



New South Wales

## **Byron Local Environmental Plan 1988 (Amendment No 127)**

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*. (GRA6323767/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2007 No 137

Clause 1            Byron Local Environmental Plan 1988 (Amendment No 127)

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## Byron Local Environmental Plan 1988 (Amendment No 127)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 127)*.

### 2 Aims of plan

- (1) This plan aims to amend Schedules 8 and 13 to *Byron Local Environmental Plan 1988* to allow, with the consent of Byron Shire Council, community title subdivision of the land to which this plan applies in accordance with the *Community Land Development Act 1989*, being land approved for multiple occupancy development into rural residential lots and common property.
- (2) This plan also effects minor law revision.

### 3 Land to which plan applies

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

- (a) Lot 2, DP 606347, Natural Lane, Broken Head,
- (b) Lot 1, DP 815904, Friday Hut Road, Coorabell,
- (c) Lot 1, DP 748585, Prestons Lane, Tyagarah,
- (d) Lot 3, DP 592005, Picadilly Hill Road, Coopers Shoot,
- (e) Lot 5, DP 703261, Goonengerry Mill Road, Goonengerry,
- (f) Lot 10, DP 1044645, Wanganui Road, Huonbrook,
- (g) Lot 2, DP 606791, The Pocket Road, The Pocket,
- (h) Lot 2, DP 630987, Fowlers Lane, Bangalow,
- (i) parts of Lots 1 and 2, DP 1018475, Teak Road, Federal, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 127)" deposited in the office of Byron Shire Council.

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

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

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Byron Local Environmental Plan 1988 (Amendment No 127)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

**[1] Clause 5 Definitions**

Insert “(c)” before “a reference to land within” in clause 5 (2).

**[2] Clause 5 (2)**

Insert “and” after “the purpose” and “of the council” wherever occurring.

**[3] Clause 5 (2) (e)**

Insert at the end of clause 5 (2) (d):

, and

- (e) a reference to a report, study, strategy or plan referred to in clause 2A (2) is a reference to such a report, study, strategy or plan in force from time to time and deposited in the office of the council.

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

Insert in appropriate order:

55 Lot 2, DP 606347, Natural Lane, Broken Head, for the purpose of a rural community title settlement that complies with the provisions of the *Byron Rural Settlement Strategy 1998*, as in force at the commencement of *Byron Local Environmental Plan 1988 (Amendment No 127)*, but only if:

- (a) the council is satisfied that:
  - (i) the land is to be subdivided under the *Community Land Development Act 1989* to create a neighbourhood scheme under which a maximum of 6 neighbourhood lots and one lot that is neighbourhood property are created, and
  - (ii) the neighbourhood lots are to be developed for rural residential purposes, and no more than one dwelling is to be erected on each of the neighbourhood lots, and
  - (iii) the neighbourhood property is to be developed for the purpose of agriculture, environmental repair and ancillary utilities or community facilities, and

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- (iv) no part of the neighbourhood property is to be developed (including by further subdivision) for the purpose of holiday cabins or rural tourist facilities, and
    - (v) development of the land is in accordance with a neighbourhood management statement that includes provisions for environmental management and enhancement, and
  - (b) the provisions for environmental management and enhancement to be included in the neighbourhood management statement address the following:
    - (i) the aims and objectives of environmental rehabilitation as they relate to flora and fauna communities and habitats,
    - (ii) the objectives and provisions of the *Byron Biodiversity Conservation Strategy 2004*, and
  - (c) the provisions for environmental management and enhancement to be included in the neighbourhood management statement require the following:
    - (i) 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 watercourses,
    - (ii) all plantings to be based on locally sourced species, and
  - (d) the provisions for environmental management and enhancement to be included in the neighbourhood management statement include the following:
    - (i) 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,
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Schedule 1 Amendments

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- (F) establishment of planting areas,
- (G) expected completion date for planting activities,
- (H) a weed maintenance program,
- (ii) 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.

### [5] Schedule 13 Community title subdivision of multiple occupancy development

Insert after item 6 under the headings “Item”, “Land” and “Description of development”, respectively:

7	Lot 1, DP 815904, Friday Hut Road, Coorabell	Neighbourhood scheme creating 3 neighbourhood lots ranging in size from 0.4 to 0.8 hectare, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
8	Lot 1, DP 748585, Prestons Lane, Tyagarah	Neighbourhood scheme creating 11 neighbourhood lots ranging in size from 0.25 to 0.5 hectare, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
9	Lot 3, DP 592005, Picadilly Hill Road, Coopers Shoot	Neighbourhood scheme creating 4 neighbourhood lots ranging in size from 0.6 to 2.7 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
10	Lot 5, DP 703261, Goonengerry Mill Road, Goonengerry	Neighbourhood scheme creating 7 neighbourhood lots ranging in size from 0.6 to 2.5 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.
11	Lot 10, DP 1044645, Wanganui Road, Huonbrook	Neighbourhood scheme creating 4 neighbourhood lots ranging in size from 0.5 to 1.0 hectare, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.

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| 12 | Lot 2, DP 606791, The Pocket Road, The Pocket  | Neighbourhood scheme creating 3 neighbourhood lots ranging in size from 0.4 to 0.8 hectare, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.  |
| 13 | Lot 2, DP 630987, Fowlers Lane, Bangalow   | Neighbourhood scheme creating 4 neighbourhood lots ranging in size from 0.8 to 3.6 hectares, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property. |
| 14 | Parts of Lots 1 and 2, DP 1018475, Teak Road, Federal, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 127)" | Neighbourhood scheme creating 9 neighbourhood lots ranging in size from 0.3 to 0.9 hectare, with no more than one dwelling to be erected on each lot, and one lot of neighbourhood property.  |