



Ballina Local Environmental Plan 1987 (Amendment No 82)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G03/00046/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 864

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 82)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 82)*.

2 Aims of plan

This plan aims to amend *Ballina Local Environmental Plan 1987*:

- (a) to include a new definition of **holiday cabin**, and
- (b) to insert a new Zone No 7 (d1) Environmental Protection (Newrybar Scenic/Escarpment) Zone and associated zoning provisions, and
- (c) to insert provisions permitting tourist accommodation in certain zones only on land on which a dwelling-house is permitted, and to insert density provisions for tourist accommodation on land within Zone No 7 (d1) Environmental Protection (Newrybar Scenic/Escarpment) Zone, and
- (d) to provide that references in clause 35 (Exempt and complying development) to *Development Control Plan No 7—Exempt and Complying Development* are to include references to amendments to that development control plan made by *Development Control Plan No 7—Exempt and Complying Development (Amendment No 4)* (10 July 2003).

3 Land to which plan applies

This plan applies to all land within the local government area of Ballina.

4 Amendment of Ballina Local Environmental Plan 1987

Ballina Local Environmental Plan 1987 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Omit the definition of *holiday cabin* from clause 5 (1). Insert instead:

holiday cabin means a free-standing building with a gross floor area of not more than 50 square metres (excluding balconies) that contains a room or suite of rooms with a maximum of two bedrooms and that is intended to be used solely for the provision of temporary holiday accommodation.

[2] Clause 8 Zones indicated on the map

Insert in appropriate order:

Zone No 7 (d1) Environmental Protection (Newrybar Scenic/Escarpment) Zone—coloured orange with black edging and lettered “7 (d1)”.

[3] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Table to clause 9:

Zone No 7 (d1) Environmental Protection (Newrybar Scenic/Escarpment) Zone

1 Objectives of zone

A The primary objectives are:

- (a) to protect and enhance areas of particular scenic value to the local government area of Ballina, and
- (b) to encourage the productive use of land within the zone and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwellings and rural industries, and
- (c) to ensure development within the zone maintains the rural character of the locality and minimises any detrimental scenic impact, and
- (d) to ensure development within the zone is of a scale and nature that will not adversely impact on the existing amenity of the area.

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Schedule 1 Amendments

- B The secondary objectives are:
- (a) to minimise soil erosion from escarpment areas and prevent development in geologically hazardous areas and areas of excessive gradient, and
 - (b) to ensure that development within the zone does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.
- C The exception to these objectives is development of public works and services, outside the parameters specified in the primary and secondary objectives, but only in cases of demonstrated and overriding public need and subject to the visual impact being minimised as much as is reasonably practicable.

2 Without development consent

Agriculture (other than feed lots, piggeries, poultry farms, stock homes and other intensive keeping of animals, and not including the erection of buildings).

3 Only with development consent

Agriculture (other than agriculture allowed without development consent as specified in item 2); bush fire hazard reduction; community buildings; dwelling-houses; home industries; roads; roadside stalls; rural industries; rural workers' dwellings; telecommunications facilities; tourist facilities comprising only bed and breakfast establishments or holiday cabins, or both; utility installations.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any development other than development included in item 2 or 3.

[4] Clause 11 Subdivision within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l)

Insert "7 (d1)," after "7 (c)," in clause 11 (1) (a).

[5] Clause 11 (2) (b) and (5)

Insert "7 (d1)," after "7 (d)," wherever occurring.

[6] Clause 12 Dwelling-houses within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l)

Insert “7 (d1),” after “7 (d),” wherever occurring in clause 12 (1), (3) (a) (ii) and (4) (b).

[7] Clause 14 Dual occupancy

Insert “7 (d1),” after “7 (d),” in clause 14 (1).

[8] Clause 15 Development adjoining arterial roads

Insert “7 (d1),” after “7 (d),” in clause 15 (1).

[9] Clause 23 Development within Zone No 1 (d), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l)

Insert “7 (d1),” after “7 (d),”.

[10] Clause 25 Development within Zone No 7 (d), 7 (d1) or 7 (i)

Insert “, 7 (d1)” after “7 (d)” in clause 25 (1).

[11] Clause 28 Tourist accommodation

Omit clause 28 (1). Insert instead:

- (1) This clause applies to development for the purpose of tourist accommodation on any land to which clause 12 applies on which a dwelling-house is lawfully erected or on which a dwelling-house may be erected in accordance with that clause.

[12] Clause 28 (2) (c)

Insert after the table to clause 28 (2) (b):

- (2A) Notwithstanding subclause (2), the council must not consent to development for the purpose of holiday cabins on land within Zone No 7 (d1) of a density greater than 1 cabin per 5 hectares of site area up to a total maximum of 5 holiday cabins (not including a manager’s residence).

[13] Clause 35 What are exempt and complying development?

Insert at the end of clause 35 (5):

Development Control Plan No 7—Exempt and Complying Development (Amendment No 4) (10 July 2003)