



New South Wales

Ballina Local Environmental Plan 2012 (Amendment No 57)

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*.

CRAIG DISS

As delegate for the Minister for Planning and Public Spaces

Ballina Local Environmental Plan 2012 (Amendment No 57)

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1 Name of plan

This plan is *Ballina Local Environmental Plan 2012 (Amendment No 57)*.

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 *Ballina Local Environmental Plan 2012* applies.

4 Maps

The maps adopted by *Ballina Local Environmental Plan 2012* 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 Ballina Local Environmental Plan 2012

[1] Land Use Table, Zone E1, item 3

Omit “Dwelling houses;” and “Secondary dwellings;”.

[2] Land Use Table

Insert “Advertising structures;” in appropriate order in Zones E1, E2, E4 and MU1, item 4.

[3] Land Use Table, Zones SP2, C2 and C3, item 3

Insert “Building identification signs;” and “Business identification signs;” in appropriate order.

[4] Clause 4.1B Minimum subdivision lot size for strata plan schemes in certain zones

Omit clause 4.1B(2)(c).

[5] Clause 4.2B Exceptions to minimum subdivision lot size for lot boundary adjustments

Omit “lot boundary adjustments in rural zones” from clause 4.2B(1).

Insert instead “adjustments to the boundaries between 2 or more lots”.

[6] Clause 4.2B(2)

Omit the subclause. Insert instead—

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone C2 Environmental Conservation,
- (d) Zone C3 Environmental Management.

(3) Development consent may be granted for the subdivision of land for the purposes of a boundary adjustment between adjoining lots to create lots of a size that are less than the minimum size shown for the land on the Lot Size Map if the consent authority is satisfied that—

- (a) the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on a lot, or both, and
- (b) the subdivision will not have adverse impacts on the long-term agricultural production potential, biodiversity values or environmental characteristics of the lots and the surrounding locality.

[7] Clause 4.3A Exceptions to height of buildings

Omit clause 4.3A(3). Insert instead—

(3) The maximum height of a building on land to which this clause applies is to be measured—

- (a) where the existing ground level is higher than the minimum level shown on the Building Height Allowance Map—from the existing ground level, or
- (b) otherwise—from the minimum level AHD permitted for the land on the Building Height Allowance Map.

[8] Clause 7.9 Rural and nature-based tourism development

Omit clause 7.9(6), definition of *tourism development*, paragraph (a). Insert instead—

- (a) agritourism,
- (a1) caravan parks,

[9] Clause 7.13 Active frontages

Insert “E1 Local Centre and” before “E2 Commercial Centre” in clause 7.13(1).

[10] Clause 7.17 Use of certain land in Wollongbar

Omit “on a lot that is at least 900m²” from clause 7.17(2).

[11] Clause 7.17(3) and (4)

Omit the subclauses.

[12] Schedule 1 Additional permitted uses

Omit clause 8(1). Insert instead—

- (1) This clause applies to land at Alstonville in Zone R2 Low Density Residential identified as “Area L” on the Additional Permitted Uses Map.

[13] Schedule 5 Environmental heritage

Omit “Lot 2, DP 1171927” from Part 1, item no I97.

Insert instead “Part Lot 363, DP 1273203”.