



File Ref: 16/03578

Account No: 566382

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The Minister for Planning & Environment  
23-33 Bridge Street  
GPO Box 39  
Sydney NSW 2000

17 June 2016

Dear Sir,

**Application for Landowner's Consent relating to the development comprising:** Modification for a new overburden emplacement for Peppertree Quarry Modification 4 (06\_0074 Mod 4)  
**Crown Land:** Crown road within the proposed development area being south of Lot 2 DP 557562 and Lot 12 DP 570616 and north of Lot 21 DP 657523.  
**Parish:** Marulan  
**County:** Argyle

Consent is granted by the Minister for Primary Industries and the Minister for Lands and Water as owner of the subject land to Boral Resources (NSW) Pty Limited for the lodging of a development application required under the *Environmental Planning and Assessment Act 1979*, and any other associated application to other authorities for the above development proposal.

The applicant has been instructed to provide you with the landowner's consent provided by the Department of Primary Industries (DPI) – Lands with the application.

This Consent is subject to the following:

1. Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from DPI – Lands authorising such work or occupation. The applicant is required to obtain a licence for occupation of the affected road.
2. Biodiversity offsets to remain in force in perpetuity cannot be placed over Crown roads. Any mechanism to provide appropriate long-term security for the biodiversity offset areas such as a Biobanking Agreement or an alternative mechanism is not permitted on Crown roads.
3. The applicant is responsible for all rehabilitation works associated with the development on the subject Crown road if the road remains under ownership of the Crown at the rehabilitation stage of the quarry.
4. The applicant is responsible for all rehabilitation works associated with the development.
5. The proposed development must take measures to prevent the spread of any noxious weeds on any adjoining lands.
6. There are no negative impacts on the use, function and environmental features on the adjoining Crown land.

7. No stormwater drainage, overflow or contaminated runoff) shall impact negatively on the adjoining Crown land and other lands.
8. The proposed development must be conducted in a manner that implements appropriate soil and erosion sediment controls.
9. This consent does not constitute the closure of any roads under Section 38 of the *Roads Act 1993* (that is a separate function of roads closure application when lodged).
10. 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.
11. This consent does not imply the concurrence of the Minister for Primary Industries and the Minister for Lands and Water 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 the DPI – Lands from making any submission or commenting on the proposal.
12. This Consent will expire after a period of 12 months from the date of this letter if not acted on within that time.
13. The Minister for Primary Industries and the Minister for Lands and Water 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.
14. The Crown and the Minister for Primary Industries and the Minister for Lands and Water are indemnified and kept indemnified against all claims arising out of the use and occupation of the Crown land in respect of the proposed development.

Only matters relevant under the *Crown Lands Act 1989* were considered when assessing this consent.

This landowner's consent relates to the following documents retained by DPI - Lands:

- Landowners Consent application dated 5 April 2016
- Peppertree Quarry Modification 4 – Environmental Assessment dated 4 April 2016
- Agency submissions made to NSW Planning & Environment during EIS exhibition from Department of Primary Industries, Department of Industry - Division of Resources and Energy, NSW Environmental Protection Authority, NSW Office of Environment & Heritage and Water NSW

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

For further information, please contact Lisa Mackay via the details given in the letter head.

Yours sincerely,



Grant Marsden  
South West Area Manager  
Department of Primary Industries – Lands, Wagga Wagga