



New South Wales

# **Byron Local Environmental Plan 2014 (Amendment No 42)**

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*.

**JEREMY GRAY**

As delegate for the Minister for Planning and Public Spaces

## **Byron Local Environmental Plan 2014 (Amendment No 42)**

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### **1 Name of plan**

This plan is *Byron Local Environmental Plan 2014 (Amendment No 42)*.

### **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 2.1 Land use zones**

Insert “R1 General Residential” in appropriate order under the heading **Residential Zones**.

**[2] Clause 3.3 Environmentally sensitive areas excluded**

Insert after clause 3.3(2)(j)—

- (k) land identified as “Asbestos Encapsulation Area” on the Asbestos Encapsulation Area Map.

**[3] Land Use Table**

Insert in appropriate order—

### **Zone R1 General Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maximise the delivery of housing while being responsive to environmental values and amenity of adjoining land uses.

**2 Permitted without consent**

Environmental protection works; Flood mitigation works; Home occupations; Home-based child care

**3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Residential accommodation; Residential flat buildings; Respite day care centres; Roads; School-based child care; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture

**4 Prohibited**

Any development not specified in item 2 or 3

**[4] Clause 6.9 Location of sex services premises**

Insert “Zone R1 General Residential,” after “in” in clause 6.9(2)(a)(i).

**[5] Clause 6.13, heading**

Omit the heading. Insert instead—

**6.13 Design excellence**

**[6] Clause 6.13(1)**

Omit “Bay town centre”.

**[7] Part 6 Additional local provisions**

Insert at the end of Part 6, Division 1, with appropriate clause numbering—

**Asbestos Encapsulation Area**

- (1) This clause applies to land identified as “Asbestos Encapsulation Area” on the Asbestos Encapsulation Area Map.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the impact on human health and the environment that could result from—
  - (a) disturbing the land, or
  - (b) potential contamination on the land.

**[8] Clause 6.17 Affordable housing in employment, mixed use and residential zones**

Insert before clause 6.17(2)(a)—

- (a1) Zone R1 General Residential,

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

Insert at the end of the schedule, with appropriate clause numbering—

**Use of land at Mullumbimby**

- (1) This clause applies to the following land in Mullumbimby, identified as “Area J” on the Additional Permitted Uses Map—
  - (a) Lot 188, DP 728535, 1 Reservoir Road,
  - (b) Lot 1, DP 1159861, 1–3 Azalea Street,
  - (c) Lot 138, DP 755722, Left Bank Road.
- (2) Development for the following purposes is permitted with development consent—
  - (a) creative industries,
  - (b) information and education facilities,
  - (c) markets,
  - (d) restaurants or cafes.

**[10] Schedule 2 Exempt development**

Insert “Zone R1 General Residential,” after “Zone RU5 Village,” under the heading **Strata subdivision of a lawfully erected building**, subclause (1).

**[11] Dictionary**

Insert in alphabetical order—

*Asbestos Encapsulation Area Map* means the Byron Local Environmental Plan 2014 Asbestos Encapsulation Area Map.

## **Schedule 2      Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

**[1]    Clause 1.4 Land to which Policy applies**

Insert after clause 1.4(2)(c)—

, and

- (d) identified as “Asbestos Encapsulation Area” on the Asbestos Encapsulation Area Map.

**[2]    Clause 1.5 Interpretation—general**

Insert in alphabetical order in clause 1.5(1)—

*Asbestos Encapsulation Area Map* means the Byron Local Environmental Plan 2014 Asbestos Encapsulation Area Map.