



New South Wales

Ballina Local Environmental Plan 2012 (Amendment No 34)

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*.

**MATTHEW WOOD, ACTING GROUP MANAGER,
STRATEGIC AND COMMUNITY FACILITIES GROUP, BALLINA SHIRE COUNCIL**
As delegate for the Minister for Planning

Ballina Local Environmental Plan 2012 (Amendment No 34)

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1 Name of Plan

This Plan is *Ballina Local Environmental Plan 2012 (Amendment No 34)*.

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 that is in Zone RU1 Primary Production and Zone RU2 Rural Landscape.

Schedule 1 Amendment of Ballina Local Environmental Plan 2012

[1] Land Use Table

Omit “(attached)” from item 3 of the matter relating to Zone RU1 Primary Production.

[2] Land Use Table, RU2 Rural Landscape

Omit “(attached)” from item 3.

[3] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural zones

Omit “(attached)” wherever occurring from clause 4.2A (1) (b), (4) (a) and (b) and (5).

[4] Clause 4.2A (1) (c) and (d)

Insert after clause 4.2A (1) (b):

- (c) to ensure that development is of a scale and nature that is compatible with the environmental capabilities of the land,
- (d) to protect the primary production potential of the land.

[5] Clause 4.2A (3)

Omit “dual occupancy (attached) on land”. Insert instead “dual occupancy on land”.

[6] Clause 4.2A (4A)

Insert after clause 4.2A (4):

- (4A) Development consent must not be granted under subclause (3) for a dual occupancy unless the consent authority is satisfied that:
 - (a) the development will not impair the use of the land or adjoining land for agriculture or rural industries, and
 - (b) each dwelling will use the same vehicular point of access to and from a public road, and
 - (c) the land is physically suitable for the development, and
 - (d) the land will accommodate the on-site disposal and management of sewage for each dwelling.

[7] Clause 4.2A (5)

Insert “either” after “replace”.

[8] Clause 4.2A (5A)

Insert after clause 4.2A (5):

- (5A) If land to which this clause applies is a lot that is comprised of both land to which this Plan applies and land identified as “Deferred Matter” under clause 1.3 (1A), a reference in subclauses (4)–(5) to “the land” is a reference to the whole of that lot.