



New South Wales

Lismore Local Environmental Plan 2012 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

GARRY MURPHY, GENERAL MANAGER, LISMORE CITY COUNCIL
As delegate for the Minister for Planning and Infrastructure

Lismore Local Environmental Plan 2012 (Amendment No 4)

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1 Name of Plan

This Plan is *Lismore Local Environmental Plan 2012 (Amendment No 4)*.

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 the land to which *Lismore Local Environmental Plan 2012* applies.

Schedule 1 Amendment of Lismore Local Environmental Plan 2012

[1] Clause 4.2B Erection of dual occupancies and dwelling houses on land in certain rural zones

Omit clause 4.2B (3) (e). Insert instead:

- (e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by:
 - (i) a realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

[2] Clauses 4.2D and 4.2E

Insert after clause 4.2C:

4.2D Exceptions to minimum subdivision lot size for lot boundary adjustments in Zone RU1

- (1) The objective of this clause is to permit lot boundary adjustments in Zone RU1 Primary Production that will provide improved agricultural outcomes without creating additional opportunities for the erection of dwellings.
- (2) Development consent may be granted for the subdivision of land in Zone RU1 Primary Production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that:
 - (a) the subdivision will not result in the creation of an additional lot or the opportunity for additional dwelling entitlements on any of the lots, and
 - (b) the subdivision will not adversely impact on the long-term agricultural production potential of the lots and the surrounding locality.

4.2E Exceptions to minimum subdivision lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain either:
 - (i) only the land in Zone RU1 Primary Production that was in the original lot, or
 - (ii) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map

- in relation to that land as well as all of the land in Zone RU1
Primary Production that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) A dwelling cannot be erected on a lot created under subclause (3) (a) (i).