

25/08/2022

Record Number: 22/00069#99

Planning Number: SSD-30956841

Crescent Head Ilmenite Stockpile Rehabilitation

The Department of Planning and Environment – Crown Lands (“department”) has reviewed the proposal.

The rehabilitation proposal affects Lot 2281 DP1153793, being Crown land reserved R1003268 for Environmental Protection, Public Recreation notified 3 May 2002 (Folio 2618).

Controlling Body of Lot 2281 DP1153793 is the appointed Crown Land Manager, being the Goolawah Reserves Trust administered by the Minister Administering the *National Parks & Wildlife Act 1974*.

Consequently the Minister Administering the *National Parks & Wildlife Act 1974* is considered the “landholder” for the purposes of entering into agreements under sections 81, 141 or 265 of the *Mining Act 1992*.

The department is supportive of the rehabilitation project and provides no comment at this stage regarding site environmental and cultural impacts.

For mining operations involving Crown land or roads, the following post determination requirements apply:

1. All Crown Land and Crown Roads within a Mining Lease (with surface rights), subject to mining or mining related activity, must be subject to a Compensation Agreement issued under Section 265 of the *Mining Act 1992*, to be agreed and executed prior to any mining activity taking place. The Compensation Agreement may include conditions requiring the Mining Lease Holder to purchase Crown land impacted on by mining activity.
2. All Crown Land and Crown Roads located within an Exploration Licence, subject to exploration activity, must be subject to an Access Arrangement issued under Section 141 of the *Mining Act 1992*, to be agreed and executed prior to any exploration activity taking place.
3. All Crown Land and Crown Roads within a Mining Lease (with sub-surface rights only) must be subject to a Section 81 Consent under the *Mining Act 1992* where surface activities are proposed, to be agreed and executed prior to any surface activity taking place.
4. All Crown Roads within a Mining Lease or Exploration Licence must be subject to a works consent approval under s138 and or s71 of the *Roads Act 1993* where exploration, mining or mining related activity impact on these roads.

Lot 2281 DP1153793 is subject to Aboriginal Land Claim 7206 lodged on 27 October 2004 under the *Aboriginal Land Rights Act 1983* by Kempsey Local Aboriginal Land Council. Claim 7206 has been prioritised for assessment. The Crown Land Manager, as “landholder” as defined under the *Mining Act*, is obligated to enter into a s265 Agreement within legislated time periods following grant of a mining lease. The consent of Kempsey Local Aboriginal Land Council is not considered a precondition requirement to the grant of a s265 Agreement by the “landholder”. It is requested that on execution of any s265 Agreement, the proponent for SSD-30956841 notify Kempsey Local Aboriginal Land Council that it holds a s265 Agreement and intends to access the site for rehabilitation purposes.

If you have any further questions, I can be contacted on 0427 629 288 or by email david.baber@crownland.nsw.gov.au.

Yours Sincerely,



David Baber
Projects Manager, Regional Projects
Department of Planning and Environment – Crown Land