



Ms Belinda Field
Chief Executive Officer
Yerin Aboriginal Health Services Limited
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WYONG NSW 2259

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Dear Ms Field

Yerin Aboriginal Health Services, 55 McPhersons Road, Mardi

The Department of Planning and Environment - Crown Land (the Department) acknowledges receipt of your landowner's consent application to lodge a development application with Central Coast Council to change the landuse from former aged care facility to community facility.

It is understood the facility will be used by the Yerin Aboriginal Health Service (Yerin).

The Department's landowners consent investigation has identified:

- There are encroachments from the subject property into the adjoining Crown Reserves (Reserves 56146, 1011268 & 1012130).
- The Reserves are subject to an undetermined Aboriginal Land Claim (ALC 53422) lodged by Darkinjung Local Aboriginal Land Council (Darkinjung). It is noted that Darkinjung has provided its written support for the Yerin proposal dated 25 July 2022.
- There is a need to demonstrate a pathway for consistency with the Commonwealth Native Title Act 1993.
- There is currently no legal pathway under the *Crown Land Management Act 2016* to issue a licence for the occupation of the Reserve to authorise the encroachments while the Native Title issues are unresolved.

As there is support from Darkinjung for the proposal by Yerin, the Department is prepared to grant landowner's consent for the purposes of lodgement of the development application.

However, the Department advises that it will be unable to issue a licence to authorise the encroachments while Native Title issues remain unresolved.

A future act such as the grant of a licence over part of Lot 9 may only be validated under an Indigenous Land Use Agreement or non-claimant application for protection under section 24FA of the Native Title Act in the Federal Court. This is a matter for Yerin to resolve.

Darkinjung may need to consent to any non-claimant application for section 24FA protection.

The Department suggests that to address the encroachments it would be appropriate to lodge a licence application to commence the process of authorising the encroachment while Yerin resolves the Native Title issues.

Should you have any further questions, please contact Peter Draper, Group Leader Property Management by email: peter.draper@crowland.nsw.gov.au

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Rob Micheli', with a small dot at the end.

Rob Micheli
Area Manager Hunter
Land and Asset Management

Date: 2 December 2022