



New South Wales

## **Byron Local Environmental Plan 1988 (Amendment No 124)**

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*. (GRA6323451/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 393

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 124)

---

## Byron Local Environmental Plan 1988 (Amendment No 124)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 124)*.

### 2 Aims of plan

The aims of this plan are to amend *Byron Local Environmental Plan 1988*:

- (a) to allow, with consent, community title subdivision in accordance with the *Community Land Development Act 1989* of certain land approved for multiple occupancy development into rural residential allotments and common property, and
- (b) to insert a new clause and schedule into *Byron Local Environmental Plan 1988* which lists certain requirements relating to community title subdivision of land as referred to in paragraph (a) above and any future development on the land.

### 3 Land to which plan applies

This plan applies to the following land within the local government area of Byron:

- (a) Lot 4, DP 749004, Durrumbul Road, Durrumbul,
- (b) Lot 1, DP 115187, Durrumbul Road, Durrumbul,
- (c) Lot 8, DP 5130, Lot 8, DP 5109 and Lot 1, DP 1045943, Fowlers Lane, Bangalow,
- (d) Lot 3, DP 748585, Preston's Lane, Tyagarah,
- (e) Lot 64, DP 755712, Mafeking Road, Goonengerry,
- (f) Lot 24, DP 755722, Coopers Lane, Mullumbimby.

### 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 17A Multiple occupancy**

Omit clause 17A (5). Insert instead:

- (5) Except as provided by clause 17B, if the council grants consent in accordance with this clause to development on a parcel of land to which this clause applies, subdivision of that parcel (including subdivision under the *Community Land Development Act 1989* or subdivision by means of a strata plan or a strata plan of subdivision within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*) is prohibited.

**[2] Clause 17B**

Insert after clause 17A:

**17B Community title subdivision of multiple occupancy development**

- (1) This clause applies to land referred to in Schedule 13.
- (2) Community title subdivision of land to which this clause applies may, with development consent, be carried out in accordance with the requirements and conditions of Schedule 13 and this clause.
- (3) The total number of lots created must be equal to or less than that listed in Schedule 13 in relation to the land concerned.
- (4) Consent must not be granted to a development application for community title subdivision under this clause if the application was lodged more than two years after the date of gazettal of the plan that inserted the relevant item into Schedule 13.
- (5) Consent must not be granted to a development application for community title subdivision under this clause unless the Council has considered the following information in relation to the proposed development:
  - (a) a water management plan,
  - (b) an on-site sewage management plan,
  - (c) a waste management plan,
  - (d) an environmental repair and enhancement management plan,
  - (e) a bushfire management plan,

## 2006 No 393

Byron Local Environmental Plan 1988 (Amendment No 124)

Schedule 1 Amendments

---

- (f) a neighbourhood management statement, including but not limited to the following:
  - (i) provision for bushfire management,
  - (ii) a prohibition on domestic cats and dogs or provisions providing for their management,
  - (iii) provision for environmental repair and enhancement,
  - (iv) provision for waste management,
  - (v) provision for water management,
  - (vi) provision for on-site sewage management,
  - (vii) provision for design and construction of any new dwellings.
- (6) An environmental repair and enhancement management plan as referred to in subclause (5) (d) must address:
  - (a) the following:
    - (i) planting of not less than 900 native plants per dwelling-house or holiday cabin,
    - (ii) all plantings to be undertaken in priority areas for environmental repair to ensure the expansion of the following:
      - (A) wildlife corridors and connecting areas between vegetation remnants,
      - (B) existing vegetation remnants,
      - (C) habitats for threatened species and plant communities,
      - (D) riparian areas adjoining water courses,
    - (iii) all plantings to be based on locally sourced species,
    - (iv) the aims and objectives of environmental rehabilitation as they relate to flora and fauna communities and habitats,
    - (v) a detailed planting strategy incorporating the following:
      - (A) planting site preparation,
      - (B) specific locations,
      - (C) spacing and density,
      - (D) a species list,
      - (E) mature heights of tree and shrub species to be planted,
      - (F) establishment of planting areas,

- 
- (G) expected completion date for planting activities,
      - (H) a weed maintenance program,
    - (vi) a detailed regeneration and rehabilitation strategy incorporating the following:
      - (A) areas for regeneration and rehabilitation work,
      - (B) the activities proposed in each area,
      - (C) priority areas and timeframes for implementation in those areas, and
  - (b) the objectives and provisions of the *Byron Biodiversity Conservation Strategy 2004*, including but not limited to the following components:
    - (i) site plans identifying the location of the following:
      - (A) high conservation value vegetation,
      - (B) wildlife corridors,
      - (C) existing erosion and land degradation,
      - (D) streambanks, watercourses and drainage lines,
      - (E) environmental repair and enhancement zones,
      - (F) any proposed buffer plantings,
      - (G) any other relevant items,
    - (ii) where high conservation value vegetation and habitats occur on the land, specific management measures to ensure its conservation,
    - (iii) where a wildlife corridor occurs on the land, specific management measures to ensure its conservation,
    - (iv) measures to control and manage noxious and environmental weeds and introduced pest species,
    - (v) measures to protect steeply sloping areas and manage erosion and land degradation,
    - (vi) measures to manage sedimentation and prevent degradation of watercourses, creeks and drainage lines,
    - (vii) where threatened species or communities occur on the land, measures to manage and protect individuals or communities and their habitats,
    - (viii) measures to manage vegetation and habitats in asset protection zones,
-

## 2006 No 393

Byron Local Environmental Plan 1988 (Amendment No 124)

Schedule 1 Amendments

- (ix) measures to control and manage pollution of waterways and existing native vegetation from residential and agricultural use of the land,
- (x) measures to address the provisions of any Council adopted guidelines for property or biodiversity management plans.

(7) In this clause, *community title subdivision* means subdivision in accordance with the *Community Land Development Act 1989*.

### [3] Schedule 13

Insert after Schedule 12:

## Schedule 13 Community title subdivision of multiple occupancy developments

(Clause 17B)

Item	Land	Description of development
1	Lot 3, DP 748585, corner Prestons and Grays Lane, Tyagarah	Neighbourhood scheme creating 7 neighbourhood lots ranging in size from 0.7 to 1.0 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
2	Lot 24, DP 755722, Coopers Lane, Mullumbimby	Neighbourhood scheme creating 3 neighbourhood lots ranging in size from 0.6 to 1.2 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
3	Lot 8, DP 5130, Lot 8, DP 5109 and Lot 1, DP 1045943, Fowlers Lane, Bangalow	Neighbourhood scheme creating 12 neighbourhood lots ranging in size from 0.5 to 1.1 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
4	Lot 64, DP 755712, Mafeking Road, Goonengerry	Neighbourhood scheme creating 6 neighbourhood lots ranging in size from 0.7 to 1.2 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
5	Lot 4, DP 749004, Durrumbul Road, Durrumbul	Neighbourhood scheme creating 7 neighbourhood lots ranging in size from 0.9 to 1.6 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
6	Lot 1, DP 115187, Durrumbul Road, Durrumbul	Neighbourhood scheme creating 4 neighbourhood lots ranging in size from 0.3 to 0.6 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.

BY AUTHORITY