

**PROCEDURAL MOTION**

**20-282 Resolved** that Report No. 13.8 be lifted from the table. (Richardson/Ndiaye)

*The motion was put to the vote and declared carried.*

**Report No. 13.8**            **PLANNING - Planning Proposal 26.2019.11.1 - Lot 6 DP 8385 Yagers Lane, Skinners Shoot - Request for Dwelling Entitlement**  
**File No:**                    I2020/778

**20-283 Resolved** that Council:

1. Proceed with option 1 to request the NSW Department of Planning, Industry and Environment to issue a Gateway determination for the planning proposal as contained in Attachment 1 (E2020/40745).
2. Agree that staff can proceed to obtain further studies from the applicant (if required by the Gateway determination), then undertake public exhibition of the planning proposal and government agency consultation based on the Gateway determination.
3. Request staff to prepare an Unauthorised Residential Accommodation Policy as a matter of priority to confirm the planning pathways and consequences for unauthorised residential accommodation seeking regularisation in Byron Shire, and that this be reported to the next available Planning meeting for consideration of public exhibition.
4. That in the meantime any planning proposal or development application lodged with Council for existing (as of 18 June 2020) unauthorised residential accommodation comply with the requirements of the Unauthorised Residential Accommodation Policy or for those applications lodged prior to the Policy being adopted the principles as presented in this report.
5. That a 15 month (from 18 June 2020) moratorium on enforcement action be granted to land owners with existing (as of 18 June 2020) unauthorised residential accommodation on their land that does not present unacceptable risk to human health or the environment, to enable them time to lodge a planning proposal and or development application to Council for assessment under the Unauthorised Residential Accommodation Policy as drafted / adopted at the time of lodgement.
6. Confirm that any unauthorised residential accommodation built after 18 June 2020 or existing unauthorised accommodation altered or added to after 18 June 2020 will be subject to Council's Enforcement Policy as adopted. (Ndiaye/Richardson)

*The motion was put to the vote and declared carried.*

*Crs Richardson, Cameron, Coorey, Hackett, Hunter, Martin, Ndiaye and Spooner voted in favour of the motion.*

*Cr Lyon voted against the motion.*