



New South Wales

## **Lismore Local Environmental Plan 2000 (Amendment No 23)**

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*. (GRA6322799/PC-1)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 672

Clause 1 Lismore Local Environmental Plan 2000 (Amendment No 23)

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## Lismore Local Environmental Plan 2000 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 23)*.

### 2 Aims of plan

This plan aims to amend *Lismore Local Environmental Plan 2000*:

- (a) to prohibit advertisements on motor vehicles in certain circumstances, and
- (b) to amend provisions relating to boundary adjustments on rural land, and
- (c) to permit 2 dwellings to be erected on a single parcel of rural land in certain circumstances, and
- (d) to remove a provision relating to investigation areas referred to on the zoning map, and
- (e) to amend provisions relating to the permissibility of:
  - (i) cemeteries and crematoriums in residential and industrial zones, and
  - (ii) residential flat buildings in business zones, and
- (f) to introduce an additional objective to Zone No 2 (f), and
- (g) to correct descriptions of certain properties described in the Schedule of heritage items, and
- (h) to amend the definitions of ***car repair station***, ***community facility*** and ***rural tourist facility*** and replace the definition of ***residential building*** with ***residential flat building***, and
- (i) to rezone certain land in Tuncester to Zone No 1 (a) (General Rural Zone), and
- (j) to rezone certain land from Zone No 3 (f) (Services Business (Flood Liable) Zone) to Zone No 3 (a) (Business Zone).

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**3 Land to which plan applies**

This plan applies:

- (a) in respect of the matter referred to in clause 2 (g) to 1, 9A, 9B and 9D Airforce Road, Lismore, and
- (b) in respect of the matter referred to in clause 2 (i) to part Lot 3, DP 828423 and part Lot 22, DP 792611, Rifle Range Road, Tuncester, shown edged in heavy black on Sheet 1 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 23)” held in the office of the Council of the City of Lismore, and
- (c) in respect of the matter referred to in clause 2 (j) to land shown edged in heavy black on Sheet 2 of the map marked “Lismore Local Environmental Plan 2000 (Amendment No 23)” held in the office of the Council of the City of Lismore, and
- (d) in respect of all other matters, to all land to which the *Lismore Local Environmental Plan 2000* applies.

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

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

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Lismore Local Environmental Plan 2000 (Amendment No 23)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

**[1] Clause 24 Development for the purpose of advertisements**

Omit clause 24 (3). Insert instead:

**(3) Advertisements on trailers and motor vehicles on public land**

The development of public land (within the meaning of clause 74) to display an advertisement for a commercial purpose on a motor vehicle or trailer is prohibited. This subclause does not apply to a motor vehicle or a trailer attached to a motor vehicle while the vehicle or vehicle and trailer are otherwise lawfully on the carriageway of a public street.

**[2] Clause 30 Zone No 1 (a) (General Rural Zone)**

Omit from item 30.5 of the Table to the clause:

- residential buildings

Insert instead:

- residential flat buildings

**[3] Clause 31 Zone No 1 (b) (Agricultural Zone)**

Omit from item 31.5 of the Table to the clause:

- residential buildings

Insert instead:

- residential flat buildings

**[4] Clause 32 Zone No 1 (c) (Rural Residential Zone)**

Omit from item 32.5 of the Table to the clause:

- residential buildings

Insert instead:

- residential flat buildings

**[5] Clause 35 Zone No 1 (r) (Riverlands Zone)**

Omit from item 35.5 of the Table to the clause:

- residential buildings

Insert instead:

- residential flat buildings

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**[6] Clause 36 Subdivision and development in rural zones**

Omit “, if the consent authority is satisfied that the land will be used for the purpose of agriculture, forestry or a dwelling house,” from clause 36 (1).

**[7] Clause 36 (5) (a)**

Insert “and” after “zones,”.

**[8] Clause 36 (5) (b)**

Insert “and” after “created,”.

**[9] Clause 36 (5) (e)**

Insert at the end of clause 36 (5) (d):

, and

- (e) no additional entitlement for subdivision is created pursuant to subclause (1) or (2).

**[10] Clause 37 Rural dwellings and rural dual occupancy**

Omit clause 37 (6). Insert instead:

- (6) A second dwelling-house may be erected on an allotment of land to which this clause applies, with consent, if:

- (a) on or before the completion of the second dwelling-house the first dwelling-house on the allotment is demolished or rendered uninhabitable so that it is not able to be separately occupied as a dwelling-house, or

- (b) the second dwelling-house is to be erected on land within Zone No 1 (c) or land listed in Schedule 4 with a purpose of rural residential subdivision listed in Column 2 of that Schedule and the consent authority is satisfied that:

- (i) both dwellings have the same vehicular access from a public road, and
- (ii) the second dwelling-house is located wholly within a radius of 80 metres from the first dwelling-house, and
- (iii) the land is physically suitable for the construction of two dwelling-houses, and
- (iv) the land is physically capable of accommodating effluent disposal areas for both dwelling-houses.

**[11] Clause 43 Investigation areas referred to on zoning map**

Omit the clause.

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Schedule 1 Amendments

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**[12] Clause 48 Zone No 2 (a) (Residential Zone)**

Omit from item 48.4 of the Table to the clause:

- cemeteries and crematoriums

Insert instead:

- cemeteries

**[13] Clause 48, Table**

Omit from item 48.4:

- residential buildings

Insert instead:

- residential flat buildings

**[14] Clause 48, Table**

Insert in alphabetical order in item 48.5:

- crematoriums

**[15] Clause 49 Zone No 2 (f) (Residential (Flood Liable) Zone)**

Insert at the end of paragraph (c) in item 49.1 of the Table to the clause:

, and

- (d) to minimise the impact of non-residential development on the amenity of existing residences in the locality.

**[16] Clause 49, Table**

Omit from item 49.5:

- residential buildings

Insert instead:

- residential flat buildings

**[17] Clause 51 Subdivision of land in Zones Nos 2 (a) and 2 (v)**

Omit “residential building” from clause 51 (4) (a).

Insert instead “residential flat building”.

**[18] Clause 58 Zone No 3 (a) (Business Zone)**

Omit from item 58.4 of the Table to the clause:

- residential buildings

Insert instead:

- residential flat buildings (but only if part of the building is used for a commercial purpose that is permitted with development consent)

**[19] Clause 59 Zone No 3 (b) (Neighbourhood Business Zone)**

Omit from item 59.4 of the Table to the clause:

- residential buildings

Insert instead:

- residential flat buildings (but only if part of the building is used for a commercial purpose that is permitted with development consent)

**[20] Clause 60 Zone No 3 (f) (Services Business (Flood Liable) Zone)**

Omit from item 60.5 of the Table to the clause:

- residential buildings

Insert instead:

- residential flat buildings

**[21] Clause 63 Zone No 4 (a) (Industrial Zone)**

Insert in alphabetical order in item 63.4 of the Table to the clause:

- crematoriums

**[22] Clause 63, Table**

Omit from item 63.5:

- crematoriums and cemeteries

Insert instead:

- cemeteries

**[23] Clause 63, Table**

Omit from item 63.5:

- residential buildings

Insert instead:

- residential flat buildings

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Schedule 1 Amendments

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### [24] Schedule 1 Heritage items

Omit the matter relating to Map No 64 from the Schedule. Insert instead:

64	Lismore Cemetery	1, 9A, 9B and 9D Airforce Road, Lismore	Cemetery	30139	Built item
				10033	Landscape item
					Archaeological site

### [25] Schedule 7 Definitions

Insert “, but not repairs of a kind usually carried out by an auto-electrician” after “spray painting” in the definition of *car repair station*.

### [26] Schedule 7, definition of “community facility”

Insert “or operated” after “owned”.

### [27] Schedule 7, definitions of “home industry” and “home occupation”

Omit “residential building” wherever occurring.

Insert instead “residential flat building”.

### [28] Schedule 7, definition of “residential building”

Omit the definition. Insert instead:

*residential flat building* means a building or group of buildings erected on one lot of land and containing three or more dwellings.

### [29] Schedule 7, definition of “rural tourist facility”

Omit “guest house, hostel,”.

### [30] Schedule 7, definition of “the map”

Insert in appropriate order:

Lismore Local Environmental Plan 2000 (Amendment No 23)  
(Sheets 1–4)

BY AUTHORITY

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