From: Heike Peterlin
Sent: Friday, 23 November 2018 10:19 AM
To: Richard Bomford
Cc: Mark Edwards
Subject: RE: Old Bega Hospital DA: CLM Act 2.23, Regulations cl 14

Good Morning,

Mark has asked me to prepare the investigation report for landowner's consent in this matter.

Could you please forward a completed copy of the Development Application you wish to lodge with Bega Council? The previously provide from (attached) is incomplete.

Please also complete and return the following application form for Landowner's Consent:

https://www.industry.nsw.gov.au/__data/assets/pdf_file/0003/144345/landowners-consent-application-july-2015.pdf

The Reserve 180050 is currently subject of undetermined Aboriginal land claim 42488 lodged by New South Wales Aboriginal Land Council on 19 December 2016 and undetermined Aboriginal land claim 42623 lodged by New South Wales Aboriginal Land Council on 23 December 2016.

As the proposed extension works will change the physical condition of the land, Crown lands policy is not to deal in land or authorise an activity that alters the physical condition of the land which is subject of an undetermined Aboriginal land claim.

In order to move forward with the extension of the building one of the following will need to occur:

1) seek consent to the activity from the claimant Land Council, or

2) Liaise with the claimant Land Council and seek they withdraw or amend their claim, or

3) Provide a detailed request to the DOI- Aboriginal Land Claim unit to have the claim investigated as a priority.

With regards to point 1 and 2. The claimant Land Council is under no obligation to provide consent, withdraw or amend their claim. It would be their decision.

With regards to point 3, if the claim is prioritised it could be between 6 to 9 months before the matter is finalised. This takes into account the mandatory 4 months appeals period if the claim is refused.

I recommend you commence liaising with the claimant land Council. This type of discussion is best had with the Land Rights Unit within New South Wales Aboriginal Land Council, they can be contacted at.

lru@alc.org.au

It is possible the Land Rights Unit themselves could request prioritisation of the claim once you contact them.

Thanking you,

Heike Peterlin

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