

PLANNING PROPOSAL

Proposed amendment to Byron Local Environmental Plan 1988:

Proposal to grant a dwelling entitlement to Lot 158 DP 755695
Skinners Shoot Road, Byron Bay

14 December 2010

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CONTENTS:

Introduction.....	1
Part 1: Objectives or Intended Outcomes	1
Site: Lot 158 DP 755695 Skinners Shoot Road, Byron Bay	2
Part 2: Explanation of Provisions	5
Part 3: Justification	5
Section A Need for Planning Proposal	5
Section B Relationship to Strategic Planning Framework	6
Section C Environmental, Social and Economic Impact.....	9
Section D State and Commonwealth Interests	10
Part 4: Community Consultation	10

APPENDICES

APPENDIX A:	Gateway Determination on Planning Proposal for three (3) dwelling entitlements.....	11
APPENDIX B:	Letter from Department of Planning requesting Council re-lodge separate proposal	13
APPENDIX C:	Map of Subject Allotment	14
APPENDIX D:	Construction Certificate issued in 2006 for Lot 158 DP 755695 Skinners Shoot Rd	15
APPENDIX E:	State Environmental Planning Policies.....	16
APPENDIX F:	Section 117 (2) Directions	17

Introduction

Following the Department of Planning's request to remove three (3) allotments from a recent Planning Proposal for 16 dwelling entitlements, Council subsequently lodged a separate proposal for the three sites in September 2010. The second Proposal was refused by the Gateway Panel on 22 October 2010, a copy of the decision is included in **Appendix A**.

Although the subject site contains a constructed garage with consent to use it as a temporary dwelling and a separate consent to construct a dwelling (see additional site history below), the proposal was refused. The owners of the subject land have since been in contact with the Department of Planning seeking re-consideration of their property for a dwelling entitlement to be lodged as a separate proposal.

This Planning Proposal is based on the recent request from the Department of Planning for Council to lodge another proposal for this individual property, a copy of the letter is attached in **Appendix B**. Accordingly, Council is again seeking the granting of a dwelling entitlement to this property as an amendment to the *Byron LEP 1988*.

Part 1: Objectives or Intended Outcomes

The intent of this Planning Proposal is to enable the subject allotment to be included in Schedule 7 of the Byron Shire LEP 1988 as having a Dwelling Entitlement (Map in **Appendix C**)

Council commenced a Shire wide planning process to prepare a new Local Environmental Plan in 2006. In the course of preparation, a number of landowners lodged submissions with Council requesting that their properties be considered for inclusion in the Shire wide LEP as having a dwelling entitlement. Council then engaged Parsons Brinckerhoff to prepare a Local Environmental Study to look at, among other issues, dwelling entitlements within the Shire.

The subject property was one of those allotments investigated in detail in the *Byron Shire Council Local Environmental Study, 2008* (LES 2008) prepared by Parsons Brinckerhoff (PB) for and on behalf of Byron Shire Council. Details of the investigation are included below, the summary of which was to grant the subject allotment (along with the adjoining parcel of land) a dwelling entitlement.

Clause 15 of the Byron Shire LEP 1988 provides Council with the statutory authority to grant dwelling entitlements in rural or environmental protection zones under a number of circumstances. The first, if a property was an *existing holding*, that is, an allotment, lot or portion in existence on the *relevant day*, that was not in the same ownership as any adjoining or adjacent allotment, and that has not been subdivided since that day.

Secondly, if each area of land comprised of all adjoining or adjacent allotments, lots or portions that were held in the same ownership on the *relevant day* and that have not been subdivided since that day.

The *relevant day* means:

- a) In the case of land formally subject to Interim Development Order No.1 *Shire of Byron*, 8 November 1968; or
- b) In the case of land formally subject to Interim Development Order No.1 *Municipality of Mullumbimby*, 9 November 1973.

In the LES 2008 prepared by Parsons Brinckerhoff, each land owners submission was specifically evaluated and assessed in accordance with Council's geographic information system and Council records. This included:

- Permissibility of a dwelling in the zone.
- How and when the lot was created.
- Whether a lawfully erected dwelling exists on the lot.
- Whether the Council has advised in writing or issued a Section 149 (5) Certificate indicating the lot has a dwelling entitlement or whether a Building Permit for a dwelling has been issued.
- Where possible an assessment was made as to whether the land was suitable for a dwelling and if a dwelling does exist, has it been constructed unlawfully or whether that dwelling existed prior to 1988 and whether there is evidence that the dwelling meets current building requirements.

The following section identifies the subject land and provides the findings and recommendations made in the LES 2008. This is followed by the assessment made by the Planning Consultant Paul De Fina from the previous Planning Proposal.

Site: **Lot 158 DP 755695 Skinners Shoot Road, Byron Bay**
(was connected with Lot 373 which was granted a as part of the previous Planning Proposal)

Extract from the LES 2008

Lot 373 is a 2.52 ha lot that was registered as a Crown subdivision on 27/4/89 and does not have the Shire Clerks signature. Lot 158 is an original Portion of 0.52 ha. Lot 373 was originally held as part of an existing holding with Lot 158. Before the subdivision, lot 373 was Lot 274 DP 755695. A dwelling was approved on Lot 373 by Council consent 98/2319.

According to the aerial photo the dwelling was constructed. A dwelling was subsequently approved on Lot 158 by Council consent 10.2007.294 (13/8/07) notwithstanding that the lot was a broken existing holding and had no dwelling entitlement.

A Section 149(5) certificate issued on 26/6/07 advised that Lot 158 did not have a dwelling entitlement. The lots are proposed to be zoned E2 under Shire-wide LEP, and dwellings are to be prohibited. They are not likely to get a dwelling entitlement under the rural dwelling provisions of Shire-wide LEP because they are a broken existing holding.

Given Council has approved dwellings on both properties, it is recommended that Lot 373 DP 729103 and Lot 158 DP 755695, Skinners Shoot Rd, Byron Bay both be listed separately in Schedule 1 for the purpose of a dwelling house.

Assessment from previous proposal by Planning Consultant Paul De Fina:

Lot 158 DP 755695 Skinners Shoot Road, Byron Bay is zoned predominantly 1(a) General Rural with a narrow strip of 7(d) Scenic/ Escarpment Zone along the western boundary. The site contains a shed approved in 2007 with consent granted in 2008 to use it as a temporary dwelling. Council also approved a 2 storey dwelling house in 2007 which has yet to be constructed with the consent remaining valid for another 2 years.

The site is not classed as Prime Agricultural land but contains High Conservation Vegetation (HCV) described as part moist/dry sclerophyll forest to woodland and Koala habitat. The site is located wholly within a wildlife corridor and contains a small strip of threatened fauna habitat along the northern boundary.

Additional Site History provided by land owner

Following the recent Gateway determination, the land owners contacted the Department of Planning with additional information relating to previous consents and construction certificates issued by Council on the subject land. Included below are some relevant details for consents issued on the allotment:

Development and Building Applications

- DA 96/0358 Application for a dwelling, the application was granted consent subject to conditions on 18 April 1997, consent lapsing on 18 April 2000.
- DA 98/0330 Application for a dwelling, the application was granted consent subject to conditions on 14 September 1998. The consent lapsed on 14 September 2001. Condition No. A6 required that Development Consent No. DA 96/0358 be surrendered prior to issue of a construction certificate.
- BA 98/3162 Construction certificate issued 24/12/98 relating to DA 98/0330 followed by a commenced development letter dated 12 /8 /2005 from the Planning Director Ray Darney.
- DA 98/0619 Application for Subdivision (Boundary Adjustment of Lot 373 DP 729103 and Lot 158 DP 755695, Skinners Shoot Road, Byron Bay). File Note states that two development consents for dwellings have been granted by Council, where only one dwelling entitlement exists (DA 95/0026 and DA 98/0330). The file note states that the boundary adjustment will legitimise the granting of these consents where only one dwelling entitlement exists otherwise. The application was withdrawn on 15 February 1999.
- DA 00/0190 Development Application for Dual Occupancy
File Note acknowledges that the site does not have a dwelling entitlement and that development consent for a dwelling has previously been granted (DA 98/0330) in addition to development consent for Lot 373 DP 729103 within the existing holding (DA 95/0026). The file notes indicate that the dwelling consented to under

DA 95/0026 was under construction at the time of assessment of DA 00/0190. The application was withdrawn on 13 June 2000.

- 70.2006.7.1 Approval to install on site sewerage system dated 22 February 2006 (ref DA 98/0330)
- BA 06/053 Construction certificate 27 July 2006 issued by Nowlan Bryant private certifier no 2212 on DA 98/0330
- DA 06/129 Development consent granted on 18 April 2006 for Shed (ancillary to dwelling not yet constructed) and tree removal
- 70.2006.7 Approval to install on site sewerage system dated 22 February 2006
- 51.06.1003 Consent granted for Application (ROADS ACT SECT 138) Rural Drive crossover made on 16 August 2006
- BA 07/025A Construction certificate issued 17 October 2007 for farm shed. (This building is constructed)
- DA 07/294 Development consent granted on 13 August 2007 for construction of double storey dwelling house.
- DA 07/469 Development consent granted 5 February 2008 for Erection of a shed for light Industry use and tree removal
- DA 08/186 Development consent granted on 20 August 2008 for Boundary adjustment on lot 373 and 158 into two lots
- DA 08/187.1 Development consent (deferred) granted on 8 September 2008 for Use of shed as temporary dwelling.
- DA 08/187.2 S96 Consent, Reassess condition 4 to reduce bond granted on 15 March 2009
- DA 08/187.3 S96 consent amending conditions granted on 8 August 2009
- DA 08/187.4 S96 consent to Delete condition 1(deferred commencement) and condition 4 (payment of bond) granted on 8 September 2009
- DA 08/187.5 S96 consent to extend the time limit for deferred commencement granted on 8 March 2010 to lapse on 8 March 2014

Recommendation:

As evidenced in the complex site history for the subject land, there is currently a garage on site which has been approved for use as a temporary dwelling until 8 March 2014. The subject site also has consent to construct a double storey dwelling house which is valid until 15 August 2012. Subsequently, the land owners or any future purchasers of the site have permission to live in the existing shed and construct the approved dwelling until March 2014. Accordingly it is recommended that Lot 158 DP 755695 Skinners Shoot Road, Byron Bay be added to Schedule 7 of Byron LEP 1988 for the purpose of a dwelling house.

Part 2: Explanation of Provisions

The intent of this Planning Proposal is to enable Lot 158 DP 755695 Skinners Shoot Road, Byron Bay be acknowledged by Council as having a dwelling entitlement in accordance with Council's resolution 09-814 dated 8 October 2008. This proposal seeks to amend the Byron Local Environmental Plan 1988 written instrument by including the subject land in Schedule 7 of the LEP.

Part 3: Justification

Section A Need for Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal is the result of a number of studies but predominantly the *Byron Shire Council Local Environmental Study, 2008* (LES 2008) prepared by Parsons Brinckerhoff. Since Council commenced preparation of the draft Shire-wide Local Environmental Plan in 2006, 25 submissions were received from owners of properties seeking from Council the acknowledgement that their property had a dwelling entitlement. Council requested Parsons Brinckerhoff assess each submission and after investigation of each property to make a recommendation to accept or reject the individual requests.

Each submission was evaluated by Parsons Brinckerhoff and reported back to Council in the LES 2008. Each submission was examined according to the information supplied and a check was made of Council's records and geographic systems. The examination included:

- The permissibility of a dwelling in the applicable zone;
- How and when was the Lot created;
- Whether a lawfully constructed dwelling exists on the lot;
- Whether Council has issued a Section 149 (5) Certificate indicating the land had a dwelling entitlement; or
- Whether development consent for a dwelling had ever been issued.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal to include the subject site in Schedule 7 of the Byron Local Environmental Plan 1988 is considered to be the best way to achieve the objective of this proposal through acknowledging that the property should have a dwelling entitlement.

3. *Is there a net community benefit?*

This proposal does not involve a rezoning or an amendment with a net impact on community welfare however if Council were to issue an order against a land owner who constructs a dwelling on this property then Council could face legal action. Such action would result in a net community cost due to expenditure of legal fees from past Council errors.

Section B Relationship to Strategic Planning Framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

The Planning proposal is not inconsistent with any regional or sub regional strategy.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?*

There are a number of local strategic plans which have been adopted in the Byron Shire since 1998. These have been followed up by the LES 2008 which combines information from all the local strategic plans along with further studies for the entire Shire. The LES 2008 is an assessment of the environmental, social and economic issues relevant to the review of land use controls in the Byron Shire area. The LES 2008 was also prepared to document statutory and strategic publications and act as a key matter for Council to consider in preparing a new Shire-wide LEP.

This planning proposal is consistent with the future strategic direction of the Byron Shire LES 2008 and the draft Shire-wide LEP.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

The Planning Proposal has to be assessed for consistency with the applicable State Environmental Planning Policies (SEPP's) as detailed in Appendix E.

SEPP (Rural Lands) 2008

This planning proposal for acknowledgement of a dwelling entitlement on the subject site ensures that the current and future land owners enjoy certainty with regard to their individual land title. From assessing the situation regarding past planning development approvals, the land owners can continue to enjoy their rural lifestyle without altering the existing settlement pattern.

The recognition of a dwelling entitlement will contribute to the social and economic welfare of the local rural community as the land owner can either construct the approved dwelling or sell the property with a dwelling entitlement. The acknowledgement of dwelling entitlement for the subject site will not contribute to any loss of prime agricultural land in the Shire nor will it see any likelihood of land use conflicts due to inadequate buffer separation of rural dwellings and legitimate agricultural pursuits on adjoining or nearby land.

The North Coast Regional Environmental Plan 1988

Division 4 of the NCREP refers to Rural Housing. The objective in relation to rural housing is to ensure that any opportunities for rural housing are available only as part of a planned strategy for rural living areas.

The subject site recommended for the acknowledgement of a dwelling entitlement is not as a result of the Byron Rural Settlement Strategy 1998. The property however has been granted consent for a dwelling house which guarantees that the property is

physically capable of supporting rural housing and is suitable for septic effluent disposal. Any future application for a dwelling or alterations and additions to an existing dwelling will be dealt with on its own merits.

The future assessment of further development applications will require consideration of any environmental hazard and the likelihood of any detrimental impacts on such matters as wildlife corridors, natural vegetation, scenic quality of the region and the protection of water quality. This planning proposal is considered satisfactory with regard the provisions of the NCREP.

SEPP No. 26 - Littoral Rainforests

The aim of this Policy is to provide a mechanism for the consideration of applications for development that is likely to damage or destroy littoral rainforest areas with a view to the preservation of those areas in their natural state.

The subject site is not identified as being within a littoral rainforest. Any future dwelling application will be dealt with on its merits and this SEPP will be taken into consideration.

SEPP No. 44 - Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

Before council may grant consent to an application for consent to carry out development on land to which this Part applies, it must be satisfied whether or not the land is a potential koala habitat or if the land is a core koala habitat. This site has not been reported as core koala habitat. Any future dwelling application will be dealt with on its merits and this SEPP will be taken into consideration.

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The Environmental Planning and Assessment Act 1979 includes Section 117 Directions that must be considered with any Planning Proposal. A complete list of all 117 Directions is included as Appendix F. The relevant Section 117 Directions are as follows:

Direction 1.2: Rural Zones

The subject property is not to be rezoned as a result of this planning proposal. The planning proposal seeks only to recognise the existence of a dwelling entitlement and to include the subject land in Schedule 7 of the Byron Local Environmental Plan 1988.

Direction 1.5: Rural Lands.

The proposal does not seek to alter the agricultural production value of rural land. The planning proposal will facilitate the orderly development of the subject land by recognising it has a dwelling entitlement in Schedule 7 of the Byron LEP.

Direction 2.1: Environment Protection Zones

The planning proposal does not seek to alter the existing zones that are to protect and conserve environmentally sensitive areas. The planning proposal will not alter the provisions of the Byron LEP 1988 that facilitate the protection and conservation of environmentally sensitive areas.

Direction 2.2: Coastal Protection

This planning proposal is not inconsistent with this direction.

Direction 4.1: Acid Sulfate Soils

This planning proposal is not inconsistent with this direction.

Direction 4.3: Flood Prone Land

This planning proposal is not inconsistent with this direction.

Direction 4.4: Planning for Bushfire Protection

The subject site is identified as bushfire prone land and was assessed with regards to bushfire protection in the previous development applications. Accordingly it has been acknowledged that a dwelling can be constructed on the site taking into consideration the Planning for Bushfire Protection 2006 requirements. Any future applications would need to comply with this document and be referred to the Rural Fire Service.

Direction 5.1: Implementation of Regional Strategies

The Far North Coast Regional Strategy applies to the subject land. This planning proposal is not explicitly inconsistent with the outcomes and actions of the FNCRS. The planning proposal is seeking recognition of a dwelling entitlement only and does not guarantee a dwelling can be built on the subject site. Council will require the land owner to build in accordance with the approved plans or lodgement of a future development application that has regard to a number of matters including: siting; orientation; relationship with adjoining and adjacent development / land use; the natural environment; visual impact; building materials; bushfire risk and on site sewerage management.

Direction 5.3: Farmland of State and Regional Significance on the NSW Far North Coast

This planning proposal seeks to include the recommended property into Schedule 7 of the Byron LEP 1988 as having a dwelling entitlement. All prime agricultural land will not be altered. Any future dwelling will need to satisfy Council regarding potential land use conflicts and appropriate buffers.

Direction 6.1: Approval and Referral Requirements

The planning proposal seeks to include the subject property into Schedule 7 of the Byron LEP 1988.

Direction 6.3: Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. No development standards or requirements in addition to those contained in the Byron LEP 1988 are to be imposed. The planning proposal does not contain or refer to drawings / concept plans that show details of any subsequent dwellings for the subject site.

Section C Environmental, Social and Economic Impact

1. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

If the land affected by this planning proposal contains habitat of any sort, it will be necessary to carry out an assessment of significance in accordance with section 5A of the EP&A Act and the "Threatened Species Assessment Guidelines" issued by the Department of Environment and Climate Change. The assessment of significance will determine whether there is any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Notwithstanding the significance of the impact, any adverse impact will trigger the requirement under section 34A of the EP&A Act for the relevant planning authority to consult on the planning proposal with the Director General of the Department of Environment and Climate Change (or the Director General of the Department of Primary Industries, in the case of fish or marine vegetation). Such consultation if required does not take place until after the issuing of the initial gateway determination.

2. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The planning proposal is recognition of a dwelling entitlement only. Council will land owners to build in accordance with any approved plans or require the lodgement of a future development application that has regard to a number of matters including: siting; orientation; relationship with adjoining and adjacent development / land use; the natural environment; visual impact; building materials; bushfire risk and on site sewerage management.

3. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will allow the current owners and subsequent future owners of the subject land the certainty that there exists a dwelling entitlement and that subject to a detailed environmental investigation and assessment, that a future dwelling or alterations and additions to an existing dwelling may be possible. This will lessen the emotional impact and financial uncertainties to the owners who presently do not have a dwelling entitlement.

Section D State and Commonwealth Interests

1. *Is there adequate public infrastructure for the planning proposal?*

The subject property has had a dwelling approved and accordingly has been assessed with regards to the provision of adequate public infrastructure to the subject site.

2. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

Planning Proposals are an evolving process with information to be added upon advice of the Minister through the Gateway determination. This section will be added to following consultation with State and Commonwealth authorities identified in the gateway determination.

Part 4 Community Consultation

Council proposes that the Planning Proposal will be exhibited in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP & A Act) and/or any other requirements as determined by the Gateway process.

This is considered a 'low impact planning proposal' requiring an exhibition period of 14 days. Public notification of the exhibition will include a notice in the local newspaper and a notice on Council's website.

Given the minor nature of the planning proposal, it is not intended to directly notify any business, land owner or other State or Commonwealth agencies. During the exhibition period, the planning proposal, gateway determination and other relevant documentation will be available on Council's website and hard copies will be available at Council's Administration Building.

**APPENDIX A: Gateway Determination on Planning Proposal
for three (3) Dwelling Entitlements: October 2010**



Planning



qB154770

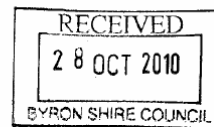
10/19560

Department Generated Correspondence (Y)

Mr Graeme Faulkner
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Contact: Jenny Gwynne
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Jenny.Gwynne@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2010_BYRON_008_00 (10/18151)
Your ref: PLN560020 DOC# 1000622



Dear Mr Faulkner,

Re: Planning Proposal in relation to various Housekeeping Amendments

I am writing in response to your Council's letter dated 31 August 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Byron Local Environmental Plan 1988 to provide dwelling entitlements for Lot 1 DP 123842 Midginbel Road Mullumbimby, Lot 158 DP 755695 Skinners Shoot Road Byron Bay and Lot 384 DP 727453 Coolamon Scenic Drive Coorabell.

As delegate of the Minister for Planning, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

It is considered that the planning proposal has not been adequately justified in terms of the strategic basis for allowing dwelling entitlements on the subject lots. Approval of this proposal could create a precedent and give rise to increased expectations of further dwelling entitlements which would be contrary to the aims of the Rural Lands SEPP.

Should you have any queries in regard to this matter, please contact Jenny Gwynne of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

22/10/10
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal



Planning

Gateway Determination

Planning Proposal (Department Ref: PP_2010_BYRON_008_00): to provide dwelling entitlements under Schedule 7 and Schedule 8 for three (3) sites, being Lot 1 DP 123842 Midginbel Road Mullumbimby, Lot 158 DP 755695 Skinners Shoot Road Byron Bay and Lot 384 DP 727453 Coolamon Scenic Drive Coorabell.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Byron Local Environmental Plan 1988 to provide dwelling entitlements for Lot 1 DP 123842 Midginbel Road Mullumbimby, Lot 158 DP 755695 Skinners Shoot Road Byron Bay and Lot 384 DP 727453 Coolamon Scenic Drive Coorabell, should not proceed for the following reason:

1. The proposal has not been justified in terms of a strategic planning framework.
2. Approval of the proposal could create a precedent and give rise to increased expectations of further dwelling entitlements contrary to the aims of the Rural Lands SEPP.

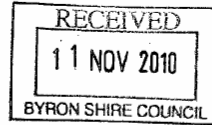
Dated 22nd day of October 2010.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning**

APPENDIX B: Letter from Department of Planning requesting new planning proposal



Planning



Mr G Faulkner
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Contact: Jenny Gwynne
Phone: 02 6641 6614
Fax: 02 6641 6601
Email: northcoast@planning.nsw.gov.au

9 November 2010

Our ref: 10/18151
Your ref: PLN 560020

Dear Mr Faulkner

Request for new Planning Proposal for Lot 158 Skinners Shoot Road, Byron Bay.

In April 2010, Council referred a Planning Proposal under Part 3 of the Environmental Planning & Assessment Act for consideration of granting a dwelling entitlement for the above listed lot. Initially this lot was included with a number of other submissions seeking similar dwelling entitlements.

This lot was initially refused inclusion in Schedule 7 of the Byron LEP 1988 as there was no dwelling in place on the lot. A further assessment with more information was submitted to the Department for Gateway Determination. Based on the information provided with the submitted Planning Proposal the application was again refused.

Further information regarding the subject lot has now been provided to the Department. Based on this new information, the Department would encourage Council to submit a new Planning Proposal for Lot 158 Skinners Shoot Road, with the supporting documentation, as the extra information will allow the Director General (or a delegate of the Director General) to reassess the application. The new information suggests that there may be merit in submitting a new Planning Proposal for a Gateway Determination.

The Department would encourage further communication with the proponent to obtain copies of this documentation for Council to review.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jenny Gwynne".

Jenny Gwynne
Local Planning
Northern Region

APPENDIX C: Map of Subject Allotment

Lot 158 DP 755695 Skinners Shoot Rd, Byron Bay



Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it.
Note: The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.

Scale = 1:2,227
Metres 50 100

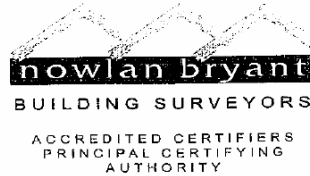
(Scale correct at A4 size)



20/12/2010

APPENDIX D: Construction Certificate issued 27 July 2006

27 July, 2006



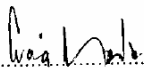
CONSTRUCTION CERTIFICATE

Applicant:	R Ahearn
Property Description:	Lot 158, DP 755695, 245 Skinners Shoot Road, Byron Bay
Construction Certificate No.:	2006/053
Development Application No.:	D98/0330
DA Approval Date:	14 September, 1998
Description of Development:	Dwelling & Tree Removal (excluding existing footing)
BCA Classification:	1a
Plans:	Kevin Hayes Architects Job No. 1045BYR WD01-WD15, 26 June, 1998
Specifications:	Undated

This Certificate is issued by a certifying authority and certifies that if the work is completed following the plans and specifications which have been approved, it will comply with the requirements of the Environmental Planning and Assessment Regulation 2000 as referred to in Section 81A(5) of the Environmental Planning and Assessment Act 1979.

This certificate is issued:

- without conditions


.....
Craig Nowlan
Accredited Private Certifier
Accreditation No. 2212
Accreditation Body: Dept of Infrastructure, Planning & Natural Resources

Date of Certificate: 27 July, 2006

nowlan bryant p/l ACN 091 422 294 ABN 60 051 422 294
BALLINA: CNR TAMAR & CHERRY STS PO BOX 1049 BALLINA NSW 2478 PH 02 6681 5258 FAX 02 6681 5259 EMAIL: info@nowlanbryant.com.au
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APPENDIX E: State Environmental Planning Policies

(at 14 December 2010)

Policy	Comment
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Rural Lands) 2008	Applicable
SEPP (Infrastructure) 2007	N/A
SEPP (Temporary Structures) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP No. 71 - Coastal Protection	Complies
SEPP No. 65 - Design Quality of Residential Flat Development	N/A
SEPP No. 64 - Advertising and Signage	N/A
SEPP No. 55 - Remediation of Land	Complies
SEPP No. 15 - Rural Land-Sharing Communities	N/A
SEPP No. 44 - Koala Habitat Protection	Applicable
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No. 26 - Littoral Rainforests	Applicable
SEPP No. 14 - Coastal Wetlands	N/A
SEPP No. 19 - Bushland in Urban Areas	N/A
SEPP No. 33 - Hazardous and Offensive Development	N/A
SEPP No. 4 - Development Without Consent and Miscellaneous Complying Development	N/A
SEPP No. 1 - Development Standards	N/A

APPENDIX F: Section 117 (2) Directions

(at 14 December 2010)

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	Complies
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	Complies
2. Environment and Heritage	
2.1 Environment Protection Zones	Complies
2.2 Coastal Protection	Complies
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Complies
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Complies
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	Complies
4.4 Planning for Bushfire Protection	Complies
5. Regional Planning	
5.1 Implementation of Regional Strategies	Complies
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Complies
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A

5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A
6.	Local Plan Making	
6.1	Approval and Referral Requirements	Complies
6.2	Reserving Land for Public Purposes	N/A
6.3	Site Specific Provisions	Complies
7.	Metropolitan Planning	
7.1	Implementation of the Metropolitan Strategy	N/A