



New South Wales

Byron Local Environmental Plan 2014 (Amendment No 41)

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*.

**CHRIS LARKIN, ACTING DIRECTOR, SUSTAINABLE ENVIRONMENT AND ECONOMY
BYRON SHIRE COUNCIL**

As delegate for the local plan-making authority

Byron Local Environmental Plan 2014 (Amendment No 41)

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Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 2014 (Amendment No 41)*.

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

Schedule 1 Amendment of Byron Local Environmental Plan 2014

[1] Clause 4.1AA Minimum subdivision lot size for community title schemes

Insert after clause 4.1AA(2)(f)—

- (g) Zone C4 Environmental Living,

[2] Clause 4.1C

Omit the clause. Insert instead—

4.1C Boundary changes between lots in certain rural and conservation zones

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone R5 Large Lot Residential,
 - (d) Zone C2 Environmental Conservation,
 - (e) Zone C3 Environmental Management.
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots on land to which this clause applies if the subdivision will not result in—
 - (a) an increase in the number of lots, or
 - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.
- (4) In determining whether to grant development consent to the subdivision of land under this clause, the consent authority must consider the following—
 - (a) the existing uses and approved uses of land in the surrounding area,
 - (b) whether the subdivision is likely to have a significant impact on the preferred and predominant land uses in the area,
 - (c) whether the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether the subdivision is likely to be incompatible with a use on land in an adjoining zone,
 - (e) measures to avoid or minimise an incompatibility referred to in paragraph (c) or (d),
 - (f) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether the subdivision is likely to have an adverse impact on the environmental values, heritage vistas, landscapes or agricultural viability of the land.
- (5) This clause does not apply—
 - (a) to the subdivision of individual lots in a strata plan or community title scheme, or

- (b) to a subdivision if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

[3] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones

Insert “4.1C(3) or” after “clause” in clause 4.2A(3)(b).

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

Insert “, or neighbouring land,” after “land” in clause 4.2D(2)(a).

[5] Clause 4.2D(2)(c)

Omit the paragraph.

[6] Clause 4.4 Floor space ratio

Omit clause 4.4(2A).

[7] Clause 6.8 Rural and nature-based tourism development

Insert after clause 6.8(3)—

- (3A) Despite subclause (3)(a), the vehicular access may be to and from a classified road if the consent authority is satisfied—
 - (a) the only safe and practicable access to the development is from a classified road, and
 - (b) the use of the classified road for vehicular access to the development will not adversely affect the safe and efficient operation of the classified road.

[8] Clause 6.8(4)(a)

Omit “(attached)”.