



New South Wales

Byron Local Environmental Plan 1988 (Amendment No 128)

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*. (GRA6323591/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 347

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 128)

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under the

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1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 128)*.

2 Aims of plan

This plan aims to allow, with the consent of Byron Shire Council:

- (a) in relation to part of the land to which this plan applies:
 - (i) the subdivision of that land, under the *Community Land Development Act 1989*, into rural residential lots and common property, and
 - (ii) the erection of dwellings on the rural residential lots, and common buildings and facilities on the common property, and
- (b) in relation to the remaining land to which this plan applies, the subdivision of that land into not more than 11 lots and the erection of not more than 11 dwellings on the lots so created.

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to Lot 21, DP 866871, Blindmouth Road and Lot 2, DP 1074823, Main Arm Road, Main Arm.
- (2) In respect of the aim referred to in clause 2 (b), this plan applies to part of Lot 2, DP 614621, Main Arm Road, Main Arm, as shown edged heavy black on the map marked "Byron Local Environmental Plan 1988 (Amendment No 128)" deposited in the office of Byron Shire Council.

4 Amendment of Byron Local Environmental Plan 1988

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

Schedule 1 Amendment

(Clause 4)

Schedule 8 Land referred to in clause 29

Insert in appropriate order:

- 53 Lot 21, DP 866871, Blindmouth Road and Lot 2, DP 1074823, Main Arm Road, Main Arm, for the purpose of a rural community title (village catchment) settlement that complies with the provisions of section 6.3 of the *Byron Rural Settlement Strategy 1998*, as in force at the commencement of *Byron Local Environmental Plan 1988 (Amendment No 128)*, 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:
 - (A) 13 neighbourhood lots and one lot that is neighbourhood property are created on Lot 21, DP 866871, Blindmouth Road, Main Arm, and
 - (B) 13 neighbourhood lots and one lot that is neighbourhood property are created on Lot 2, DP 1074823, Main Arm Road, Main Arm, 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
 - (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

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Schedule 1 Amendment

- (b) an application for development consent pursuant to this item is made to the council within the period of 5 years immediately after the commencement of *Byron Local Environmental Plan 1988 (Amendment No 128)*.
- 54 Part of Lot 2, DP 614621, Main Arm Road, Main Arm, as shown edged heavy black on the map marked “Byron Local Environmental Plan 1988 (Amendment No 128)”, a subdivision creating not more than 11 lots, but only if the council is satisfied that:
 - (a) not more than 11 dwellings are to be erected on the land, and
 - (b) no dwelling is to be erected on any flood liable land, and
 - (c) the land is to be used only for residential purposes.

BY AUTHORITY
