



New South Wales

## **Ballina Local Environmental Plan 1987 (Amendment No 76)**

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*. (G02/00042/PC)

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

## 2002 No 890

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 76)

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## Ballina Local Environmental Plan 1987 (Amendment No 76)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 76)*.

### 2 Aims of plan

This plan aims:

- (a) to introduce new definitions of **brothel** and **prostitution** into *Ballina Local Environmental Plan 1987 (the 1987 plan)*, and
- (b) to ensure that brothels are located on appropriate sites where they are compatible with surrounding land uses, and
- (c) to ensure that brothels are prohibited in all zones under the 1987 plan other than in the Industrial Zone.

### 3 Land to which plan applies

This plan applies to all land within the local government area of Ballina.

### 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 5 Interpretation

Insert in alphabetical order in clause 5 (1):

*brothel* means premises habitually used by one or more prostitutes for the purpose of prostitution, or that have been used for that purpose and are likely to be used again for that purpose, and includes any premises where the act of prostitution occurs irrespective of whether other services or businesses are being provided or carried out.

*prostitution* means the offering by a person of his or her body to a person of the same or different sex for sexual gratification in return for payment or other reward, and includes:

- (a) sexual intercourse as defined in section 61H of the *Crimes Act 1900*, or
- (b) masturbation committed by one person on another.

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

Omit “Car repair stations” wherever occurring in item 5 of the matter relating to Zones Nos 1 (a1) and 1 (d) in the Table to clause 9.

Insert instead “Brothels; car repair stations”.

### [3] Clause 9, Table

Omit “Caravan parks” wherever occurring in item 5 of the matter relating to Zones Nos 1 (a2) and 1 (b).

Insert instead “Brothels; caravan parks”.

### [4] Clause 9, Table

Omit “2 or 3” wherever occurring in item 4 of the matter relating to Zones Nos 1 (e) and 6 (a).

Insert instead “2, 3 or 5”.

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Schedule 1 Amendments

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**[5] Clause 9, Table**

Omit “Nil.” wherever occurring in item 5 of the matter relating to Zones Nos 1 (e), 2 (a), 2 (b), 2 (t), 3, 6 (a), 7 (c), 9 (a) and 9 (b).

Insert instead “Brothels.”.

**[6] Clause 9, Table**

Omit “2 or 4” wherever occurring in item 3 of the matter relating to Zones Nos 2 (a), 2 (b), 7 (c), 9 (a) and 9 (b).

Insert instead “2, 4 or 5”.

**[7] Clause 9, Table**

Insert “or 5” after “4” wherever occurring in item 3 of the matter relating to Zones Nos 2 (t) and 3.

**[8] Clause 9, Table**

Omit “Bulk stores” from item 5 of the matter relating to Zone No 7 (d).

Insert instead “Brothels; bulk stores”.

**[9] Schedule 3**

Insert “Brothels,” after “Banking facilities,”.

BY AUTHORITY

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