



New South Wales

Ballina Local Environmental Plan 2012 (Amendment No 54)

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*.

MALCOLM McDONALD

As delegate for the Minister for Planning and Public Spaces

Ballina Local Environmental Plan 2012 (Amendment No 54)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 2012 (Amendment No 54)*.

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, including Lot 1, DP 124173, 550–578 River Street, West Ballina.

4 Maps

The maps adopted by *Ballina Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan.

Schedule 1 Amendment of Ballina Local Environmental Plan 2012

[1] Clause 1.8A, heading

Omit “provision”. Insert instead “provisions”.

[2] Clause 1.8A, note

Omit the note.

[3] Clause 1.8A

Insert at the end of the clause, with appropriate subclause numbering—

A development application made, but not finally determined, before the commencement of *Ballina Local Environmental Plan 2012 (Amendment No 54)* must be determined as if that plan had not commenced.

[4] Clause 2.1 Land use zones

Insert the following in appropriate order under the heading **Conservation Zones**—

C2 Environmental Conservation

C3 Environmental Management

[5] Land Use Table

Insert after the matter relating to Zone C1 National Parks and Nature Reserves—

Zone C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Dwelling houses; Environmental facilities; Extensive agriculture; Oyster aquaculture; Research stations; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone C3 Environmental Management

- 1 Objectives of zone**
- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
 - To provide for a limited range of development that does not have an adverse effect on those values.
- 2 Permitted without consent**
- Environmental protection works; Extensive agriculture; Home occupations
- 3 Permitted with consent**
- Camping grounds; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Farm buildings; Home-based child care; Information and education facilities; Intensive plant agriculture; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Tank-based aquaculture; Tourist and visitor accommodation; Water recreation structures
- 4 Prohibited**
- Backpackers' accommodation; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3
- [6] Clause 4.1AA Minimum subdivision lot size for community title schemes**
- Insert after clause 4.1AA(2)(d)—
- (e) Zone C2 Environmental Conservation,
 - (f) Zone C3 Environmental Management,
- [7] Clause 4.1B, heading**
- Omit “residential, rural and waterway”.
- [8] Clause 4.1B(2)(ca) and (cb)**
- Insert after clause 4.1B(2)(c)—
- (ca) Zone C2 Environmental Conservation,
 - (cb) Zone C3 Environmental Management,
- [9] Clause 4.2A, heading**
- Insert “and conservation” after “rural”.
- [10] Clause 4.2A(2)**
- Insert at the end of the subclause, with appropriate paragraph numbering—
- Zone C2 Environmental Conservation,
 - Zone C3 Environmental Management.

[11] Clause 4.2C Exceptions to minimum subdivision lot sizes for split zones

Omit clause 4.2C(2)(b). Insert instead—

- (b) land in a relevant zone.

[12] Clause 4.2C(3)(a)

Omit the paragraph. Insert instead—

- (a) 1 of the resulting lots will contain all of the land in a relevant zone that was in the original lot, and

[13] Clause 4.2C

Insert at the end of the clause, with appropriate subclause numbering—

In this clause—

relevant zone means Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone C2 Environmental Conservation or Zone C3 Environmental Management.

[14] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(cb).

[15] Clause 7.9 Rural and nature-based tourism development

Insert at the end of clause 7.9(2), with appropriate paragraph numbering—

Zone C3 Environmental Management.

[16] Clause 7.12 Home businesses at Burns Point Ferry Road, West Ballina

Omit the clause.