



New South Wales

Byron Local Environmental Plan 2014 (Amendment No 3)

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*.

SHANNON BURT, DIRECTOR—SUSTAINABLE ENVIRONMENT AND ECONOMY,
BYRON SHIRE COUNCIL
As delegate for the Minister for Planning

Byron Local Environmental Plan 2014 (Amendment No 3)

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1 Name of Plan

This Plan is *Byron Local Environmental Plan 2014 (Amendment No 3)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land within Zone RU1 Primary Production and Zone RU2 Rural Landscape under *Byron Local Environmental Plan 2014*.

Schedule 1 Amendment of Byron Local Environmental Plan 2014

[1] Land Use Table

Omit “Dual occupancies (attached);” from item 3 of the matter relating to Zone RU1 Primary Production.

Insert instead “Dual occupancies;”.

[2] Land Use Table, Zone RU1

Insert “Secondary dwellings;” in alphabetical order in item 3.

[3] Land Use Table, Zone RU2

Omit “Dual occupancies (attached);” from item 3. Insert instead “Dual occupancies;”.

[4] Land Use Table, Zone RU2

Insert “Secondary dwellings;” in alphabetical order in item 3.

[5] Clause 4.1E Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Insert in alphabetical order in the table:

Dual occupancy (detached)	Zone RU1 Primary Production, 4,000 square metres Zone RU2 Rural Landscape
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[6] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural zones

Omit “(attached)” wherever occurring.

[7] Clause 4.2D

Insert after clause 4.2C:

4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2

- (1) The objectives of this clause are as follows:
 - (a) to provide alternative accommodation for rural families and workers,
 - (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
 - (c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.
- (2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that:
 - (a) the development will not impair the use of the land for agriculture or rural industries, and
 - (b) each dwelling will use the same vehicular access to and from a public road, and

- (c) any dwellings will be situated within 100 metres of each other, and
- (d) the land is physically suitable for the development, and
- (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
- (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.