



21 April 2017

Chair
NSW Coastal Panel
c/- Office of Environment and Heritage

By email in the first instance

Dear Chairman,

Re: Landowner's Consent for lodgement of the application to the Coastal Panel.

Consent is hereby given to the lodging of the following:

Development Application number: CP 17-001 (attached)

Location: Belongil Beach

Applicant: Ralph Lauren Pty Ltd

Description of development: Coastal Protection Works at 1 and 1A Don Street, Byron Bay

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.

This consent does not imply the concurrence of Byron Shire Council for the proposed development and does not prevent Byron Shire Council from making any submission commenting on, supporting, or opposing the application.

This consent will expire in the event that the work approved by the consent has not commenced after a period of 12 months from the date on which all necessary consents are obtained by the applicant.

Yours sincerely

Phillip Holloway
Director Infrastructure Services





| |
|------------------------------|
| Office Use Only |
| Date Lodged: ___ / ___ / ___ |
| Application No: |

Development Application

Under section 78A of the *Environmental Planning and Assessment Act 1979*

About this form

This form is required to apply for a Part 4 development approval under section 78A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, for proposals that require consent.

This form only applies to applications for development consent for coastal protection works such as sea walls or beach nourishment under clause 129A of *State Environmental Planning Policy (Infrastructure) 2008* for which the NSW Coastal Panel is the consent authority.

If your proposal involves development for other purposes which may include a seawall or beach nourishment as part of the proposed development, you must lodge the development application for those works with the responsible consent authority (e.g. the council).

This form is a public record and will be made publicly available on the Coastal Panel's website. For more details, see section 8 of this form.

Disclosure statement

Persons lodging applications are required to declare reportable political donations made in the previous two years. For more details, see section 7 of this form.

Lodgement

All applications must be lodged with the Chair, NSW Coastal Panel by courier or by mail at the address below.

Chair
NSW Coastal Panel
c/- Office of Environment and Heritage
Level 14, 59-61 Goulburn Street, Sydney NSW 2000
PO Box A290 Sydney South NSW 1232

Questions

Call us on 131 555 or email coastal.panel@environment.nsw.gov.au

1. Applicant and contact details

| | | | | | | |
|---|-----------------------------|------------------------------|----------------------------------|--------------------------------|----------------------|--|
| Mr <input checked="" type="checkbox"/> | Ms <input type="checkbox"/> | Mrs <input type="checkbox"/> | Dr <input type="checkbox"/> | Other <input type="checkbox"/> | <input type="text"/> | |
| First name <input type="text"/> | | | Family name <input type="text"/> | | | |
| Company/organisation (if applicable) Ralph Lauren Pty Ltd (c/o R John James) | | | | | ABN 47 223 706711 | |
| STREET ADDRESS | | | | | | |
| Unit/street no. 9/344 | | Street name Queen Street | | | | |
| Suburb or town Brisbane | | | State QLD | | Postcode 4000 | |
| POSTAL ADDRESS (or mark 'as above') | | | | | | |
| GPO Box 885 | | | | | | |
| Suburb or town Brisbane | | | State QLD | | Postcode 4001 | |
| Daytime telephone 0732113344 | | Fax 0732113344 | | Mobile 0418159159 | | |
| Email jjames@RL57.com.au | | | | | | |

2. Details of land subject of this application

Unit/street no.

Units 1&2 Number 1 and 1A

Street name

Don Street

Suburb, town or locality

Byron Bay

Postcode

2481

Local Government Area

Byron Shire Council

Lot/DP or Lot/Section/DP or Lot/Strata no.

Lot 2/Section 2/DP 1623, Lot 1/SP65430, Lot 2/SP65430 and the public road shown on DP 729057

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma eg. 123/579, 162/2. You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. For documents older than this, you will need to contact the Land and Property Information Division of the Department of Finance and Services for updated details.

A map of the site and locality should also be submitted with this application, unless already included in the Statement of Environmental Effects.

3. Description of proposed development

Briefly describe your proposal, including all major components. Attach separate sheets if necessary.

Repair to existing rock wall.

4. Environmental Planning and Assessment Act Requirements

Depending upon the nature and scale of your proposal, you may also need to provide one or more of the statements listed below to explain the environmental effects of your proposal and your proposed mitigation or management measures.

Statement of environmental effects

To assess your proposal, you will need to inform the Coastal Panel of its likely impacts by way of a statement of environmental effects as required by the *Environmental Planning and Assessment Regulation 2000*. This indicates the environmental impacts of the development, how these impacts have been identified, and the steps to be taken to protect the environment or to lessen the expected harm to the environment.

Critical habitat or threatened species

Is your proposal on land that is, or is part of, critical habitat, or is your proposal likely to have a significant effect on threatened species, populations, ecological communities or their habitats?

To determine whether the above applies you may need to conduct a "7 part test" as described in Part 5A of the EP&A Act and consider the assessment guidelines issued and in force under the *Threatened Species Conservation Act 1995* or, the *Fisheries Management Act 1994*.

Yes > Please attach a **species impact statement (SIS)**.

No > The proposal is not likely to have a significant effect on threatened species.

Heritage items

Does your proposal require works to a heritage item or works adjoining a heritage item?

Yes > Please attach a **heritage impact statement**.

No

If your proposal involves works to a heritage item or works adjoining a **heritage item** you must obtain one of the following. Please tick which applies to your proposal

Exemption notification form under section 57(2) if the *Heritage Act 1977*

Application under section 60 of the *Heritage Act 1997*

Excavation permit under section 140 of the *Heritage Act 1977*

5. Approvals from state agencies (integrated development)

If you need one or more of the approvals listed in **Attachment A** your development is known as integrated development. The relevant state agency will be involved in the assessment of your proposal.

Is your application for integrated development?

No

Yes > Please complete **Attachment A** of this form and submit with your application. Please attach:

- sufficient information for the approval body(ies) to assess your application; and
- additional copies of your application for each agency.

6. Application Fee

Part 15 Division 1 of the *Environmental Planning and Assessment Regulation 2000* sets out how to calculate the fees for development applications. For development that involves a building or other works, the fee for your application is based on the estimated cost of the development. If your application is for integrated development or requires concurrence from another state agency, you will need to include additional processing fees. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not. Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

\$210,000

Total fees lodged

\$2039.40

7. Political donation disclosure statement

Disclosure of Political Donations and Gifts

Under Section 147 of the *Environmental Planning and Assessment Act 1979*, any reportable political donations within a two (2) year period before the date of this application must be publicly disclosed.

Are you aware of any person with a financial interest in this application who made a reportable donation or gift in the last two (2) years?

Yes

No

If **yes**, complete the Political Donation and Gifts Disclosure Statement and lodge it with this application (a copy of this statement is available at www.planning.nsw.gov.au/donations)

If **no**, in signing this application I undertake to advise the Coastal Panel in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of determination.

8. Supporting information

Please ensure you have provided the following information to support your application prepared in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and the *Coastal Protection Act 1979*. Tick to confirm that you have the following documentation attached. Applications that do not include all required information may not be accepted.

Statement of Environmental Effects (see section 4 of this form above)

Also include the following information (if not included in the Statement of Environmental Effects):

Site plan indicating the site and the locality

Plans of the proposed works

Offsite erosion impact management plan including ongoing maintenance costs

You may also include any additional information material such as photographs, other reports to support your proposal. Please advise what additional information (if any) you are providing.

9. Privacy and personal information

The information you provide in this application will enable the Coastal Panel, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation.

Your application may be advertised to the public for comment and made available for public inspection. The application will also be kept in a register that can be viewed by the public at any time. The information contained in this development application and in this form (including personal information) is 'open access information' under the *Government Information (Public Access) Act 2009* and will be publicly accessible on the Coastal Panel's website.

10. Owner's consent

The owner(s) of the parcel or parcels of land to which the application applies must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is owned by a public authority (e.g. Crown land), an authorised officer of the public authority must sign the application, or provide a letter consenting to the lodgement of the application.

Declaration

As the owner(s) of the above property, I/we consent to this application.

Signature



Name

Ralph Lauren 57 Pty Limited

Date

Signature



Name

Simon Clowes

Date

Signature



Name

PJ George Investments Pty Ltd

Date

Signature



Name

Lisa Clowes

Date

11. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Please ensure that the information in this application is accurate and advise the Coastal Panel of any changes.

Declaration

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct to the best of my knowledge. I also understand that if incomplete, the application may be returned to me, delayed, rejected or more information may be requested.

Signature



Date

In what capacity are you signing if you are not the applicant

Director – Ralph Lauren Pty Ltd

Name, if you are not the applicant

R John James

Published by:

Office of Environment and Heritage, NSW

59–61 Goulburn Street, Sydney

PO Box A290, Sydney South 1232

Phone: (02) 9995 5000 (switchboard)

Phone: 131 555 (environment information and publications requests)

TTY: (02) 9211 4723

Fax: (02) 9995 5999

Email: info@environment.nsw.gov.au

Website: www.environment.nsw.gov.au

OEH 2012/0511

June 2012

Attachment A. Integrated development — approvals from state agencies

Some proposals need other kinds of approvals (eg licences, permits), as set out in Section 5 of this form. Your proposal is known as integrated development if you need development consent and one or more of the approvals that have been set out in this attachment. Follow through each of the Acts to decide whether you need any of these approvals. If you have identified you need one or more approvals, please include this attachment with your application.

Fisheries Management Act 1994

Do you want to carry out dredging or reclamation work in a waterway (a stream, river, lake, lagoon, estuary or marine waters)?

No

Yes > You need a permit under section 201 from the Department of Primary Industries.

Will your development cut, remove, damage or destroy marine vegetation (e.g. mangroves, seagrasses) on public water land or an aquaculture lease, or on the foreshore of any such land or lease?

No

Yes > You need a permit under section 205 from the Department of Primary Industries.

Are you planning to set a net, netting or other material, or construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat?

No

Yes > You need a permit under section 219 from the Department of Primary Industries.

Heritage Act 1997

Does your development involve a place, building, work, relic, movable object, precinct or land that has an interim heritage order or listing on the State Heritage Register protecting it?

No

Yes > You need an approval under section 57 from the Office of Environment and Heritage.

National Parks and Wildlife Act 1974

Will your development destroy, deface or damage, or permit the destruction or defacement of or damage to a relic or Aboriginal place that is known to you?

No

Yes > You need a permit under section 90 from the Office of Environment and Heritage.

Water Management Act 2000

Are you intending to carry out a 'controlled activity' in, on or under waterfront land?

No

Yes > You need a controlled activity approval under section 91 from the NSW Office of Water. If the development will affect Sydney Harbour or its tributaries, Botany Bay (east of Captain Cook Bridge) or the Ports of Newcastle or Kembla, you need a permit from NSW Maritime.

'controlled activity' means:

- the erection of a building or the carrying out of a work (within the meaning of the EP&A Act), or
- the removal of material or vegetation from land, whether by way of excavation or otherwise, or
- the deposition of material on land, whether by way of landfill operations or otherwise, or
- the carrying out of any other activity that affects the quantity or flow of water in a water source.