

File Ref: 12/04080
Account No: 518064

Contact: Mark Maloney
Phone: 02 8836 5395
Email: mark.maloney@lands.nsw.gov.au

General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

25 July 2013

Dear Sir/Madam

Application for landowner's consent relating to development comprising: Proposed Marina Development at Cattle Bay, Parish Eden, County Auckland

The Minister for Regional Infrastructure and Services, as Minister administering the *Crown Lands Act 1989*, has granted landowner's consent to Eden Resort Hotel Pty Ltd for the lodging of a development application required under the *Environmental Planning and Assessment (EP&A) Act 1979*, and any associated applications to other authorities for the abovementioned development proposal.

The applicant has been requested to provide you with the landowner's consent provided by the NSW Trade & Investment (Crown Lands) when the application is lodged. Landowner's consent is given without prejudice so that consideration of the proposed development may proceed under the *EP&A Act*, and any other relevant legislation.

In this regard, only matters relevant under the *Crown Lands Act 1989* were considered when assessing this consent. Other considerations may arise that Crown Lands wishes to comment on during public exhibition of the relevant application/s. Accordingly, Council is requested to refer the relevant application/s to Crown Lands for comment so that any such matters can be raised. Reference may also be made to the NSW Trade & Investment *Fact Sheet Development and Crown Land* at http://www.lpma.nsw.gov.au/about_crown_land/publications/fact_sheets.

The applicant has also been advised that:

- (i) no work on Crown land may commence without a current tenure authorising such work, irrespective of any development consent or approval given by other public authorities;
- (ii) the Minister for Regional Infrastructure and Services reserves the right to issue landowner's consent for the lodgement of applications for any other development on the subject land concurrent with this landowner's consent;
- (ii) NSW Crown Lands has advised that investigation indicates that native title interest may not have been extinguished over the Crown land and that Eden Resort Hotel will be required to make a non-claimant application with the Federal Native Title Tribunal seeking protection under section 24FA of the Native Title Act 1993 for the grant of a lease.

PO Box 2215
DANGAR NSW 2309
1300 886 235

ABN 42 860 678 701| www.crownlands.nsw.gov.au

Tenure arrangements for the subject property are being managed by Crown Lands' Strategic Projects Directorate. The relevant officer to whom inquiries may be directed concerning all matters connected with this site is Mark Maloney, Regional Projects Manager, Sydney, whose contact details appear in the letterhead to this correspondence

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Grant Merinuk', with a stylized flourish at the end.

Grant Merinuk
A/Manager South Coast
NSW Trade & Investment - Crown Lands Division, Nowra

Letter to Applicant (consent granted)



Trade &
Investment
Crown Lands

File Ref: 12/04080
Account No: 518064

Contact: Mark Maloney
Phone: 02 8836 5395
Email: mark.maloney@lands.nsw.gov.au

Eden Resort Hotel Pty Ltd
PO Box 363
EDGECLIFF NSW 2027

25 July 2013

Dear Sir

Landowner's Consent for Lodgement of Applications relating to development comprising: Proposed Marina Development on Crown Land, Cattle Bay, Eden

Consent is granted by the Minister for Regional Infrastructure and Services, as Minister administering the *Crown Lands Act 1989*, to lodge a development application under Part 4 of the *Environmental Planning and Assessment Act 1979*, together with any associated applications regulated under other legislation, for the development proposal described above.

This consent is subject to the following:

- (1) This 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.
- (2) This consent does not imply the concurrence of the Minister for Regional Infrastructure and Services for the proposed development, or the issue of any necessary lease, licence or other required approval under the *Crown Lands Act 1989*; and does not prevent Crown Lands (NSW Trade & Investment) from making any submission commenting on the development application.
- (3) This consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extension of this consent may be requested in particular circumstances.
- (4) The Minister reserves the right to issue landowner's consent for the lodgement of applications for any other development proposals on the subject land concurrent with this landowner's consent.
- (5) Irrespective of any development consent or other approval issued by other public authorities, no work or occupation of Crown land may commence without a current tenure authorising such work or occupation.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application.

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5 O'Keefe Avenue
Nowra NSW 2541

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**PLEASE NOTE: The Nowra office counter hours are
9:00am to 12pm weekdays.**

Appointments during business hours (8.30am to 4.30pm)
can be arranged by phoning (02) 4428 9100

NSW Trade & Investment will inform Bega Valley Shire Council of the issue of this landowner's consent, and will request notification by Council of the public exhibition of the consequent development application for comment as to the merits of the proposal.

Please ensure that Crown Lands is provided with a copy of any development consent or other approval as soon as practicable after such consent or approval is received.

If any modifications are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the modified development remains consistent with this landowner's consent.

This landowner's consent relates to the following plans and other documents as stamped and retained by Crown Lands:

- *Environmental Impact Assessment: Proposed Marina and Temporary Land Facilities, Cattle Bay Road, Eden 21 May 2013.*

Please note that Crown Lands advised in its letter of 7 July 2010 of the need to address the issue of native title. A copy of this letter can be found in Appendix 4 of the EIS: *LPMA Advice and Landowners Consent*. Further investigation indicates that native title interest may not have been extinguished over the Crown land. Inquiries are presently being made to ascertain whether a non-claimant application to the Federal Court for protection from native title will be required as a condition precedent to the grant of any Lease over the Crown land concerned. You will be advised further under separate cover.

Finally, I wish to advise that future tenure arrangements for the land concerned are now being managed by Crown Lands' Strategic Projects Directorate. The relevant officer to whom inquiries may be directed is Mark Maloney, Regional Projects Manager, Sydney, whose contact details appear in the letterhead to this correspondence.

Yours faithfully



Grant Merinuk
A/Manager South Coast Area
NSW Trade & Investment - Crown Lands Division, Nowra
25 July, 2013

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