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Ms Sue Llewellyn
Asset Planner, Asset Management Directorate
Department of Education and Communities
G.P.O. box 33
SYDNEY NSW 2001

Our ref.: MP 10_0159

Dear Ms Llewellyn

**Land Owners Consent
Royal Far West Expansion Concept Plan, Manly (MP10_0159)**

I refer to recent discussions held between officers of the Department of Education and Communities (DEC) and the Department of Planning and Infrastructure (Department) with regard to the legality of the land owners consent issued by DEC for submission with the above application.

I am advised that the land owners consent issued by DEC was lodged as part of the original application submitted by the Royal Far West Centre for Excellence on 6 June 2011. As you are aware the letter is undated and its legality has been questioned.

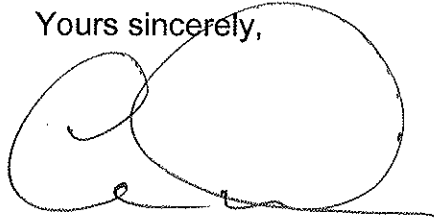
In response, the Department has sought legal advice and is satisfied that the letter constitutes land owners consent for the purpose of making a valid application in accordance with the *Environmental Planning and Assessment Act, 1979*, (the Act) and *Regulation 2000* (the Regulation). The advice further highlights that should the land owner seek to withdraw its original consent this would not affect the power of the Minister for Planning and Infrastructure to determine the application.

I refer you to relevant judgments of the Land and Environment Court, in particular, the judgments in *Rose Bay Afloat Pty Ltd -v- Woollahra Council* [2002] NSWLEC 208 and *Rothwell Boys Pty Ltd v Coffs Harbour City Council* [2012] NSWLEC 19.

Notwithstanding the above, the Department encourages the DEC to seek its own advice on the matter to satisfy any residual concerns it may have regarding the legality of the land owners consent as submitted.

If you have any further enquiries on this matter please contact Karen Jones, Director, Metropolitan and Regional Projects South, on (02) 9228 6150 or via email at Karen.Jones@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line.

8-2-13

Chris Wilson
Executive Director,
Major Projects and Assessments