



#E2020/49470  
BSC File No: 26.2019.11.1  
Contact: Dylan Johnstone

8 July 2020

Department of Planning, Industry & 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 permit a dwelling house on Lot 6 DP 8385 - Yagers Lane, Skinners Shoot**

Council at its Planning Meeting of 18 June 2020 considered a report on a Planning Proposal to amend Byron Local Environmental Plan 2014 to permit a dwelling house with consent on Lot 6 DP 8385. In accordance with Clause 4.2A of Byron LEP 2014, a dwelling house is not currently permitted with development consent on the land. The Planning Proposal was prepared in response to a 'Notice of Development Control Order 1 – Stop Use Order' issued by Council in relation to an existing unauthorised dwelling on the site.

Council resolved to forward the Planning Proposal to the Department of Planning, Industry and Environment for a gateway determination as follows:

*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.*
- 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.*

In accordance with Section 3.34 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.

For the purposes of public notification, the planning proposal is not considered to be low impact as outlined in the NSW DPE's *A guide to preparing local environmental plans* because it is inconsistent with some Section 9.1 Directions. Therefore a 28-day public exhibition period is recommended.

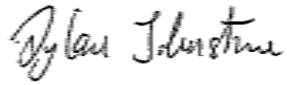


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THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE  
ADDRESSED TO THE GENERAL MANAGER  
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)  
E: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)  
P: 02 6626 7000 F: 02 6684 3018  
[www.byron.nsw.gov.au](http://www.byron.nsw.gov.au) ABN: 14 472 131 473

Should you have any enquiries please contact me by phone (02) 6626 7318 or email [dylan.johnstone@byron.nsw.gov.au](mailto:dylan.johnstone@byron.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, reading "Dylan Johnstone". The signature is written in a cursive, slightly slanted style.

Dylan Johnstone  
Planner

Enc. Planning Proposal 26.2019.11.1 - # E2020/50221  
Council Agenda 18/06/2020  
Council Minutes 18/06/2020  
Evaluation Criteria for the Delegation of Plan Making Functions