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)
under the
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)".