



New South Wales

Ballina Local Environmental Plan 1987 (Amendment No 117)

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*.

TARA MCGREADY, MANAGER STRATEGIC PLANNING
BALLINA SHIRE COUNCIL
As delegate for the local plan-making authority

Ballina Local Environmental Plan 1987 (Amendment No 117)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Ballina Local Environmental Plan 1987 (Amendment No 117)*.

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 Environment Plan 1987* applies.

Schedule 1 Amendment of Ballina Local Environmental Plan 1987

[1] Clauses 11A and 11B

Insert after clause 11—

11A Exceptions to minimum subdivision lot size for lot boundary adjustments

- (1) The objective of this clause is to permit lot boundary adjustments in rural and environmental protection zones that will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings.
- (2) Despite clause 11, development consent may be granted for the subdivision of land in 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) to create lots of a size less than the minimum specified by clause 11 if the consent authority is satisfied that—
 - (a) the subdivision will not result in one or both of the following—
 - (i) the creation of 1 or more additional lots,
 - (ii) the creation of 1 or more additional dwelling entitlements, 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.

11B Exceptions to minimum subdivision lot size 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 1 zone but cannot be subdivided under clause 11,
 - (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*) containing—
 - (a) land in a residential, business or industrial zone, and
 - (b) land in 1 or more of the following Zones—
 - (i) No 1 (a1),
 - (ii) No 1 (a2),
 - (iii) No 1 (b),
 - (iv) No 1 (d),
 - (v) No 1 (e),
 - (vi) No 7 (a),
 - (vii) No 7 (c),
 - (viii) No 7 (d),
 - (ix) No 7 (d1),
 - (x) No 7 (f),
 - (xi) No 7 (i),
 - (xii) No 7 (l).
- (3) Despite clause 11, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if—

- (a) one or more of the resulting lots will contain all of the land in the following Zones from the original lot and no other land—
 - (i) No 1 (a1),
 - (ii) No 1 (a2),
 - (iii) No 1 (b),
 - (iv) No 1 (d),
 - (v) No 1 (e),
 - (vi) No 7 (a),
 - (vii) No 7 (c),
 - (viii) No 7 (d),
 - (ix) No 7 (d1),
 - (x) No 7 (f),
 - (xi) No 7 (i),
 - (xii) No 7 (l), and
 - (b) each of the other resulting lots will contain land that has an area not less than the minimum size shown on the Lot Size Map under *Ballina Local Environment Plan 2012* in relation to the land.
- (4) Development consent may only be granted if the consent authority is satisfied the lots 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, business or industrial zone, and
 - (b) are suitable for environmental protection, environmental management or agriculture.
- (5) If more than 1 resulting lot is created under subclause (3)(a), each lot must be of a size that is not less than the minimum size specified in clause 11 for the land.
- (6) In this clause—
- residential, business or industrial zone*** means—
- (a) Zone No 2 (a), 3 or 4, and
 - (b) Zone R2, R3, B1, B2, B3, B4, B5, B6 or IN1 under *Ballina Local Environment Plan 2012*.

[2] 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 after clause 12(4)—

- (5) Development consent must not be granted under this clause if development consent has been granted for development for the purposes of a dwelling house or dual occupancy on the land and the consent has not lapsed or been surrendered.
- (6) In this clause—

vacant land includes land on which there is a lawfully erected dwelling-house—

 - (a) that has been, or will be, rendered uninhabitable, or
 - (b) that will be removed.

[3] Clause 34C

Insert after clause 34B—

34C Development of land at McLeans Ridges Road, Wollongbar

- (1) This clause applies to Lot 1, DP 238911, McLeans Ridges Road, Wollongbar.
- (2) Despite another provision of this plan, development for the purpose of a dwelling house is permitted with development consent.
- (3) Development consent under this clause must not be granted unless the consent authority has obtained the concurrence of Transport for NSW.
- (4) In this clause—
Transport for NSW has the same meaning as in the *Transport Administration Act 1988*.