



28 September 2020

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

Dear Sir/Madam

**Planning Proposal for an amendment to Byron LEP 2014 to permit Community Title subdivision and dwellings at Lot 38 DP 1059938, Alidenes Road, Wilsons Creek**

Council at its Ordinary Meeting of 17 September 2020 received a report and resolved as follows:

*20-466 Resolved that Council:*

- 1. Proceed with a planning proposal based on inserting a 'Schedule 1 Additional Permitted Uses' listing in LEP 2014 that would permit a community title subdivision of up to 15 neighbourhood lots/dwellings, with the common 'residue' lot to include the Yankee Creek waterway and suitable riparian buffers;*
- 2. Amend wording of Council's Planning Proposal (pages 12 & 36 in Attachment 2 – E2019/85691) to clarify that "Council does not support any new lots or dwellings having access from Wilson's Creek Road due to safety issues with the access point";*
- 3. Remove the following sentence from 'Section D' and 'Summary' section of Council's planning proposal (pages 36, 38 in Attachment 2 – E2019/85691): "Limiting the dwelling yield to 15 dwellings addresses this concern".*
- 4. Amend and forward the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination.*
- 5. Pending a positive Gateway determination undertake public exhibition of the planning proposal in accordance with the determination requirements.*
- 6. Consider a submissions report post-exhibition that includes any recommended changes to the planning proposal for final adoption. 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 that the Department of Planning and Environment retain delegated Authority to make the LEP amendment.*

In accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*, Council submits the enclosed planning proposal for a Gateway determination. Given the subject land is identified in Council's Rural Land Use Strategy (endorsed 2018) for future subdivision, Council considers it appropriate to retain Authority to make the LEP amendment.

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

Should you have any enquiries please contact the below signed by phone (02) 6626 7097 or email [acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au).

Yours sincerely

**Alex Caras** | Land Use Planning Coordinator



Encl - Planning Proposal 26.2019.1.1 (E2020/77730)