

RE: Auskelp: consent from Crown Lands for the designated offshore lease area - REQ/LIC/2025/1815 (#11559653) -

CC

✉

Heike Peterlin <heike.peterlin@crownland.nsw.gov.au>

on behalf of

📧

CL Crownlands Bega Mailbox <bega.crownlands@crownland.nsw.gov.au>

Tuesday, 26 August 2025 at 9:50 am

To: nick.gh@nghconsulting.com.au; Cc:

✔

 Christopher Ride; Matt Greig

Hello Nick,
I understand your enquiry relates to a development subject to SSD-41680467.
The Department provided response to Planning NSW in this matter on 10 May 2022 (our ref: DOC22/087747) and again to the modification proposal on 6 May 2024 (DOC24/090549).

On 16 August 2024 the Crown Land Management Amendment Regulation 2024 came into effect, which removes the requirement for Landowner's consent from this Department for state significant development.
<https://legislation.nsw.gov.au/view/pdf/asmade/sl-2024-380>

Crown Land Management Amendment Regulation 2024 [NSW] Schedule 1 Amendment of Crown Land Management Regulation 2018	
Schedule 1 Amendment of Crown Land Management Regulation 2018	
Clause 69A	
Insert after clause 69—	
69A Exemption from operation of the Act, section 2.23—the Act, s 13.5(2)(n)	
(1)	The following are exempt from the operation of the Act, section 2.23— (a) a development application for State significant development, (b) a development application lodged by, or on behalf of, a public authority.
(2)	Subclause (1) extends to a development application lodged, but not determined, before the commencement of this clause.
(3)	In this clause— <i>State significant development</i> has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .

Provided SSD-41680467 remains undetermined, clause 69A of the Amendment of Crown Land Management Regulation 2018 applies.

It is my understanding that the actual lease and associated aquaculture permits will be issued under the Fisheries Management Act 1994. Therefore, no additional tenure from Crown Lands is required.

It is the responsibility of the proponent to address the following matters:

Native Title
Section 4.1 of the Scoping Report states – ‘Disaster Bay does not fall within the “Determined area” Native Title (NSW) Act 1994 boundaries of Native Title defined by National Native Title Tribunal as of 30 June 2021. While Native Title claims in Disaster Bay have not been found, further investigation of indigenous use of Disaster Bay will be completed as part of the EIS.

The project area may not be within the ‘determined area’ for the South Coast Peoples Native Title claim or in a current claim area, but this does not mean that native title does not exist or is extinguished. Dealings in land or water that affect (impair or extinguish) native title rights are referred to as ‘future acts’ and these acts must be done in compliance with the *Native Title Act*. The *Native Title Act* specifies procedures that must be followed before future acts can be undertaken legally. Information regarding Native Title can be found at the below link: <https://www.crownland.nsw.gov.au/protection-and-management/aboriginal-land-rights-and-native-title/native-title>

I hope this answers your question.
Please don't hesitate to contact me if you need further information.

Regards,
Heike Peterlin
Group Leader South East (South East Nowra - Bega)
Crown Lands – Land & Asset Management
Department of Planning, Housing and Infrastructure
T 02 4428 9108 | M 0436916139 | E heike.peterlin@crownland.nsw.gov.au
PO Box 2185, Dangar NSW 2309
www.crownland.nsw.gov.au



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.