



New South Wales

# **Byron Local Environmental Plan 2014 (Amendment No 13)**

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 13)**

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### **1 Name of Plan**

This Plan is *Byron Local Environmental Plan 2014 (Amendment No 13)*.

### **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 the land to which *Byron Local Environmental Plan 2014* applies.

### **4 Maps**

The maps adopted by *Byron Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

## **Schedule 1      Amendment of Byron Local Environmental Plan 2014**

- [1] Land Use Table**  
Insert “Agriculture;” in appropriate order in item 3 of the matter relating to Zone RU1 Primary Production.
- [2] Land Use Table, Zone RU1 Primary Production, item 4**  
Insert “Aquaculture;” in appropriate order.
- [3] Land Use Table, Zone R2 Low Density Residential, item 3**  
Insert “Secondary dwellings;” in appropriate order.
- [4] Land Use Table, Zone R5 Large Lot Residential, item 3**  
Omit “Dual occupancies (attached);”. Insert instead “Dual occupancies;”.
- [5] Land Use Table, Zone R5 Large Lot Residential, item 3**  
Insert “Secondary dwellings;” in appropriate order.
- [6] Land Use Table, Zone B1 Neighbourhood Centre, item 3**  
Insert “Recreation facilities (indoor);” in appropriate order.
- [7] Land Use Table, Zone B1 Neighbourhood Centre, item 4**  
Omit “Recreation facilities (indoor);”.
- [8] Land Use Table, Zone B2 Local Centre, item 4**  
Omit “Resource recovery facilities;” and “Waste disposal facilities”.
- [9] Land Use Table, Zone B2 Local Centre, item 4**  
Insert “Waste or resource management facilities;” in appropriate order.
- [10] Land Use Table, Zone B4 Mixed Use, item 4**  
Omit “Environmental facilities;”, “Resource recovery facilities;” and “Waste disposal facilities;”.
- [11] Land Use Table, Zone B4 Mixed Use, item 4**  
Insert “Waste or resource management facilities;” in appropriate order.
- [12] Land Use Table, Zone B7 Business Park, item 4**  
Omit “Resource recovery facilities;” and “Waste disposal facilities;”.
- [13] Land Use Table, Zone B7 Business Park, item 4**  
Insert “Waste or resource management facilities;” in appropriate order.
- [14] Land Use Table, Zone IN1 General Industrial, item 4**  
Omit “Biosolids treatment facilities;”, “Sewage treatment plants;” and “Water recycling facilities”.
- [15] Land Use Table, Zone W1 Natural Waterways, item 3**  
Insert “Roads;” in appropriate order.

**[16] Land Use Table, Zone W2 Recreational Waterways, item 3**

Insert “Roads;” in appropriate order.

**[17] Clause 4.1B Minimum subdivision lot size for multiple occupancy or rural community title developments**

Omit “rural landsharing community” wherever occurring in clause 4.1B (1), (2) (b) and (3) (ii).

Insert instead “rural community title”.

**[18] Clause 4.1B (5)**

Omit the subclause. Insert instead:

- (5) In this clause, *approved multiple occupancy or rural community title* means development for the purposes of a multi dwelling housing or community scheme (being a subdivision within the meaning of the *Community Land Development Act 1989*) and for which development consent has been granted.

**[19] Clause 4.1D Exceptions to minimum subdivision lot sizes for certain split zones**

Omit “, Zone R5 Large Lot Residential” wherever occurring in clause 4.1D (2) (b) and (3) (a) (ii).

**[20] Clause 4.1F**

Insert after clause 4.1E:

**4.1F Exceptions to minimum lot sizes for certain rural subdivisions**

- (1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses, dual occupancies or secondary dwellings.
- (2) This clause applies to land in the following zones:
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape.
- (3) Despite clause 4.1, development consent may be granted to the subdivision of land to which this clause applies to create a lot with a size less than the minimum subdivision lot size shown on the Lot Size Map in relation to those lots, if the consent authority is satisfied that:
- (a) there is no dwelling house or dual occupancy located on the land, and
  - (b) the use of the land after the subdivision will be the same use permitted under the existing development consent for the land.
- (4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
- (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
  - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
  - (c) the subdivision will not increase rural land use conflict in the locality, and
  - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

**[21] Schedule 1 Additional permitted uses**

Insert after clause 5:

**6 Use of certain land at Ewingsdale Road, West Byron**

- (1) This clause applies to land at Ewingsdale Road, West Byron, being part of Lot 3, DP 706286 and identified as “Area B” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a registered club is permitted with development consent.

**7 Use of certain land at Jones Road, Wooyung**

- (1) This clause applies to land at Jones Road, Wooyung being Lot 1, DP 394451, and identified as “Area C” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

**8 Use of certain land at Coast Road, Broken Head**

- (1) This clause applies to land at The Coast Road, Broken Head (known as the Linnaeus Estate) being part of Lot 1, DP 1031848, and identified as “Area D” on the Additional Permitted Uses Map.
- (2) Development for the purposes of mixed use development that includes tourist or visitor accommodation is permitted with development consent.
- (3) Development consent may only be granted under this clause if the consent authority is satisfied that the proposed development:
  - (a) is ancillary to a lawful existing land use, and
  - (b) is for the purpose of providing education or training for professional and personal development through a variety of academic, cultural and vocational programs.

**[22] Schedule 5 Environmental heritage**

Omit the matter relating to Item no I173 from Part 1.

**[23] Dictionary**

Insert in alphabetical order:

*Additional Permitted Uses Map* means the Byron Local Environmental Plan 2014 Additional Permitted Uses Map.