

18 March 2019

Adam Stipcevic – HWL Ebsworth Lawyers Pty Ltd
(For Peter Chalouhi – Bell Quarry Rehabilitation Project Pty Ltd)
Level 14 Australia Square, 264-278 George St
Sydney NSW 2000

Dear Adam,

**Consent for
development
comprising:
Crown Land**

Rehabilitation Works at Bell Quarry including
encroachment onto adjoining Crown Reserve 40760

Lots 7031 and 7032 both DP1066257

**Crown reserve
Parish
County**

Reserve 40760 for Village purposes
Clwydd
Cook

Consent is granted by the Minister for Lands and Forestry to the lodgement of applications for approval under the *Crown Lands Management Act 2016* and other associated applications required under other legislation, for the development proposal described above.

The Land Owner Consent is granted conditional to 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 approved DA to the NSW Department of Industry - Lands and Water ("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 restricted to the works detailed on the plans provided by you and retained by the Department in CM9 Container 16/08983#01

Land Owner Consent is granted in accordance with the following:

- 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 Lands and Forestry 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 and/or any other 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.

It is important that you understand your obligations relating to Condition 3. 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 Consent. If there is any inconsistency or uncertainty you are required to contact the Department before undertaking the development to ensure that the Department consents to the changes. A subsequent LOC application may incur additional application fees.

It is advised that the Department will provide Lithgow City Council a copy of this Land Owner Consent and will request that Lithgow City Council notify the Department of the subsequent development application, for potential comment, as part of any public notification procedure.

Authority to occupy Crown land in this instance refers to the right under the *Crown Lands Management Act 2016* to either use or manage the land. If development consent is granted you must make an application with the Department of Industry – Lands and Water and obtain a licence over the reserve prior to undertaking any works on Crown land and prior to any use of Sandham Road where located on R40760 (see Red line in Figure 1 below) to access the site with fill material. It is recommended you make an application as soon as practicable after you obtain development approval.

During the assessment of your proposal it was also noted that native title does not appear to have been extinguished on the subject land and that the proposal will require notification under the *Native Title Act 1993 (Cth)* in order to afford any claimants or potential claimants procedural rights. (Note - the Native Title claim NSD857/2017 Warrabinga -Wiradjuri #7 covers the area of this proposal). This can be undertaken by the Department when your licence application is lodged.

For further information, please contact Steve Pearson via the details given in the letter head.

Yours sincerely

Steve Pearson
Senior NRM Officer
Department of Industry – Crown Lands and Water, Orange

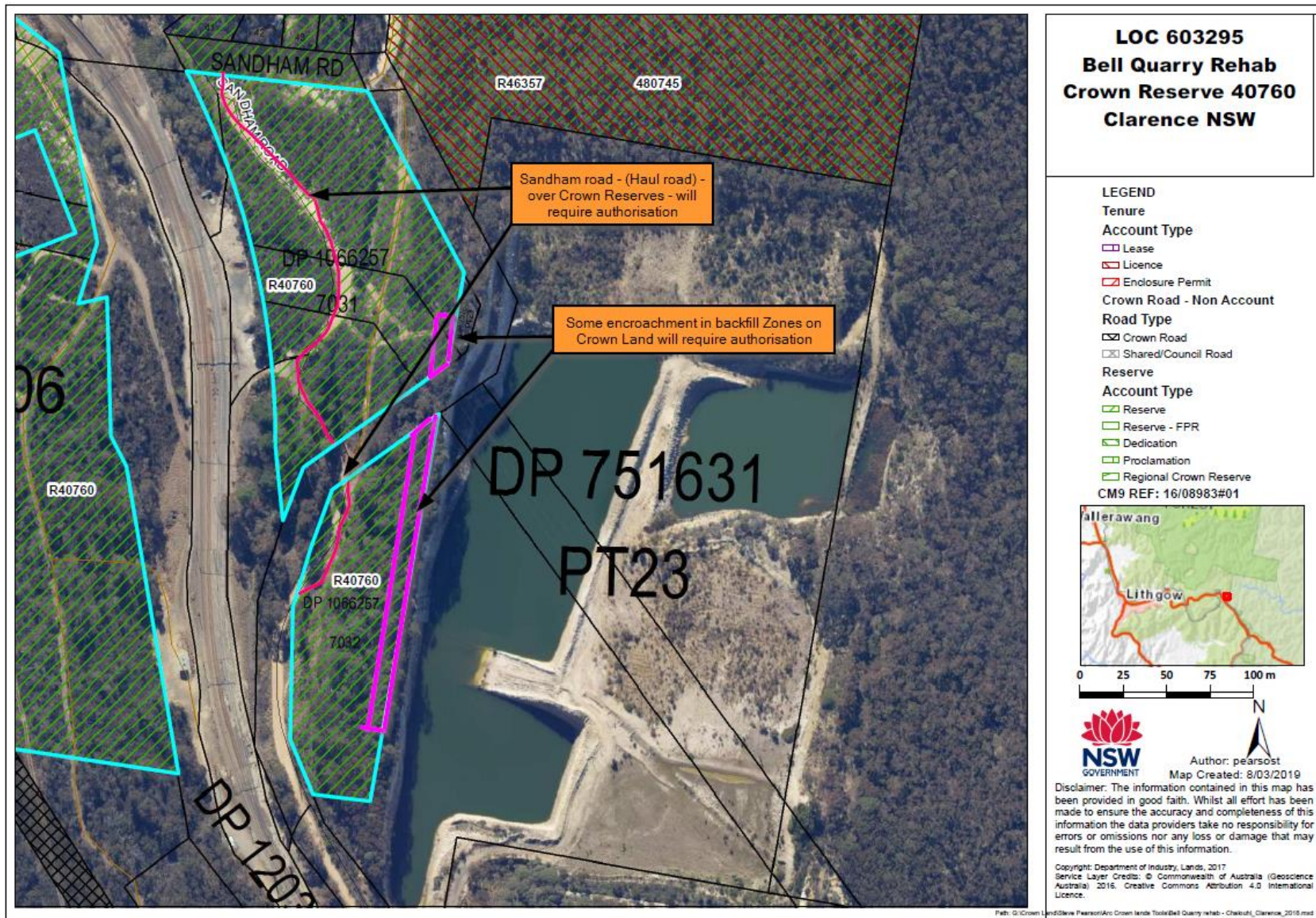


Figure 1: Location of proposed works (pink) and Access Road (Red line) over Crown Reserve 40760 Lots 7031-2 DP1066257