subsequent development application, for potential comment, as part of any public notification procedure.

Development not already permitted by lease/licence:

It is noted that the proposed development is not permitted under the terms of the current licence 538988 you hold for the land.

Prior to carrying out any development on Crown land you must ensure that sufficient authority to occupy the land for that purpose is obtained under the CLM Act.

ALCs:

The Crown reserve affected by your proposed development is subject to an Aboriginal land claim under the *Aboriginal Land Rights Act 1983*, as outlined below.

Claim number	Claimant	Lodgement date
ALC40473	NSW Aboriginal Land Council	15 April 2016

If the investigation of the above claim determines that the land at the date of claim lodgement was claimable Crown land, the Minister for Lands and Forestry is required to transfer the land to the claimant Land Council under the *NSW Aboriginal Land Rights Act 1983* regardless of any improvements.

The Department cannot guarantee your occupation of the land should the claim be granted. If the claim was successful, the Land Council would become freehold owners of the land and they may not permit the proposed activity/activities.

Prior to undertaking any development on the land under claim your negotiation with the claimant Land Council should be undertaken to ensure that one of the following outcomes have been achieved:

1. The claimant Land Council has withdrawn the above land claim; or
2. The claimant Land Council amends their claim to exclude the land affected by this proposal; or
3. The claimant Land Council has provided concurrence to the proposal.

Please note that you are responsible for pursuing any negotiations. The department's Aboriginal Land Claims Investigation Unit may be able to provide some assistance with the best practice for discussions. They can be contacted on (02) 6883 3396 or alc@crowmland.nsw.gov.au.

For further information, please contact Natalie Ryan of the Western Division Regional Services Office on 02 6883 5444.

Yours sincerely



Natalie Ryan
Property Management Project Officer
Department of Planning, Industry and Environment
Crown Lands, Far West Area

cc:

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