



New South Wales

Lismore Local Environmental Plan 2012 (Amendment No 39)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

JEREMY GRAY

As delegate for the Minister for Planning and Public Spaces

Lismore Local Environmental Plan 2012 (Amendment No 39)

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1 Name of Plan

This Plan is *Lismore Local Environmental Plan 2012 (Amendment No 39)*.

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.

4 Maps

The maps adopted by *Lismore Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Lismore Local Environmental Plan 2012

[1] Land Use Table

Insert at the end of item 1 of Zone R2 Low Density Residential—

- To ensure that tourist and visitor accommodation is of a scale and intensity that is appropriate and compatible with the character of the area.

[2] Land Use Table, Zone R2 Low Density Residential

Omit “Bed and breakfast accommodation;” from item 3.

[3] Land Use Table, Zone R2, item 3

Insert “Tourist and visitor accommodation;” in appropriate order.

[4] Land Use Table, Zone R2, item 4

Omit “Any development not specified in item 2 or 3”.

Insert instead “Farm stay accommodation; Any other development not specified in item 2 or 3”.

[5] Land Use Table

Insert “Artisan food and drink industries;” in appropriate order in item 3 of the matter relating to Zones B1, B2, B3 and B4.

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

Insert “or 4.2E(3)(a)(i)” after “clause 4.2(3)” in clause 4.2B(3)(b).

[7] Clause 4.2B(3A)

Insert after clause 4.2B(3)—

- (3A) Development consent must not be granted for the erection of a dual occupancy on a lot resulting from the subdivision of land to which this clause applies by a strata plan scheme or by a subdivision that requires development consent under the *Community Land Development Act 1989* unless—
- (a) there is a lawfully erected dual occupancy on the land, and
 - (b) the dual occupancy to be erected is intended only to replace the existing dual occupancy.

[8] Clause 6.8 Rural landsharing community development

Insert after clause 6.8(4)—

- (4A) Development consent must not be granted under subclause (3) for development on a lot unless the lot—
- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) is a lot created under this Plan, other than under clause 4.2(3) or 4.2E(3)(a)(i), or
 - (c) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dual occupancy or

dwelling house was permissible immediately before that commencement, or

- (d) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before this Plan commenced and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
- (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.

[9] Schedule 2 Exempt development

Insert in appropriate order—

Roadside stalls

- (1) This clause applies to the use of land for a roadside stall for the sale of only agricultural produce.
- (2) The roadside stall—
 - (a) must be located on land within Zone RU1 Primary Production, and
 - (b) must be located wholly on private property, and
 - (c) must not be located on land that is adjacent to Bruxner Highway or Bangalow Road, and
 - (d) must not have a footprint greater than 4m².
- (3) No more than 1 roadside stall may be used on a landholding.

[10] Schedule 5 Environmental heritage

Insert “Lot 4720, DP 1226324” in the column headed “**Property Description**” in item I27 in Part 1.

[11] Schedule 5, Part 3, item A2

Omit the matter relating the item. Insert instead—

Eltham	Railway bridge	Wilsons River (adjacent to Eltham Road)	Lot 190, DP 915276; Lot 4720 DP 1226324	Local	A2
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