



New South Wales

Byron Local Environmental Plan 2014 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**SHANNON BURT, DIRECTOR, SUSTAINABLE ENVIRONMENT AND ECONOMY
BYRON SHIRE COUNCIL**
As delegate for the local plan-making authority

Byron Local Environmental Plan 2014 (Amendment No 25)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Byron Local Environmental Plan 2014 (Amendment No 25)*.

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 following land which, immediately before the making of this Plan, was land identified as deferred matter under *Byron Local Environmental Plan 2014*—

- (a) part of Lot 4731, DP 1228113,
- (b) Lot 2, DP 915184,
- (c) Lot 2 and part of Lot 3, Section 4, DP 1623,
- (d) Lot 62A, DP 915209,
- (e) part of Lot 4729, DP 1228104,
- (f) Lot 101, DP 1263764,
- (g) Lot 62, DP 915538,
- (h) Lot 1, DP 1164097.

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 local plan-making authority on the making of this Plan.

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

Clause 6.12

Insert after clause 6.11—

6.12 Use of certain land at North Coast Rail Corridor, between Bayshore Drive and Lawson Street, Byron Bay

- (1) This clause applies to land at the North Coast Rail Corridor, being the following land and identified as “Area H” on the Additional Permitted Uses Map—
 - (a) part of Lot 4731, DP 1228113,
 - (b) Lot 2, DP 915184,
 - (c) Lot 2 and part of Lot 3, Section 4, DP 1623,
 - (d) Lot 62A, DP 915209,
 - (e) part of Lot 4729, DP 1228104,
 - (f) Lot 101, DP 1263764,
 - (g) Lot 62, DP 915538,
 - (h) Lot 1, DP 1164097.
- (2) Development for the purpose of a railway or rail infrastructure facilities is permitted without development consent on land to which this clause applies.
- (3) In this clause, a reference to development for the purpose of a railway or rail infrastructure facilities includes a reference to operation of a railway and to development for any of the following purposes if the development is in connection with a railway or rail infrastructure facilities—
 - (a) construction works, including the following—
 - (i) temporary crushing plants, or temporary concrete batching plants, that are in or adjacent to a rail corridor and used solely in connection with the construction of a railway,
 - (ii) track support earthworks,
 - (iii) temporary buildings, or temporary facilities for the management of railway construction, that are in or adjacent to a rail corridor,
 - (b) emergency works or routine maintenance works,
 - (c) maintenance of an existing rail infrastructure facility,
 - (d) environmental management works.
- (4) However, development for the purpose of a railway or rail infrastructure facilities is permitted without development consent on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only if—
 - (a) the development does not involve the following—
 - (i) the clearing of native vegetation within the meaning of Part 5A of the *Local Land Services Act 2013*,
 - (ii) the carrying out of earth works, including the depositing of material on land, and
 - (b) the development will not significantly impact on the following—
 - (i) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest,

- (ii) the quantity and quality of surface and ground water flows to and from the adjacent wetland or littoral rainforest.

- (5) In this clause—

Coastal Wetlands and Littoral Rainforests Area Map has the same meaning as in *State Environmental Planning Policy (Coastal Management) 2018*.

construction works means the works or activities referred to in clause 5(3) of *State Environmental Planning Policy (Infrastructure) 2007*.

emergency works, environmental management works and maintenance have the same meaning as in *State Environmental Planning Policy (Infrastructure) 2007*.

rail corridor and rail infrastructure facilities have the same meaning as in Part 3, Division 15 of *State Environmental Planning Policy (Infrastructure) 2007*.

routine maintenance works means the works or activities referred to in clause 5(4) of *State Environmental Planning Policy (Infrastructure) 2007*.