

17 January 2017

To **Attention:** Dr Brendan Logan  
Department of Industry – Lands  
PO Box 2215  
DANGAR NSW 2309  
[accounts@crowland.nsw.gov.au](mailto:accounts@crowland.nsw.gov.au)  
[Brendan.logan@crowland.nsw.gov.au](mailto:Brendan.logan@crowland.nsw.gov.au)

Dear Sirs

**Development Applications for the repair of existing rock seawalls predominantly on the public road shown on DP 729057 adjacent to units 1 & 2, 1 Don Street, 1A Don Street, 6B Childe Street, 14A Childe Street, 14B Childe Street, 44 Childe Street and 48 Childe Street, Byron Bay**

Repairs to existing rock seawalls are proposed on land seaward of Units 1 & 2, 1 Don Street, 1A Don Street, 6B Childe Street, 14A Childe Street, 14B Childe Street, 44 Childe Street and 48 Childe Street, Byron Bay.

The purpose of this letter is to seek landowners' consent from the Department of Industry – Lands on behalf of the Crown for the lodgement of the development applications to the extent such consent is required.

Landowners' consent is required for a development application to be made where the applicant does not itself own all or part of the land over which the development is proposed. The grant of landowners' consent allows the development application to be assessed and approved by the consent authority. It does not grant consent to the applicant to carry out works on the land, or stipulate the outcome of any negotiations between the applicant and the landowner in regard to ownership or access to the land.

The NSW Coastal Panel is the consent authority for the proposed works. Two copies of the development application forms and accompanying Statement of Environmental Effects (**SEE**) prepared by BBC Consulting Planners that have been provided to the NSW Coastal Panel for each property above are enclosed. The SEEs include site plans and drawings showing the location and details of the proposal.

The SEE indicates that the development application is integrated development. In our view, the Department of Industry – Lands is the roads authority for the public road shown on DP 729057 under the *Roads Act 1993*. As such, the Department's approval is also sought in respect of section 138 of the *Roads Act 1993*.

The retention of the rock seawalls is mandated by an order of the Supreme Court of NSW dated 12 August 2016, a copy of which is appended to the SEE. The general merits of the application should thus not be in question. The Supreme Court orders refer to the repair of the walls. The walls are in urgent need of repair as they are a public safety issue. Your urgent attention to this matter is requested.

The author of the rock seawall repair design is Angus Jackson (BE MIEAust CPEng RPEQ NPER3) of International Coastal Management. If you have any queries in relation to the proposal, please do not hesitate to call Mr Jackson (contact details in SEE) or the undersigned.

Yours sincerely



for

**Karen Coleman | Partner**  
**King & Wood Mallesons**

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**This communication and any attachments are confidential and may be privileged.**

Enclosed:

- 1) Landowners' consent application to the Department of Industry – Lands for:
  - a) units 1 & 2, 1 Don Street, 1A Don Street, Byron Bay;
  - b) 6B Childe Street, Byron Bay;
  - c) 14A Childe Street, Byron Bay;
  - d) 14B Childe Street, Byron Bay; and
  - e) 44 and 48 Childe Street, Byron Bay.
- 2) NSW Coastal Panel development application form for:
  - a) units 1 & 2, 1 Don Street, 1A Don Street, Byron Bay;
  - b) 6B Childe Street, Byron Bay;
  - c) 14A Childe Street, Byron Bay;
  - d) 14B Childe Street, Byron Bay; and
  - e) 44 and 48 Childe Street, Byron Bay.
- 3) Statement of Environmental Effects to accompany development application (2 copies) for:
  - a) units 1 & 2, 1 Don Street, 1A Don Street, Byron Bay;
  - b) 6B Childe Street, Byron Bay;
  - c) 14A Childe Street, Byron Bay;
  - d) 14B Childe Street, Byron Bay; and
  - e) 44 and 48 Childe Street, Byron Bay.
- 4) DP 729057.