



New South Wales

## **Lismore Local Environmental Plan 2000 (Amendment No 8)**

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*. (G92/00472/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

---

## **2003 No 24**

Clause 1                      Lismore Local Environmental Plan 2000 (Amendment No 8)

---

# **Lismore Local Environmental Plan 2000 (Amendment No 8)**

## **1 Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 8)*.

## **2 Aim of plan**

This plan aims to enable rural landsharing community development to occur in areas identified as being suitable for such development in the *Lismore Rural Housing Strategy* (dated February 2002) deposited in the office of Lismore City Council.

## **3 Land to which plan applies**

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

## **4 Amendment of Lismore Local Environmental Plan 2000**

*Lismore Local Environmental Plan 2000* is amended as set out in Schedule 1.

## **5 Amendment of State Environmental Planning Policy No 15—Rural Landsharing Communities**

*State Environmental Planning Policy No 15—Rural Landsharing Communities* is amended by omitting “Lismore” from Schedule 1.

## Schedule 1 Amendment

(Clause 4)

### Clauses 42 and 42A

Insert after clause 41:

#### 42 Rural landsharing community development

- (1) This clause applies to land within Zone No 1 (a) or 1 (c) that has been identified in the *Lismore Rural Housing Strategy* as being within a potential closer rural settlement locality.
- (2) Consent may be granted to development for the purpose of 3 or more dwellings (inclusive of any existing dwellings on the land) on land to which this clause applies if:
  - (a) the land comprises a single allotment, and
  - (b) the land has an area of not less than 10 hectares, and
  - (c) the part of the land on which any dwelling or structure is to be situated does not have a slope in excess of 18 degrees, and
  - (d) not more than 25 per cent of the land consists of prime agricultural land, and
  - (e) the part of the land on which any structure or work is to be situated is not prime agricultural land, and
  - (f) the majority of the allotment is within an area identified as potentially suitable for rural landsharing community development in the *Lismore Rural Housing Strategy*, and
  - (g) the land is within 4 km by road of:
    - (i) a primary school, or
    - (ii) a shop, or
    - (iii) a community hall, or
    - (iv) an existing rural landsharing community development where the number of approved dwellings exceeds 25, or

## 2003 No 24

Lismore Local Environmental Plan 2000 (Amendment No 8)

Schedule 1

Amendment

---

- (v) 2 or more existing rural landsharing community developments where the total number of approved dwellings exceeds 25, and
  - (h) the land is within 2 km by road of an arterial, sub-arterial or collector road as identified on map 3 of Part B of the *Lismore Rural Housing Strategy*.
- (3) Consent must not be granted to development pursuant to this clause unless the consent authority has taken into consideration the following matters:
  - (a) the means proposed for establishing land ownership, dwelling occupancy rights and environmental and community management,
  - (b) the area or areas proposed for the erection of buildings, including any proposal for the clustering of buildings,
  - (c) the area or areas proposed for community use (other than areas for residential accommodation and home improvement areas),
  - (d) the need for any proposed development for community use that is ancillary to the use of the land,
  - (e) the availability and standard of public road access to the land,
  - (f) the availability of a water supply to the land for domestic, agricultural and fire fighting purposes and, if required by the applicant, the availability of electricity and telephone services,
  - (g) the availability of community facilities and services to meet the needs of the occupants of the land,
  - (h) whether adequate provision has been made for waste disposal from the land,
  - (i) the impact of the development on the vegetation cover of the land and any measures proposed for environmental protection, site rehabilitation or reforestation,
  - (j) whether the land is subject to a risk of flooding, bush fires, landslip or erosion or whether there are areas with actual or potential acid sulfate soils and, if so, the adequacy of any measures proposed to protect

- occupants, buildings, internal access roads, service installations and land adjoining the development from any such hazard,
- (k) the visual impact of the proposed development on the landscape,
  - (l) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of lands in the vicinity, including the need for separation and buffers to avoid conflicts with existing land use,
  - (m) the effect of the proposed development on the quality of the water resources in the vicinity,
  - (n) the impact on any known Aboriginal relics or sites,
  - (o) the impact of the proposed development on any heritage item, relic or site.
- (4) Consent must not be granted to development pursuant to this clause unless the consent authority has considered an environmental management plan for the development that makes comprehensive proposals for the following:
- (a) water management,
  - (b) waste management,
  - (c) prevention, control and management of soil erosion,
  - (d) bush fire management,
  - (e) management of flora and fauna, control of noxious weeds and noxious animals and environmental repair and enhancement measures,
  - (f) a communal plan for social organisation,
  - (g) provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters.
- (5) Consent must not be granted to development pursuant to this clause of land with an area specified in Column 1 of the Table to this subclause unless the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Column 2 of the Table to this subclause for land with that area.

**2003 No 24**

Lismore Local Environmental Plan 2000 (Amendment No 8)

Schedule 1      Amendment

---

**Table**

| <b>Column 1</b>  | <b>Column 2</b>  |
|--|--|
| <b>Area of land</b>                                      | <b>Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)</b> |
| Not less than 10 hectares but not more than 210 hectares | $4 + \frac{(A - 10)}{4}$   |
| More than 210 hectares but not more than 360 hectares    | $54 + \frac{(A - 210)}{6}$   |
| More than 360 hectares                                   | 80   |

- (6) If the number of dwellings calculated in accordance with the formula in subclause (5) includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one-half or more, or rounded down to the nearest whole number in the case of a fraction of less than one-half.
- (7) Even if the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the maximum number of dwellings permitted by subclause (5), the consent must not be granted if those dwellings are so designed that they could, in the consent authority's opinion, reasonably accommodate more people than the number calculated by multiplying that maximum number of dwellings by 4.
- (8) Where development is carried out on land pursuant to this clause, the subdivision of that land is prohibited except where otherwise permitted under clause 36.
- (9) In this clause:  
*Lismore Rural Housing Strategy* means the Lismore Rural Housing Strategy dated February 2002 and deposited in the office of the Council.

**42A Restriction on number of dwellings that may be created under clause 42**

Consent must not be granted to development for the purpose of dwellings pursuant to clause 42 if the total of the number of dwellings created during a 10 year period in accordance with such consents would exceed the maximum number specified by the Council and agreed to by the Director-General.