

Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 816
MULLUMBIMBY NSW 2480



Dear Mr Arnold

I refer to correspondence and discussions between the Department of Planning, Industry and Environment - Crown Lands and Byron Shire Council concerning the proposed exchange of lands to rationalise land ownership for the Byron Bay Memorial Pool Complex.

I acknowledge that the exchange is in the public interest as it will substantially improve the on-going administration and management of this important local public and community Complex.

The lands to be exchanged have recently been defined by a plan of survey and both Council and the department have agreed to the extent of these lands, see enclosed plan of survey.

The department provides in principle support for the proposed exchange of lands as follows;

1. vesting of proposed Lot 17, to Byron Shire Council, under the provisions of Section 4.6 of the *Crown Land Management Act 2016* (CLM Act),
2. proposed Lot 17 to vest as community land (as defined under the provisions of the *Local Government Act 1993*), under the provisions of Section 4.8 (1) of the CLM Act,
3. accept the surrender of proposed Lot 15 from Byron Shire Council, under the provisions of Section 4.3 of the CLM Act, and
4. addition of proposed Lot 15, to Reserve 82000 for Public Recreation, under the provisions of Section 2.9 of the CLM Act.

As previously advised, the application of the above provisions of the *Crown Land Management Act 2016* will result in a nil financial impact on either party.

Could you please make arrangements for Council to undertake the associated resolutions and the department looks forward to receiving a copy of Council's associated report and resolutions as soon as possible.

Please note, I have made arrangements for Mr Silas Sutherland, Area Manager North Coast, to be available should you require any further information or clarification in relation to this matter. Mr Sutherland can be contacted by phone on (02) 6591 3580 or by email at silas.sutherland@crownland.nsw.gov.au.

Yours sincerely

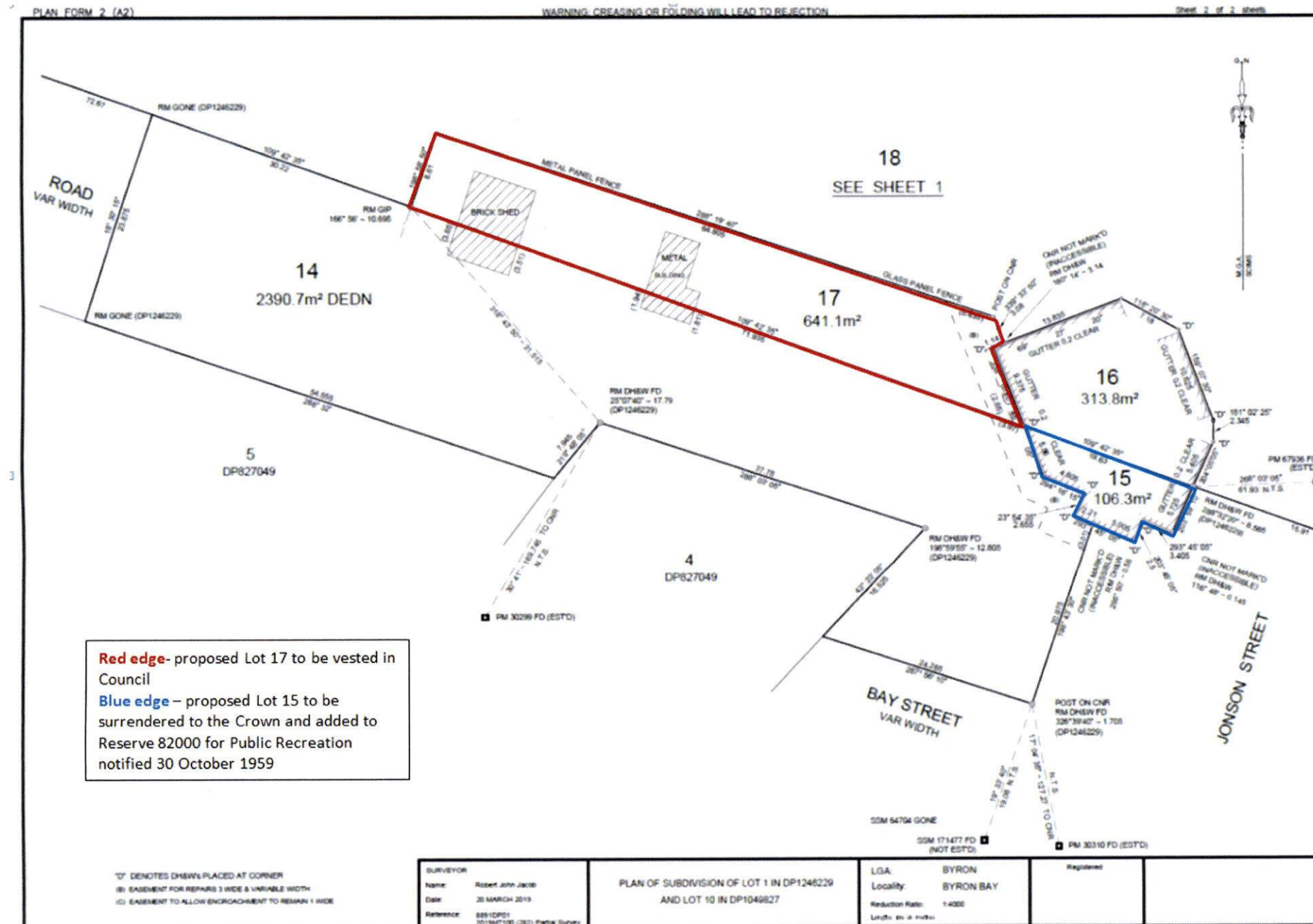
A handwritten signature in black ink, appearing to be 'Alison Pepper', with a stylized, flowing script.

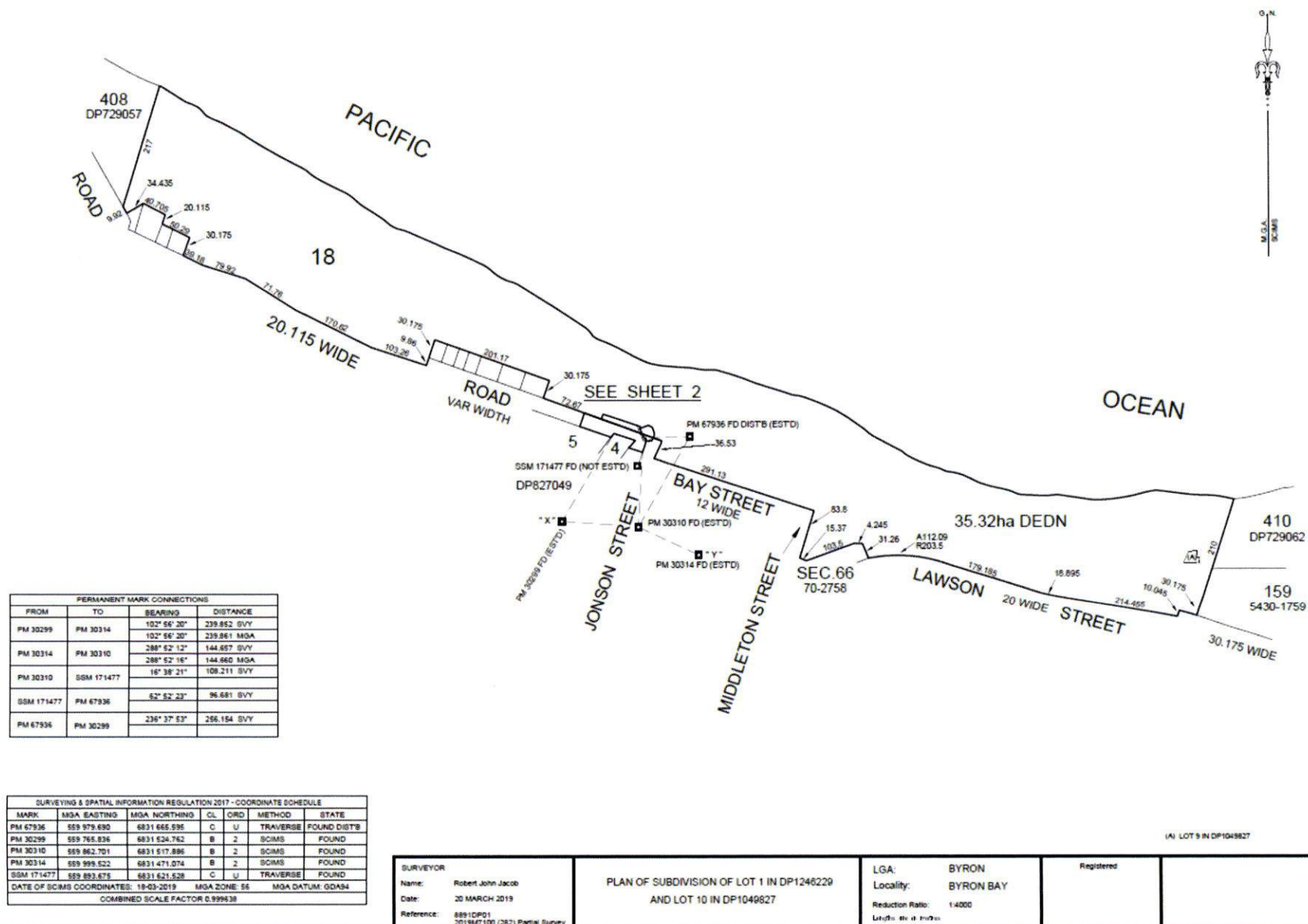
Alison Pepper
A/Deputy Secretary, Crown Lands
15/11/2019

Encl: plan of survey

CC: Office of Local Government

Attachment E to LBN19/1796 – plan of survey





PLAN FORM 6 (2018)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 3 sheet(s)	
Office Use Only		Office Use Only		Office Use Only	
Registered:					
Title System:					
PLAN OF SUBDIVISION OF LOT 1 IN DP1246229 AND LOT 10 IN DP1049827		LGA: BYRON Locality: BYRON BAY Parish: BYRON County: ROUS			
<p align="center">Survey Certificate</p> <p>I, Robert John Jacob..... of Ardill Payne & Partners..... a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>“(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on or</p> <p>“(b) The part of the land shown in the plan (“being/excluding- LOTS 15 TO 17 & PART OF LOT 14.....”) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on, 28 MARCH 2019 the part not surveyed was compiled in accordance with that Regulation, or</p> <p>“(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.”</p> <p>Datum Line: “X” PM30299 – “Y” PM30314 Type: “Urban/”Rural— The terrain is “Level Undulating/”Steep Mountainous— Signature:  Dated: 8/5/19 Surveyor Identification No: 8691..... Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p><small>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>		<p align="center">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: Date: File Number: Office:</p>			
		<p align="center">Subdivision Certificate</p> <p>I, “Authorised Person/”General Manager/”Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number:</p> <p><small>*Strike through if inapplicable.</small></p>			
Plans used in the preparation of survey/compilation. DP1246229 DP1049827		Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.			
Surveyor's Reference: 8891DP01, 2019M7100 (282) Partial Survey		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A			

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Registered:

PLAN OF SUBDIVISION OF LOT 1 IN
DP1246229 AND LOT 10 IN DP1049827

Subdivision Certificate number:

Date of Endorsement:

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2017
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
14				BYRON BAY
15				BYRON BAY
16				BYRON BAY
17				BYRON BAY
18				BYRON BAY

Pursuant to Section 88B of the Conveyancing Act 1919, as amended, it is intended to create:

1. EASEMENT FOR REPAIRS 3 WIDE & VARIABLE WIDTH
2. EASEMENT TO ALLOW ENCROACHMENT TO REMAIN 1 WIDE

If space is insufficient use additional annexure sheet

Surveyor's Reference: 8891DP01, 2019M7100 (282) Partial Survey

Office Use Only	Office Use Only
Registered:	
PLAN OF SUBDIVISION OF LOT 1 IN DP1246229 AND LOT 10 IN DP1049827	
Subdivision Certificate number:	This sheet is for the provision of the following information as required: <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
Date of Endorsement:	

CERTIFIED CORRECT FOR THE PURPOSES
OF THE REAL PROPERTY ACT 1900

.....
(SIGNATURE)

.....
(SIGNATURE OF WITNESS)

NAME:

.....
(NAME OF WITNESS)

POSITION:

.....
(ADDRESS OF WITNESS)

BY DELEGATION PURSUANT TO SECTION
12.3 OF THE CROWN LAND MANAGEMENT
ACT 2016 AND WITH AUTHORITY UNDER
SECTION 13L OF THE REAL PROPERTY ACT
1900 FROM THE MINISTER ADMINISTERING
THE CROWN LAND MANAGEMENT ACT 2016
ON BEHALF OF THE STATE OF NEW SOUTH
WALES.