

Partner Michael Mantei
Our ref MXM:MXM:MM221105

25 January 2024

PRM Architects
P.O. Box 323,
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MADISON MARCUS
BE EMPOWERED

By email: patrick@prmarchitects.com.au

Dear Patrick,

Wowley Creek Planning Proposal, Lot 5 DP 1255356 Sealark Road Callala Bay

The purpose of this correspondence is to provide an update on the proponent's response to the proposed transfer of land to the National Parks and Wildlife Service as part of the planning proposal for lot 5 DP 1255356 Sealark Rd Callala Bay.

By record of decision dated 5 October 2023 the Regional Panel recommended that the planning proposal be progressed on conditions which required the proponent to:

- Provide certainty around the transfer of the conservation lands to public ownership including the mechanism and timing. This detail should accompany the Planning Proposal should it proceed to public exhibition; and

Prior advice from the Department of Planning Industry and Environment was that National Parks and Wildlife Service would accept transfer of the land by way of voluntary planning agreement, subject to conditions set out in the Minister letter dated 3 August 2021, a copy of which was included in the planning proposal documents.

Since the Panel's decision we have communicated with the Biodiversity and Conservation Division of the Department of Planning Industry and Environment about the mechanism and timing for the transfer. On 18 October 2023 Daniel Robson, senior conservation planning officer, advised us by email that if the only matter to be dealt with in a VPA is the transfer of land, then the Department would prefer to give effect to the transfer by deed of transfer rather than VPA.

We have commenced drafting a deed of transfer. We are proposing to refer the draft deed to the Department for comment. Subject to the Department's response, the draft deed will then be in a form to publicly exhibit with the planning proposal. We assume the Panel will not require the deed to be executed until the draft local environmental plan has been finalised as the boundary of the lot to be transferred to National Parks may change during or after the public exhibition process. The executed deed will need to annex a survey plan identifying the land to be transferred. Please confirm our assumption with the Panel.

We will provide a copy of the draft deed once we have received comments from the Department.

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Yours faithfully

A handwritten signature in black ink, appearing to read 'Mantei', with a small dot at the end.

Madison Marcus Law Firm

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