



New South Wales

Ballina Local Environmental Plan 2012 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

STEPHEN MURRAY

As delegate for the Minister for Planning and Infrastructure

Ballina Local Environmental Plan 2012 (Amendment No 6)

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1 Name of Plan

This Plan is *Ballina Local Environmental Plan 2012 (Amendment No 6)*.

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 the land to which *Ballina Local Environmental Plan 2012* applies.

Schedule 1 Amendment of Ballina Local Environmental Plan 2012

Clauses 4.2B and 4.2C

Insert after clause 4.2A:

4.2B Exceptions to minimum subdivision lot size for lot boundary adjustments

- (1) The objective of this clause is to permit lot boundary adjustments in rural zones that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings.
- (2) Development consent may be granted for the subdivision of land in a rural zone to create lots of a size that are less than the minimum size shown on the Lot Size Map in relation to that land 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, or both, on any of the lots, and
 - (b) the subdivision will not adversely impact on the long-term agricultural production potential or environmental characteristics of the lots and the surrounding locality.

4.2C Exceptions to minimum subdivision lot sizes for split zones

- (1) The objectives of this clause are as follows:
 - (a) to permit the creation of lots that support urban development in planned urban growth areas,
 - (b) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (c) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production or Zone RU2 Rural Landscape, or both.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain all of the land in Zone RU1 Primary Production or Zone RU2 Rural Landscape that was in the original lot, and
 - (b) each of the other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Development consent may only be granted if the consent authority is satisfied that the lot to be created under subclause (3) (a):
 - (a) will be created as a result of a subdivision of land for urban purposes involving land in a residential, commercial or industrial zone, and
 - (b) the lot is suitable for environmental protection, environmental management or agriculture.

- (5) If the area of land that would comprise the resulting lot created under subclause (3) (a) is of a size that is sufficient to allow the creation of more than one lot each of a size that is not less than the minimum size shown on the Lot Size Map in relation to that land, then not more than that number of lots may be created under subclause (3) (a).