



28 September 2018

Department of Planning & Environment  
Locked Bag 9022  
GRAFTON NSW 2460  
By Email: [northcoast@planning.nsw.gov.au](mailto:northcoast@planning.nsw.gov.au)

Dear Sir/Madam

**Planning Proposal to amend Byron LEP 1988 – Clause 32 Development within Urban Coastal Land 7 (f2)**

Council at its Ordinary Meeting of 19 April 2018 received a report - *PLANNING – Development Application 10.2017.712.1 for Strata Subdivision to create two lots, relocation of and alterations to an existing dwelling at 25 Strand Avenue New Brighton*

18-207 - Resolved:

**2. That Council:**

- a) agree to initiate a Planning Proposal to amend clause 32 of Byron Local Environmental Plan 1988, to clarify that subdivision of land under the Strata Schemes Development Act 2015 is only permitted in relation to existing lawfully approved buildings, and not to create vacant lots.**
- b) prepare an amendment to Part J of Byron Development Control Plan 2010 to clarify that subdivision of land under the Strata Schemes Development Act 2015 is only permitted in relation to existing lawfully approved buildings, and not to create vacant lots.**
- c) forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.**
- d) agree that staff can proceed to public exhibition of the planning proposal and the draft DCP amendment and government agency consultation based on the Gateway determination issued by the NSW Department of Planning and Environment, and report back to Council as part of post-exhibition reporting.**

The full resolution is enclosed.

In accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for a Gateway determination. Council requests delegated Authority to make the LEP amendment – the completed delegation evaluation form is enclosed.

As the planning proposal is not considered to be 'low impact' as outlined in the Department of Planning and Infrastructure's, *A guide to preparing local environmental plans*, a 28 day public exhibition period is recommended.

Should you have any enquiries please contact Rob Van Iersel by phone (02) 6626 7054 or email [rob.vaniersel@byron.nsw.gov.au](mailto:rob.vaniersel@byron.nsw.gov.au)



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Yours sincerely,



Shannon Burt  
Director – Sustainable Environment and Economy

Enc.

Evaluation criteria for the delegation of plan making functions - #E2018/79776  
Planning Proposal 26.2018.3.1 - #E2018/77457  
Council Report 19 April 2018 - #E2018/79778  
Council resolution 19 April 2018 - #E2018/79760



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