



New South Wales

Ballina Local Environmental Plan 1987 (Amendment No 92)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G04/00018/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 183

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 92)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 92)*.

2 Aims of plan

This plan aims to amend *Ballina Local Environmental Plan 1987* to deal with advertisements, including building and business identification signs.

3 Land to which plan applies

This plan applies to all land to which *Ballina Local Environmental Plan 1987* applies.

4 Amendment of Ballina Local Environmental Plan 1987

Ballina Local Environmental Plan 1987 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

advertisement means a display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display involves the erection of a structure or the carrying out of a work.

building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertisements for products, goods or services.

business identification sign means a sign:

- (a) that indicates the name of a person carrying on a business, and the business carried on by the person, at the premises or place at which the sign is displayed, and
 - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,
- but that does not include any advertisement relating to a person who does not carry on business at the premises or place.

[2] Clause 9 Zone objectives and development control table

Omit “Advertising structures” in item 4 of the matter relating to Zone No 2 (a) in the Table to the clause.

Insert instead “Building identification signs”.

[3] Clause 9, Table

Insert “business identification signs;” after “bus stations;” in item 4 of the matter relating to Zone No 2 (a).

[4] Clause 9, Table

Omit “Institutions” from item 4 of the matter relating to Zone No 2 (b).

Insert instead “Advertisements; institutions”.

[5] Clause 9, Table

Omit “Gas holders” from item 4 of the matter relating to Zone No 2 (t).

Insert instead “Advertisements; gas holders”.

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Schedule 1 Amendments

[6] Clause 9, Table

Omit “Advertising structures” from item 4 of the matter relating to Zone No 4.
Insert instead “Advertisements”.

[7] Clause 9, Table

Omit “Brothels” from item 5 of the matter relating to Zone No 7 (c).
Insert instead “Advertisements (other than building identification signs and business identification signs); brothels”.

[8] Clause 9, Table

Omit “Brothels” from item 5 of the matter relating to Zone No 7 (d).
Insert instead “Advertisements; brothels”.

[9] Clause 9, Table

Omit “Advertising structures” from item 4 of the matter relating to Zones Nos 9 (a) and 9 (b).
Insert instead “Advertisements”.

[10] Clause 35 What are exempt and complying development?

Insert at the end of clause 35 (5):

Development Control Plan No 7—Exempt and Complying Development (Amendment No 6) (24 February 2005)

[11] Clause 37

Insert after clause 36:

37 Controls for advertisements

(1) Objectives

This clause aims to ensure that advertisements:

- (a) convey the advertiser’s messages and images while complementing and conforming to both the building on which they are displayed and the character of the surrounding locality, and
- (b) do not adversely affect the area in which they are located in terms of appearance, size, illumination, overshadowing or in any other way, and
- (c) do not lead to visual clutter through the proliferation of signs, and

- (d) are compatible with the desired amenity and visual character of an area, and
- (e) provide effective communication in suitable locations, and
- (f) are of high quality design and finish.

(2) **Directional signs**

Despite any other provision of this plan, the erection or display of a directional sign by the Council or another public authority does not require development consent.

(3) **Matters for assessment relating to advertisements**

When determining a development application for consent to carry out development for the purposes of an advertisement, the Council must take into consideration the following:

- (a) the size and number of advertisements both proposed and existing,
- (b) the relationship of the advertisement to the scale, character and architecture of the premises where the sign is to be sited,
- (c) the impact of the advertisement on the streetscape and heritage value (if any) of the area,
- (d) the colour, graphics and standard of presentation of the advertisement,
- (e) the impact of the advertisement on traffic safety in the area, and on residential amenity, where relevant,
- (f) *Development Control Plan No 14—Advertising Signage*, as adopted by the Council on 24 February 2005.