



New South Wales

## **Ballina Local Environmental Plan 1987 (Amendment No 49)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G97/00262)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 559

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 49)

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## Ballina Local Environmental Plan 1987 (Amendment No 49)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 49)*.

### 2 Aims of plan

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

- (a) to increase the level of protection of urban water supplies through changes to the controls that apply to the Zone No 7 (c) Environmental Protection (Water Catchment) Zone under *Ballina Local Environmental Plan 1987*,
- (b) to provide consistency between that zone and other rural and environmental protection zones under *Ballina Local Environmental Plan 1987*.

### 3 Land to which plan applies

This plan applies to all land within the Zone No 7 (c) Environmental Protection (Water Catchment) Zone under *Ballina Local Environmental Plan 1987*.

### 4 Amendment of Ballina Local Environmental Plan 1987

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

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 9 Zone objectives and development control table

Omit paragraph B of item 1 (Objectives of zone) from the matter relating to Zone No 7 (c) in the Table to the clause.

Insert instead:

- B The secondary objective is to regulate the use of land within the zone:
- (a) to encourage the productive use of land for agricultural purposes and to permit development which is ancillary to agricultural land uses, except for development which would conflict with the primary objective of the zone, and
  - (b) to ensure development of the land maintains the rural character of the locality, and
  - (c) to ensure development of the land does not create unreasonable and uneconomic demands, or both, for the provision or extension of public amenities or services.

### [2] Clause 9, Table

Insert “; bush fire hazard reduction” after “animals)” in item 2 (Without development consent) of the matter relating to Zone No 7 (c).

### [3] Clause 9, Table

Omit items 3–5 of the matter relating to Zone No 7 (c). Insert instead:

#### 3 Only with development consent

Bed and breakfast establishments; childcare centres; dwelling-houses; forestry; helipads; home industries; public utility undertakings; retail plant nurseries; roads; telecommunications facilities; utility installations.

#### 4 Advertised development—only with development consent

Nil.

#### 5 Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

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Schedule 1 Amendments

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### [4] Clause 24A

Insert after clause 24:

#### **24A Development within Zone No 7 (c)**

- (1) This clause applies to land within Zone No 7 (c).
- (2) In determining an application for consent to carry out development on land to which this clause applies, the council must take into consideration the following matters:
  - (a) any potential adverse impact, including any incremental adverse impact, on the water quality within the catchment that may result from the development,
  - (b) whether adequate safeguards and other measures have been proposed to protect the water quality,
  - (c) whether the proposed development would be more suitably undertaken on an alternative site,
  - (d) any comments that have been provided in relation to the proposed development following consultation with the relevant water supply authority.

BY AUTHORITY

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