



New South Wales

Byron Local Environmental Plan 1988 (Amendment No 86)

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*. (G95/00087/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 181

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 86)

Byron Local Environmental Plan 1988 (Amendment No 86)

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 86)*.

2 Aims of plan

- (1) This plan aims to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.
- (2) This plan incidentally makes more extensive provisions in *Byron Local Environmental Plan 1988* for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to certain land situated in the local government area of Byron as set out in Schedule 1 [3].

This plan does not apply to the following land, being land that is deferred matter within the meaning of section 70 (4) of the *Environmental Planning and Assessment Act 1979*:

Lots 2, 6 and 7, Section 3, DP 1623, Lot B, DP 371044 and Lot 1, DP 521030, Manfred Street, Byron Bay

Lot 2, DP 521030, The Esplanade, Byron Bay

Lot 1, Section 4, DP 6745, Pacific Street, New Brighton

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] Clauses 47 and 47AA

Omit clause 47. Insert instead:

47 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 11 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 11.
- (3) Land described in Part 2 of Schedule 11:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 11, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 11.
- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 11, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.

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Schedule 1 Amendments

- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 11, the Governor approved of subclause (4) applying to the land.

47AA Classification and reclassification of public land as community land

The public land described in Schedule 12 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

[2] Schedule 11 Land referred to in clause 47

Insert after the heading to the Schedule:

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

[3] Schedule 11, Parts 2 and 3

Insert at the end of the Schedule:

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

| Column 1 | Column 2 |
|-----------------|--------------------|
| Locality | Description |
| Bangalow | |
| Dudgeons Lane | Lot 1, DP 556233 |
| Dudgeons Lane | Lot 3, DP 573989 |
| Granuaille Road | Lot 99, DP 1016338 |

| Column 1 | Column 2 |
|------------------------|--------------------|
| Locality | Description |
| Brunswick Heads | |
| Fingal Street | Lot 1, DP 922669 |
| Fingal Street | Lot 2, DP 923428 |
| Kingsford Drive | Lot 72, DP 851902 |
| Pacific Highway East | Lot 1, DP 560486 |
| Pacific Highway West | Lot 1, DP 613075 |
| Pacific Highway West | Lot 5, DP 717523 |
| Park Street | Lot 1, DP 105062 |
| Byron Bay | |
| Acacia Street | Lot 103, DP 842022 |
| Bangalow Road | Lot 1, DP 264161 |
| Bangalow Road | Lot 2, DP 264161 |
| Bangalow Road | Lot 23, DP 549688 |
| Bangalow Road | Lot 1, DP 603845 |
| Banksia Drive | Lot 106, DP 842475 |
| Bayshore Drive | Lot 6, DP 248197 |
| Bayshore Drive | Lot 2, DP 706286 |
| Bayshore Drive | Lot 1, DP 1004514 |
| Bayshore Drive | Lot 2, DP 1004514 |
| Bayshore Drive | Lot 4, DP 1004514 |
| Centennial Circuit | Lot 6, DP 812667 |
| Grevillea Street | Lot 101, DP 808566 |
| Jonson Street | Lot 7, DP 258071 |
| Jonson Street | Lot 1, DP 526324 |
| Jonson Street | Lot 8, DP 818197 |

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Schedule 1 Amendments

| Column 1 | Column 2 |
|--------------------|---------------------------|
| Locality | Description |
| Lawson Street | Lot B, DP 372589 |
| Lawson Street | Lot 5, DP 827049 |
| Lawson Street | Lot 6, DP 827049 |
| Lighthouse Road | Lot 346, DP 755695 |
| Marine Parade | Lot 1, DP 603847 |
| Paterson Street | Lot 2, DP 717719 |
| Paterson Street | Lot 6, DP 733776 |
| Paterson Street | Lot 7, DP 740727 |
| Paterson Street | Lot 8, DP 740874 |
| Paterson Street | Lot 9, DP 740963 |
| Sunrise Boulevarde | Lot 45, DP 714410 |
| Wentworth Street | Lot 1, DP 603846 |
| Mullumbimby | |
| Ann Street | Lot 1, DP 214907 |
| Casuarina Street | Lot 1, DP 216961 |
| Casuarina Street | Lot 11, DP 578826 |
| Cedar Road | Lot 1, DP 314094 |
| Palm Avenue | Lot 1, DP 222780 |
| Reservoir Road | Lot 1, DP 342369 |
| Scott's Wood Grove | Lot 11, DP 865388 |
| Smith Street | Lot 14, DP 848061 |
| Station Street | Lot 6, Section 3, DP 2772 |
| Station Street | Lot 7, Section 3, DP 2772 |
| Station Street | Lot 8, Section 3, DP 2772 |
| Station Street | Lot B, DP 6733 |

| Column 1 | Column 2 |
|---------------------|---------------------|
| Locality | Description |
| Station Street | Lot 1, DP 214906 |
| Station Street | Lot 4, DP 841856 |
| Station Street | Lot 10, DP 850902 |
| Stuart Street | Lot 1, DP 214905 |
| The Saddle Road | Lot 1, DP 441896 |
| The Saddle Road | Lot 1, DP 584730 |
| Myocum | |
| The Manse Road | Lot 1, DP 584473 |
| The Manse Road | Lot 3, DP 584473 |
| The Manse Road | Lot 1, DP 591441 |
| The Manse Road | Lot 29, DP 609271 |
| New Brighton | |
| North Head Road | Lot 19, DP 7466 |
| North Head Road | Lot 20, DP 7466 |
| North Head Road | Lot 21, DP 7466 |
| Ocean Shores | |
| Balemo Drive | Lot 1, DP 818965 |
| Dandaloo Way | Lot 272, DP 238455 |
| Orana Road | Lot 469, DP 238451 |
| Orana Road | Lot 530, DP 238451 |
| Shara Boulevard | Lot 2004, DP 808461 |
| Terrara Court | Lot 649, DP 240398 |
| Yamble Drive | Lot 4, DP 735731 |

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| Column 1 | Column 2 |
|----------------------|--------------------|
| Locality | Description |
| Suffolk Park | |
| Broken Head Road | Lot 1, DP 573835 |
| Broken Head Road | Lot 2, DP 573835 |
| Broken Head Road | Lot 7, DP 580423 |
| Tyagarah | |
| Pacific Highway East | Lot 2, DP 749851 |
| Pacific Highway East | Lot 4, DP 805678 |
| Pacific Highway East | Lot 5, DP 805678 |
| Pacific Highway East | Lot 6, DP 836887 |
| Pacific Highway East | Lot 8, DP 856832 |
| Pacific Highway East | Lot 9, DP 856832 |
| Pacific Highway East | Lot 49, DP 881232 |
| Wilsons Creek | |
| Wilsons Creek Road | Lot 1, DP 314096 |
| Wilsons Creek Road | Lot 2, DP 314096 |
| Wilsons Creek Road | Lot 1, DP 395638 |
| Wilsons Creek Road | Lot 2, DP 635195 |

Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

| Column 1 | Column 2 | Column 3 |
|-----------------|--------------------|----------------------------------|
| Locality | Description | Trusts etc not discharged |

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Amendments

Schedule 1

[4] Schedule 12

Insert after Schedule 11:

Schedule 12 Land referred to in clause 47AA

Column 1

Column 2

Locality

Description