



1 March 2019

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 2014 and Byron LEP 1988 to permit Community Title subdivision and dwellings at Lot 1 DP 1031848, Broken Head Road, Broken Head (The Linnaeus Estate)**

Council at its Planning Meeting of 21 February 2019 received a report and resolved as follows:

*19-007 Resolved that Council:*

- 1. Request the NSW Department of Planning and Environment to issue a Gateway determination for the planning proposal, as included at Attachment 1 (E2018/87474) which proposes to include Lot 1 DP 1031848 (The Linnaeus Estate, Broken Head) in Schedule 1 of BLEP 2014 and Schedule 8 of BLEP 1988 to permit the Community Title subdivision of the land to create 33 small lots, with the balance in a single community lot.*
- 2. Prior to forwarding the Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination, amend Attachment 1 under 'Part 2 – Explanation of Provisions' and table 'Consistency with s9.1 Directions' to insert the following paragraph:*

*Additionally, the planning proposal seeks to replicate clause '8' in Schedule 1 of Byron LEP 2014 in Schedule 8 of BLEP88. This is to ensure that all lots under a community title scheme are subject to the same development restrictions.*

- 3. Obtain any 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; and*
- 4. Receive a further report post-exhibition about issues raised in public and/or government agency submissions received (if any).*

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.

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.



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Should you have any enquiries please contact Steve Daniels by phone (02) 6626 7315 or email [sdaniels@byron.nsw.gov.au](mailto:sdaniels@byron.nsw.gov.au).

Yours sincerely



Steve Daniels  
Planner – Environmental & Economic Planning



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