



New South Wales

## **Byron Local Environmental Plan 1988 (Amendment No 90)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00137/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **2002 No 180**

Clause 1                      Byron Local Environmental Plan 1988 (Amendment No 90)

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# **Byron Local Environmental Plan 1988 (Amendment No 90)**

## **1 Name of plan**

This plan is *Byron Local Environmental Plan 1988 (Amendment No 90)*.

## **2 Aim of plan**

This plan aims to make administrative changes to *Byron Local Environmental Plan 1988* to assist in its effective operation and public understanding by:

- (a) correcting definitional anomalies, and
- (b) removing redundant provisions, and
- (c) clarifying and reviewing definitions and provisions, and
- (d) including certain environmental planning and assessment model provisions.

## **3 Land to which plan applies**

This plan applies to all land within the local government area of Byron.

## **4 Amendment of Byron Local Environmental Plan 1988**

*Byron Local Environmental Plan 1988* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 2A Implementation of aim, objectives and guiding principles

Omit clause 2A (2). Insert instead:

- (2) Before determining a development application, the council shall have regard to the information, guidelines and recommendations in the following strategies, policies and studies adopted by the council:
  - (a) State of the Environment Report,
  - (b) Byron Flora and Fauna Study,
  - (c) Byron Biodiversity Conservation Strategy,
  - (d) Byron Rural Settlement Strategy,
  - (e) Small Towns and Villages Settlement Strategies,
  - (f) Coastline Management Plan.

### [2] Clause 3

Omit the clause. Insert instead:

#### **3 Land to which plan applies**

This plan applies to all land within the local government area of Byron.

### [3] Clause 4 Relationship to other environmental planning instruments

Omit clause 4 (1) (b) and (3).

### [4] Clause 5 Definitions

Omit clause 5 (1). Insert instead:

- (1) Terms used in this plan that are defined in the Dictionary at the end of this plan have the meaning set out in the Dictionary.

### [5] Clause 6 Model Provisions

Omit the clause.

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**[6] Clause 9 Zone objectives and development control table**

Omit “Bulk stores;” wherever occurring in item 4 of the matter relating to Zones Nos 1 (a) and 1 (b1) in the Table to clause 9.

Insert instead “Brothels; bulk stores;”.

**[7] Clause 9, Table**

Omit “general” and “taverns;” from item 4 of the matter relating to Zone No 1 (a).

**[8] Clause 9, Table**

Insert “and” after “frontages,” in paragraph (e) in item 1 of the matter relating to Zone No 1 (b1).

**[9] Clause 9, Table**

Omit paragraph (g) from item 1 of the matter relating to Zone No 1 (b1) and the immediately preceding “and”.

**[10] Clause 9, Table**

Omit “taverns;” from item 4 of the matter relating to Zone No 1 (b1).

**[11] Clause 9, Table**

Omit “amusement parks;”, “road transport depots;” and “taverns; timber yards;” from item 4 of the matter relating to Zone No 1 (c1).

**[12] Clause 9, Table**

Insert “brothels;” and “road transport terminals;” in alphabetical order in item 4 of the matter relating to Zone No 1 (c1).

**[13] Clause 9, Table**

Insert “and” after “services;” in paragraph (d) in item 1 of the matter relating to Zone No 1 (d).

**[14] Clause 9, Table**

Omit paragraph (e) from item 1 of the matter relating to Zone No 1 (d).

**[15] Clause 9, Table**

Insert “plant nurseries;” in alphabetical order in item 3 of the matter relating to Zone No 1 (d).

**[16] Clause 9, Table**

Omit “retail plant nurseries;” from item 3 of the matter relating to Zone No 1 (d).

**[17] Clause 9, Table**

Omit “open space;” and “retail plant nurseries;” from item 3 of the matter relating to Zone No 1 (e).

**[18] Clause 9, Table**

Insert “plant nurseries;” in alphabetical order in item 3 of the matter relating to Zone No 1 (e).

**[19] Clause 9, Table**

Omit “drive-in liquor shops;”, “retail plant nurseries;” and “taverns; timber yards;” from item 4 of the matter relating to Zone No 2 (a).

**[20] Clause 9, Table**

Insert “brothels;”, “plant nurseries;” in alphabetical order in item 4 of the matter relating to Zone No 2 (a).

**[21] Clause 9, Table**

Omit “amusement parks;”, “places of public assembly;”, “shops and commercial premises referred to in Schedule 4;” and “taverns;” from item 3 of the matter relating to Zone No 2 (t).

**[22] Clause 9, Table**

Insert “purposes referred to in Schedule 4;” and “places of assembly;” in alphabetical order in item 3 of the matter relating to Zone No 2 (t).

**[23] Clause 9, Table**

Omit “; timber yards” from item 4 of the matter relating to Zone No 2 (v).

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**[24] Clause 9, Table**

Insert “brothels;” and “rural tourist facilities;” in alphabetical order in item 4 of the matter relating to Zone No 2 (v).

**[25] Clause 9, Table**

Insert “brothels;” in alphabetical order in item 4 of the matter relating to Zone No 3 (a).

**[26] Clause 9, Table**

Omit “gas holders;” and “timber yards;” from item 4 of the matter relating to Zone No 3 (a).

**[27] Clause 9, Table**

Insert “hostels;” in alphabetical order in item 4 of the matter relating to Zone No 4 (a).

**[28] Clause 9, Table**

Omit “gas holders or” in item 3 of the matter relating to Zone No 5 (b).

**[29] Clause 9, Table**

Omit “1919” from paragraph (d) of item 1 of the matter relating to Zone No 6 (a).

Insert instead “1993”.

**[30] Clause 9, Table**

Omit “, gardening” wherever occurring in item 2 of the matter relating to Zones Nos 6 (a) and 6 (b).

**[31] Clause 9, Table**

Omit “parking; picnic grounds;” from item 3 of the matter relating to Zone No 6 (a).

**[32] Clause 9, Table**

Omit “bowling greens;”, “golf courses;” and “public” from item 3 of the matter relating to Zone No 6 (b).

**[33] Clause 9, Table**

Omit “prohibit the clearing land except for the careful control of noxious plants” from paragraph (e) of item 1 of the matter relating to Zone No 7 (a).  
Insert instead “enable the careful control of noxious plants and weeds”.

**[34] Clause 9, Table**

Omit “passive recreation;” wherever occurring in item 3 of the matter relating to Zones Nos 7 (a) and 7 (d).

**[35] Clause 9, Table**

Omit “prohibit the clearing of land except for the careful control of noxious plants” from paragraph (e) of item 1 of the matter relating to Zone No 7 (b).  
Insert instead “enable the careful control of noxious plants and weeds”.

**[36] Clause 9, Table**

Omit “passive recreaiton;” from item 3 of the matter relating to Zone No 7 (b).

**[37] Clause 9, Table**

Omit “and” from paragraph (d) of item 1 of the matter relating to Zone No 7 (c).

**[38] Clause 9, Table**

Insert at the end of item 1 of the matter relating to Zones Nos 7 (c) and 7 (j):

, and

- (f) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

**[39] Clause 9, Table**

Omit “garbage disposal areas;” and “taverns;” from item 4 of the matter relating to Zone No 7 (c).

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**[40] Clause 9, Table**

Insert “brothels;” in alphabetical order in item 4 of the matter relating to Zones Nos 7 (c) and 7 (f2).

**[41] Clause 9, Table**

Omit “and” where secondly occurring in paragraph (c) of item 1 of the matter relating to Zone No 7 (d).

**[42] Clause 9, Table**

Insert at the end of item 1 of the matter relating to Zone No 7 (d):

, and

- (e) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

**[43] Clause 9, Table**

Omit “and” from paragraph (b) of item 1 of the matter relating to Zone No 7 (f1).

**[44] Clause 9, Table**

Insert at the end of item 1 of the matter relating to Zone No 7 (f1):

, and

- (d) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

**[45] Clause 9, Table**

Omit “beach amenities;”, “open space;” and “passive recreation;” from item 3 of the matter relating to Zone No 7 (f1).

**[46] Clause 9, Table**

Omit “gas holders;” and “timber yards;” from item 4 of the matter relating to Zone No 7 (f2).



**[47] Clause 9, Table**

Omit “(c)” where secondly occurring in item 1 of the matter relating to Zone No 7 (j).

Insert instead “(e)”.

**[48] Clause 9, Table**

Omit “and” where secondly occurring in paragraph (d) of item 1 of the matter relating to Zone No 7 (j).

**[49] Clause 9, Table**

Omit “and” from paragraph (b) of item 1 of the matter relating to Zone No 7 (k).

**[50] Clause 9, Table**

Insert at the end of item 1 of the matter relating to Zone No 7 (k):

, and

- (d) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

**[51] Clause 9, Table**

Omit “open space;” from item 3 of the matter relating to Zone No 7 (k).

**[52] Clause 9, Table**

Omit items 1 and 2 of the matter relating to Zone No 8 (a). Insert instead:

**1 Objectives of zone**

The objectives are:

- (a) to identify land which is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to allow for the management and appropriate use of that land as provided by that Act.

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### 2 Without development consent

Any purpose authorised by the *National Parks and Wildlife Act 1974*, or any purpose ordinarily incidental or ancillary to such a purpose.

#### [53] Clause 9, Table

Omit “local” wherever occurring in item 3 of the matter relating to Zone No 9 (a).

#### [54] Clause 10 Subdivision generally

Omit clause 10 (2). Insert instead:

- (2) However, consent is not required for a subdivision under the *Strata Schemes (Freehold Development) Act 1973* of a building erected on land within Zone No 2 (a), 2 (t), 2 (v), 3 (a), 4 (a) or 7 (f2) if:
  - (a) the building has been constructed in accordance with a development consent, or
  - (b) the building has been lawfully constructed without development consent.
- (3) Where land is zoned for the purpose of a proposed new road, the council shall not consent to a subdivision of land of which the proposed road forms part unless the subdivision makes provision for the opening of a road in reasonable conformity with the proposed road.

#### [55] Clause 11 Subdivision in rural areas for agriculture etc

Omit “, a dwelling-house or a rural workers dwelling” from clause 11 (1). Insert instead “or a dwelling-house”.

#### [56] Clause 11, Table

Insert in appropriate order in Columns 1 and 2:

Urban 2 (t) Tourist Area Zone 1

#### [57] Clause 12 Subdivision in rural areas for certain other purposes

Omit clause 12 (1) and (2).

**[58] Clause 14 Residential areas and rural villages**

Omit clause 14 (4).

**[59] Clause 14 (5)**

Omit “section 327AA (1) of the *Local Government Act 1919*” from clause 14 (5).

Insert instead “section 7A of the *Conveyancing Act 1919*”.

**[60] Clause 17 Dual occupancy**

Omit clause 17 (5). Insert instead:

(5) The council shall not grant consent as referred to in subclause (3) or (4) unless:

- (a) arrangements satisfactory to it have been made for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling, and
- (b) the area of the allotment on which the dwellings are or will be erected is not less than 800 square metres.

**[61] Clause 23 Designated development**

Omit clause 23 (4).

**[62] Clause 26 Tourist development**

Omit the clause.

**[63] Clause 29A Sandhills Estate**

Omit clause 29A (2) and (3). Insert instead:

(2) A person shall not carry out development on land to which this clause applies, except development for the purpose of the following which may be carried out only with the consent of the council:

agriculture (other than animal establishments); building of levees; bush fire hazard reduction; clearing of land; environmental facilities; drains; home industries; oyster farming; primitive camping grounds; roads; utility installations.

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**[64] Clause 32 Development within Zone No 7 (f2) (Urban Coastal Land Zone)**

Omit clause 32 (2). Insert instead:

- (2) A person shall not carry out development (other than exempt development) on land to which this clause applies except with the concurrence of the Director-General.

**[65] Clause 33 Development within Zone No 7 (f1) (Coastal Lands Zone)**

Omit “the Director” from clause 33 (2).

Insert instead “the Director-General”.

**[66] Clause 33 (3)**

Omit the subclause.

**[67] Clause 33 (4)**

Omit “The Director”. Insert instead “The Director-General”.

**[68] Clause 33 (4) (c)**

Omit “land,”. Insert instead “land, and”.

**[69] Clause 33 (4) (d)**

Omit “environment, and”. Insert instead “environment.”

**[70] Clause 33 (4) (e)**

Omit the paragraph.

**[71] Clause 34 Tourist accommodation in rural zones**

Omit clause 34 (2). Insert instead:

- (2) Development for the purpose of a rural tourist facility incorporating holiday cabins on land to which this clause applies:
  - (a) may only be carried out on a single allotment, and
  - (b) must not:
    - (i) exceed a total of 6 cabins, and

- (ii) be carried out on an allotment with an area less than 20 hectares.

**[72] Clause 34 (3) (a), (c) and (g)**

Omit the paragraphs.

**[73] Clause 37 Development within Zone No 1 (d) (Investigation Zone)**

Omit “local” from clause 37 (2) (c).

**[74] Clause 37 (2) (d)**

Omit “in accordance with the Residential Development Strategy”.

**[75] Clause 39**

Omit the clause.

**[76] Clause 41**

Omit the clause. Insert instead:

**41 Community use of schools**

Despite any other provision of this plan, the council may consent to the community use, whether or not of a commercial nature, of the facilities and sites of schools, colleges and other educational establishments.

**[77] Clause 42 Minor variation of zoning boundaries**

Omit clause 42 (1). Insert instead:

- (1) The objective of this clause is to provide flexibility where detailed investigation of a site and its surrounds reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site.
- (1A) This clause applies to land which is:
  - (a) within 20 metres of a boundary between land within Zone No 2 (a), 2 (t), 2 (v) or 3 (a) and land within Zone No 4 (a), 5 (a), 5 (b) or 7 (f2), or

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- (b) within 100 metres of a boundary between any two of the following zones:  
Zone No 1 (a), 1 (b1), 1 (b2), 1 (c1), 1 (c2), 1 (d), 1 (e), 6 (b), 7 (c), 7 (d) or 9 (a), or
- (c) within 20 metres of a boundary between land within Zone No 2 (a), 2 (t), 2 (v), 3 (a), 4 (a), 5 (a), 5 (b) or 7 (f2) and land within Zone No 1 (a), 1 (b1), 1 (b2), 1 (c1), 1 (c2), 1 (d), 1 (e), 6 (b), 7 (c), 7 (d) or 9 (a), or
- (d) within 100 metres of a boundary between land within Zone No 7 (k) in West Suffolk Park as shown on the map marked “Byron Local Environmental Plan 1988 (Amendment No 2)” and land within Zone No 2 (a).

### **[78] Clause 43 Acquisition of certain lands**

Insert “, 7 (f1),” after “6 (a)” in clause 43 (1).

### **[79] Clause 43**

Omit “(4) The council shall”. Insert instead “(5) The council shall”.

### **[80] Clause 43**

Omit “(5) The Commissioner for Main Roads”.  
Insert instead “(6) The Roads and Traffic Authority”.

### **[81] Clause 43 (6) (c) (as renumbered)**

Omit “Commissioner for Main Roads”.  
Insert instead “Roads and Traffic Authority”.

### **[82] Clause 44 Use of land pending acquisition**

Omit “Commissioner for Main Roads” wherever occurring.  
Insert instead “Roads and Traffic Authority”.

### **[83] Clause 51 Brothels**

Omit clause 51 (1) and (2).

**[84] Clauses 52–62**

Insert after clause 51:

**52 Tree preservation**

- (1) The Council may, by resolution, make, revoke or amend a tree preservation order.
- (2) A tree preservation order, or any revocation or amendment of such an order, does not have effect until it has been published in a newspaper circulating in the local government area of Byron.
- (3) A tree preservation order must specify the trees and any other vegetation covered by the order. Trees and vegetation may be specified by reference to their types, species, sizes, locations or any other criteria.
- (4) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation covered by a tree preservation order without development consent.
- (5) Subclause (4) does not apply if:
  - (a) the Council has confirmed in writing that it is satisfied that the tree or other vegetation is dying or dead or has become dangerous, or
  - (b) the action taken with respect to the tree or other vegetation was authorised or required by or under any Act.
- (6) A tree preservation order does not apply to or in respect of:
  - (a) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
  - (b) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

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- (7) Until a tree preservation order is made and takes effect under this clause:
- (a) a reference in this clause to the trees or other vegetation covered by a tree preservation order is a reference to the trees and other vegetation to which the Tree Preservation Order made by resolution of the Council on 20 August 1996 applied, and
  - (b) subclause (4) does not require development consent for anything excepted by that Order from the requirement made in that Order to obtain consent.

### 53 Drive-in theatre

- (1) A drive-in theatre shall not be erected or used unless the following conditions are complied with:
- (a) a vehicular entrance to or exit from the drive-in theatre shall not be located within 90 metres of a main or arterial road,
  - (b) a vehicular drive-way, at least 60 metres in length and 21 metres in width, leading from the entrance to the site to the location of the ticket office, shall be located within the site of the drive-in theatre, and
  - (c) the screen of the drive-in theatre shall be so located or protected that no image projected thereon shall be visible and identifiable from a main or arterial road.
- (2) Where an application is made for consent for development for the purpose of a drive-in theatre, the consent authority shall, before determining the application, consult with the Roads and Traffic Authority and take into consideration any representations made by that Authority.

### 54 Motor showrooms

A person shall not carry out development for the purpose of a motor showroom on any land unless:

- (a) where the land has a frontage to a main or arterial road, vehicular access to the site (where alternative access is available) is only by way of a road, other than the main or arterial road, and



- (b) where the site is a corner lot, the consent authority is satisfied that the layout and placement of caravans, boats or motor vehicles (as the case may be) will not obstruct the vision of drivers using the intersection.

**55 Railway sidings**

Nothing in this plan shall operate to prohibit the construction and use of any railway siding designed to serve lands in an industrial zone.

**56 Liquid fuel depots**

- (1) A person shall not establish, enlarge or use a liquid fuel depot having an above ground storage capacity of 500 kilolitres or more of inflammable liquid without the development consent granted with the concurrence of the Minister administering the *Dangerous Goods Act 1975*.
- (2) In deciding whether concurrence required by subclause (1) should be granted, that Minister must consider the provisions of the *Dangerous Goods Act 1975* and any other matters that Minister considers relevant relating to safety.

**57 Junkyards and offensive or hazardous industries**

Development for the purpose of a junkyard or an offensive or hazardous industry:

- (a) shall not be carried out within 90 metres of a main or arterial road, and
- (b) shall be screened from view to the satisfaction of the council.

**58 Sawdust and sawmill waste**

Except with development consent, sawdust or sawmill waste shall not be:

- (a) deposited on any land, whether by way of filling or otherwise, or
- (b) burnt:
  - (i) except in an incinerator of a type approved by the council, or

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- (ii) where the sawmill is isolated from urban development, except in a manner approved by the council.

### 59 General store

- (1) A person shall not erect or use a building for the purposes of a general store on an allotment of land within a rural zone, where such allotment has a frontage to a main or arterial road or is less than 800 metres from any other allotment of land on which is erected a shop or a general store.
- (2) A person shall not erect or use a building for the purposes of a general store in any zone referred to in subclause (1) closer to the alignment of a road than the building line fixed in respect of any adjoining premises or, where no such building line has been fixed, closer to such alignment than the distance generally applying in respect of other premises having frontage to such road.

### 60 Development below high water mark

A person shall not carry out development on any land:

- (a) below high water mark, or
  - (b) forming part of the bed of a river, creek, bay, lagoon or other natural watercourse shown uncoloured on the map, or
  - (c) which has been reclaimed,
- without development consent.

### 61 Extractive industries, transport terminals

A person shall not erect or use a building or work or otherwise use land within a rural zone within 90 metres of a main or arterial road for the purposes of:

- (a) an extractive industry, or
- (b) a transport terminal.

**62 Savings**

Nothing in this plan prohibits or requires consent for:

- (a) the carrying out of development of any description specified in Schedule 12, or
- (b) the use of existing buildings of the Crown by the Crown, or
- (c) home occupations carried on in dwelling-houses.

**[85] Schedule 2**

Omit the Schedule. Insert instead:

**Schedule 2**

(Dictionary)

<b>Lot/DP</b>	<b>Address</b>	<b>Description</b>
<b>Bangalow</b>		
		Buildings within Heritage Precinct on map
Lot 2 DP 122668	Deacon Street	Catholic Church
Lot 2 DP 719871	Pacific Highway	Residence, Jelbon Leigh
Lot 281 DP 837699	Byron Bay Road	Residence
<b>Byron Bay</b>		
—	—	Lighthouse Complex
—	Butler Street	Railway Water Tower
Lot 387 DP 728536	Shirley Street	Police Station and old Courthouse
Lot 1 DP 736784	Jonson Street	Old Post Office
—	Jonson Street	Railway Station
Lot 1 DP 827049	Jonson Street	Station Master's Cottage

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<b>Lot/DP</b>	<b>Address</b>	<b>Description</b>
Lot 1 Section 26 DP 758207	27–31 Fletcher Street	Attached buildings
Lot 2 Section 26 DP 758207	33–35 Fletcher Street	Attached buildings
Lot A DP 195700	4 Browning Street	Residence, Jasmine House
<b>Mullumbimby</b>		
Lots 4 and 5 Section 3 DP 2772	Burringbar Street	National Bank
Lots 21 and 40 Section 4 DP 2772	Burringbar Street	Westpac Bank
Lot 389 DP 728162	Stuart Street	Heritage Museum
Lot 387 DP 728164	Dalley Street	Court House
Lots 69–71 Section 3 DP 2772	Stuart Street	Church of England
Lot 2 DP 875011	Main Arm Road	“Inverary”
Lots 1 and 2 DP 314096 Lot 1 DP 395638 Lot 2 DP 365195	Wilsons Creek Road	Power Station and Race
Lot 4 Section 12 DP 758727	140 Dalley Street, Mullumbimby	Cedar House
Lot 2 DP 209440	12 Azalea Street, Mullumbimby	“Somerset”

**[86] Schedule 4 Purposes referred to in clause 9—Zone 2 (t) (Tourist Area Zone)**

Omit “Advertising structures”.

**[87] Schedule 8 Land referred to in clause 29**

Omit item 4A.

**[88] Schedule 12 and Dictionary**

Insert after Schedule 11:

**Schedule 12 Development by public authorities**

(Clause 62)

**1 Rail transport**

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding:

- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration of railway stations or bridges so as materially to affect their design, and
- (e) the formation or alteration of any means of access to a road, and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

**2 Water, sewerage, drainage, electricity and gas**

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

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- (a) development of any description at or below the surface of the ground,
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the council,
- (f) any other development except:
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road.

### 3 Water transport

The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including

the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

#### **4 River transport**

The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

#### **5 Air transport**

The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

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- (b) the formation or alteration of any means of access to a road.

### 6 Road transport

The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

### 7 Mines

The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

### 8 Roads

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.



**9 Forestry**

The carrying out of any forestry work by the Forestry Commission or a school forest trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

**10 Rural lands protection**

The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, and
- (b) any development designed to change the use or purpose of any such reserve.

**11 Water resources**

The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

**Dictionary**

(Clause 5 (1))

*abattoir* means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed there, and includes a knackery.

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**aerodrome** has the same meaning as in the *Civil Aviation Act 1988* of the Commonwealth and includes any building or place used for the storage or servicing of aircraft or ancillary equipment or the assembly of passengers and goods prior to the transport of those passengers and goods.

**agriculture** means:

- (a) the production of crops or fodder, or
- (b) horticulture, including the growing of fruit, vegetables or flower crop production, or
- (c) the production or breeding of livestock, poultry, other birds or bees,

for commercial purposes, but does not include any cultivation or husbandry carried out on any land mainly for the personal enjoyment of or consumption by the owner or occupier of the land or (in the table to clause 9) any other land use elsewhere specifically defined in this plan.

**animal establishment** means a building or place used or intended for use for any one or more of the purposes of intensive animal husbandry, or the boarding, training or keeping of animals, birds, fish, crustaceans, insects or the like, generally requiring the importation of feed from sources outside the land on which such development is conducted.

**appointed day** means the day on which this plan took effect, namely 22 April 1988.

**arterial road** means a road indicated on the map by 2 broken parallel lines.

**beach and coastal restoration works** means structures or works to restore the coastline from the effects of coastal erosion.

**bed and breakfast establishment** means a lawfully erected dwelling-house which provides temporary home-style or farm-stay accommodation for the short-term traveller and contains no more than 5 bedrooms for accommodation. The dwelling-house must have a total floor area not exceeding 300m<sup>2</sup> (excluding separate garages, sheds or the like) within which not more than 12 persons would be accommodated.

**biodiversity** has the same meaning as **biological diversity** has in the *Threatened Species Conservation Act 1995*.

***boarding-house*** means a dwelling-house let in lodgings but does not include a motel or a hostel or any other form of short-term accommodation.

***brothel*** means a building or place used or designed to be used by one or more persons for the purpose of prostitution. It includes any building or place where acts of prostitution take place, irrespective of any other services which may also be provided, such as photography, massage, relaxation therapy, or other services of a like nature. For the purposes of this definition, ***prostitution*** means the offering by a person of his or her body to a person of the same or different sex for sexual gratification in return for payment, and includes sexual intercourse as defined in section 61H of the *Crimes Act 1900*.

***bulk store*** means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

***bus depot*** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

***bus station*** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

***bush fire hazard reduction*** means a reduction or modification of any types of combustible material, especially ground fuel, by burning, chemical, mechanical or manual means in order to reduce the hazard of bush fires in accordance with the *Rural Fires Act 1997*.

***car repair station*** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

- (a) body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touch-up character.

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***caravan park*** means land on which caravans, other moveable dwellings, tents or camper vehicles are, or are to be, installed or placed in accordance with the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* or *State Environmental Planning Policy No 21—Caravan Parks*.

***cemetery*** means a burial ground.

***child care centre*** means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number six or more, are under six years of age, and do not attend a government school, or a registered non-government school, within the meaning of the *Education Act 1990*, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

***clearing of land*** means the alteration of the existing environment, including the vegetation, ground cover, topsoil and fauna habitat other than noxious weeds, camphor laurel or coral trees by:

- (a) the removal of the majority of vegetation in an area in excess of 1 hectare, or
- (b) the reduction of the canopy or the population of any one tree species in excess of 20 per cent of an area in excess of 1 hectare, or
- (c) the removal of ground cover and topsoil of an area in excess of 1,000 square metres.

***club*** means a building used by persons associated, or a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the *Registered Clubs Act 1976*.

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***commercial premises*** means a building or place used as an office or for other business or commercial purposes, but (in the table to clause 9) does not include a building or place used for a purpose elsewhere specifically defined in this Dictionary.

***community building*** means a building or place owned, occupied or operated by the council or another public or local authority and used to provide facilities comprising or relating to any one or more of the following:

- (a) a library, rest room, meeting room, neighbourhood centre, senior citizens centre, youth centre, welfare centre or any similar place, or
- (b) health centre or place providing similar services, or
- (c) indoor recreation, child minding or any similar activity, or
- (d) arts and craft centre, information centre or kiosk.

***crematorium*** means a building or place used for cremation.

***demolition***, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work in whole or in part.

***development*** has the same meaning as in section 4 (1) of the *Environmental Planning and Assessment Act 1979*.

***drive-in bank*** means a bank providing vehicular drive-through services.

***drive-in take-away food shop*** means a shop selling food that can be taken off the premises for consumption or a refreshment room, in each case providing a vehicular drive-through service.

***drive-in theatre*** means an outdoor open-air theatre with provision for viewing from vehicles.

***dwelling*** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

***dwelling-house*** means a building or buildings containing one but not more than one dwelling.

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***educational establishment*** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

***environment*** has the same meaning as in section 4 (1) of the *Environmental Planning and Assessment Act 1979*.

***environmental facilities*** means a structure or work which provides for:

- (a) nature or scientific study or display facilities such as walking tracks, cycleways, board walks, observation decks, bird hides or the like, or
- (b) environmental management or restoration facilities such as those for bush regeneration, swamp restoration, erosion and run off prevention works, dunal restoration or the like.

***exhibition home*** means a building erected for use as a dwelling-house but not being used as a dwelling, that is used for the exhibition of its dwelling-house features or interior household appliances or products, whether or not it includes a sales office.

***existing holding*** means an allotment, lot or portion of land or the aggregation of all adjoining or adjacent allotments, lots or portions of land held continually in the same ownership, since:

- (a) in the case of land formerly subject to the provisions of *Interim Development Order No 1—Shire of Byron*, 8 November 1968, and
- (b) in the case of land formerly subject to the provisions of *Interim Development Order No 1—Municipality of Mullumbimby*, 9 November 1973.

***extractive industry*** means:

- (a) the winning of extractive material, including sand, gravel, clay, turf, soil, rock, stone or similar substances, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

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***flood liable land*** means:

- (a) if a flood management plan (however titled) has been approved by the council for any area of land before the commencement of *Byron Local Environmental Plan 1988 (Amendment No 90)*, such of that land as is identified as flood liable for the purposes of that flood management plan, whether on a map or otherwise, or
- (b) in relation to any other area of land, such of that land as would be inundated by the 1-in-100 year flood.

***forestry*** includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

***general store*** means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

***generating works*** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

***heliport*** means an area or place which is used for the taking off and landing of helicopters that are available for use by the public and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

***heritage precinct*** means the land contained within broken heavy black edging and marked "heritage precinct" on the map.

***holiday cabin*** means a building containing a room or suite of rooms used, or intended to be used, for the provision of holiday accommodation only.

***home industry*** means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and

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- (b) the industry does not:
  - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.

**home occupation** means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

**home office** means a room or a number of rooms attached to, detached from or within a dwelling-house used by one or more professionally qualified practitioners (such as an accountant, architect, engineer, solicitor, doctor, dentist or health care professional) who are the permanent residents of the dwelling-house, where such office would not involve:

- (a) the employment of more than one person other than those residents,



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- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,
  - (c) the display of goods, whether in a window or otherwise,
  - (d) the exhibition of any notice, advertisement or sign (other than a notice or sign exhibited on the dwelling-house to indicate the name and occupation of the resident), or
  - (e) a change in the appearance of the dwelling-house or land on which it is erected that is out of character with that of the surrounding area.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hostel** means a building or buildings incorporating bedrooms or dormitory accommodation containing beds available for separate rental and where cooking, dining, laundry, cleaning, toilet, bathrooms and other facilities are all provided on a shared basis, and primarily used or intended for use for the overnight accommodation of travellers and their vehicles.

**hotel** means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

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***industry*** means any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, but does not include an extractive industry.

***institution*** means a penal or reformatory establishment.

***item of the environmental heritage*** means a building, work, relic or place of historic, scientific, cultural, social, architectural, archaeological, natural or aesthetic significance for the Shire of Byron, as identified in Schedule 2 or within a heritage precinct.

***junkyard*** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.

***levee*** means shaping of earth or other works by or on behalf of a public or local authority to prevent or control the flow of water during flood events.

***light industry*** means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

***liquid fuel depot*** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

***market*** means a fair or any other event which involves more than six stalls offering goods, arts, crafts or services which:

- (a) is operated on a temporary basis at a frequency of not more than fifteen days per year in total, and
- (b) does not involve the erection of any permanent structure, and
- (c) is managed by a community or charity based organisation, in accordance with a management plan for that fair or other event.

***mine*** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef whereon, wherein or whereby any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

***motel*** means a building or buildings containing not less than 6 motel units, substantially used or intended to be used for the overnight accommodation of travellers and their vehicles, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

***motor showroom*** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed in or on that building or place.

***offensive or hazardous industry*** means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

***place of assembly*** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

***place of public worship*** means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.

***plant nursery*** means a building or place used for both the growing and selling, whether by wholesale or retail, of plants, whether or not ancillary products are sold in the building or place.

***primitive camping ground*** means land used for the placement of tents and camper vans on a temporary basis in accordance with the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995*.

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**public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

**public utility undertaking** means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, Government department, corporation, firm or authority carrying on the undertaking.

**racecourse** means a place used for the purpose of horse or dog racing.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include racecourses or showgrounds.

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**recreation establishment** means a health farm, religious retreat house, rest home, youth camp or the like, but (in the table to clause 9) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used or intended for use for a purpose elsewhere specifically defined in this Dictionary.

**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but (in the table to clause 9) does not include a place of assembly.

**recreation vehicle area** has the same meaning as in the *Recreation Vehicles Act 1983*.

**refreshment room** means a restaurant, café, tearoom, eating house or the like.

**relic** means any deposit, object or material evidence relating to the settlement (including Aboriginal habitation) prior to 1 January 1900, of the land to which this plan applies.

**renovation**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

**residential flat building** means a building which contains 3 or more dwellings.

**restricted premises** means premises (other than a newsagency or pharmacy) where:

- (a) publications classified Category 1 restricted or Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or

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- (b) a business to which section 578E (offences relating to advertising or displaying products associated with sexual behaviour) of the *Crimes Act 1900* applies is conducted.

***road transport terminal*** means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

***roadside stall*** means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

***rural industry*** means handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

***rural tourist facility*** means an establishment providing for low-scale holiday accommodation, or used for recreational or educational purposes and may consist of a bed and breakfast establishment, boat landing facilities, environmental facilities, holiday cabins, horse riding facilities, a picnic ground, a primitive camping ground or a refreshment room or the like.

***rural worker's dwelling*** means a dwelling which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in rural occupation on that land.

***sawmill*** means a mill handling, cutting and processing timber from logs or baulks.

***service station*** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products whether or not the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,

- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration).

**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but (in the table to clause 9) does not include a building or place elsewhere specifically defined in this Dictionary, or a building or place used for a purpose elsewhere specifically defined in this Dictionary.

**showground** means a place where shows are held that is owned or managed by the Crown, a statutory authority or a public or local authority.

**site area** means the area of land to which an application for consent under the Act relates, excluding from that area any land on which the development to which the application relates is not permitted by or under this plan.

**solar generating works** means a building or place used for the purpose of making or generating electricity or other forms of energy specifically from solar generating sources for commercial purposes.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

**surf life saving facility** means a building or place located on land adjoining a beach and used by the Surf Life Saving Association of Australia.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the council** means the Byron Shire Council.

**the map** means the series of maps marked "Byron Local Environmental Plan 1988" as amended by the maps (or specified sheets of the maps) marked as follows:

Byron Local Environmental Plan 1988 (Amendment No 1)

Byron Local Environmental Plan 1988 (Amendment No 2)

Byron Local Environmental Plan 1988 (Amendment No 5)

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(Sheets 1 and 2)

Byron Local Environmental Plan 1988 (Amendment No 7)

Byron Local Environmental Plan 1988 (Amendment No 8)

Byron Local Environmental Plan 1988 (Amendment No 9)

Byron Local Environmental Plan 1988 (Amendment No 10)

Byron Local Environmental Plan 1988 (Amendment No 14)

Byron Local Environmental Plan 1988 (Amendment No 16)

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Byron Local Environmental Plan 1988 (Amendment No 20)

Byron Local Environmental Plan 1988 (Amendment No 21)

Byron Local Environmental Plan 1988 (Amendment No 24)

Byron Local Environmental Plan 1988 (Amendment No 27)

Byron Local Environmental Plan 1988 (Amendment No 28)

Byron Local Environmental Plan 1988 (Amendment No 30)

Byron Local Environmental Plan 1988 (Amendment No 32)

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Byron Local Environmental Plan 1988 (Amendment No 40)

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Byron Local Environmental Plan 1988 (Amendment No 45)

Byron Local Environmental Plan 1988 (Amendment No 46)

Byron Local Environmental Plan 1988 (Amendment No 48)

Byron Local Environmental Plan 1988 (Amendment No 51)

Byron Local Environmental Plan 1988 (Amendment No 53)

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Byron Local Environmental Plan 1988 (Amendment No 81)

Byron Local Environmental Plan 1988 (Amendment No 82)

Byron Local Environmental Plan 1988 (Amendment No 91)

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***tourist facilities*** means an establishment providing holiday accommodation or recreation and may include a boat shed, boat landing facility, holiday cabin, hotel, house-boat, marina, motel, playground, primitive camping ground, refreshment room, water sport facility or a club used in conjunction with any such facility.

***utility installation*** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

***veterinary establishment*** means a building or place used for the treatment and hospitalisation of animals and that requires registration under the *Veterinary Surgeons Act 1986*.

***warehouse*** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

***waste recycling centre*** means a building or place used for the collection and treatment, for re-sale or processing, of organic garden matter, glass, wood, pulp products, non-ferrous metals and plastic materials.