

Lismore Local Environmental Plan 2000

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New South Wales

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New South Wales

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Lismore Local Environmental Plan 2000



New South Wales

Part 1 Preliminary

1 Name of plan

This plan is *Lismore Local Environmental Plan 2000*.

2 Aims, objectives etc of plan

- (1) The general aim of this plan is to provide a flexible planning framework that allows for the maintenance and development of a prosperous, attractive and well-served living environment that reflects the values, needs and aspirations of the Lismore community.
- (2) The objectives of this plan are:
 - (a) **with respect to the economy:**
 - (i) to stimulate and strengthen the role of Lismore as a regional centre, and
 - (ii) to provide a range of opportunities which will improve employment opportunities in Lismore, and
 - (iii) to create opportunities to stimulate tourism and attract visitors to Lismore, and
 - (b) **with respect to transport:**

to provide for the efficient movement of goods and people by encouraging adequate road, rail and air transport systems, and
 - (c) **with respect to community development:**

to provide opportunities for the establishment of community, health and welfare facilities in accessible locations for residents, and
 - (d) **with respect to heritage:**
 - (i) to conserve the environmental heritage of the City of Lismore, and
 - (ii) to integrate heritage conservation into the planning and development control

processes, and

(iii) to provide for public involvement in the matters relating to the conservation of the City of Lismore's environmental heritage, and

(iv) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and their settings, as well as streetscapes and landscapes of Lismore and the distinctive character that they impart to the City of Lismore, and

(e) **with respect to housing:**

to provide a choice in residential living styles and an equitable and appropriate provision of utility services, and

(f) **with respect to leisure and learning:**

to reinforce the function of Lismore as a regional centre for education, sport, culture and recreation, and

(g) **with respect to health:**

to promote and maintain the health and well-being of the residents of the City, and

(h) **with respect to the natural environment:**

to sustain and enhance the City's natural systems, features and processes, including native fauna and flora, and

(i) **with respect to landscape:**

to improve the existing landscape of urban and rural Lismore to enhance the image of the City, the characteristics of each location, the built environment and the quality of life for the community, and

(j) **with respect to natural hazards:**

to minimise the adverse effects of natural hazards, particularly flood, fire and the instability of land.

3 Land to which plan applies

This plan applies to all land within the City of Lismore as shown on the map, with boundaries as indicated on that map.

4 Relationship to other environmental planning instruments

(1) *Lismore Local Environmental Plan 1992* is repealed.

- (2) *State Environmental Planning Policy No 4—Development Without Consent* is amended by inserting the following words in alphabetical order of local government area in Schedule 2 (Land excepted from clauses 6-10):

Lismore City local government area

5 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purpose of this plan with the exception of clauses 8, 14, 15, 16, 17, 23, 29, 33, 34 and 35 (c) and clause 11 of Schedule 1 and the definitions (in clause 4 (1)) of:

- advertising structure
- advertisement
- airline terminal
- bus depot
- bus station
- child care centre
- general store
- home occupation
- hotel
- industry
- junk yard
- map
- professional consulting rooms
- recreation facility
- refreshment room
- residential flat building
- road transport terminal
- rural industry
- service station

- transport terminal

6 Definitions

- (1) In this plan, terms defined in Schedule 7 have the same meaning as set out in that Schedule.
- (2) In this plan:
 - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (b) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
 - (c) matter that appears under the heading “Note” is an explanatory note only and does not form part of this plan. It is provided to assist understanding.

7 Consent authority

The Council is the consent authority for the purposes of this plan, except as provided otherwise by the Act.

8 Zone identification

Land to which this plan applies is within a zone specified below if it is shown on the map as indicated below:

Zone No 1 (a)—(General Rural Zone)—with black edging and lettered “1 (a)”.

Zone No 1 (b)—(Agricultural Zone)—with black edging and lettered “1 (b)”.

Zone No 1 (c)—(Rural Residential Zone)—with black edging and lettered “1 (c)”.

Zone No 1 (d)—(Investigation Zone)—with black edging and lettered “1 (d)”.

Zone No 1 (f)—(Forestry Zone)—with black edging and lettered “1 (f)”.

Zone No 1 (r)—(Riverlands Zone)—with black edging and lettered “1 (r)”.

Zone No 2 (a)—(Residential Zone)—with black edging and lettered “2 (a)”.

Zone No 2 (f)—(Residential (Flood Liable) Zone)—with black edging and lettered “2 (f)”.

Zone No 2 (v)—(Village Zone)—with black edging and lettered “2 (v)”.

Zone No 3 (a)—(Business Zone)—with black edging and lettered “3 (a)”.

Zone No 3 (b)—(Neighbourhood Business Zone)—with black edging and lettered “3 (b)”.

Zone No 3 (f)—(Services Business (Flood Liable) Zone)—with black edging and lettered “3 (f)”.

Zone No 4 (a)—(Industrial Zone)—with black edging and lettered “4 (a)”.

Zone No 5—(Special Uses Zone)—with black edging and lettered “5” (with black lettering indicating the particular use for the land).

Zone No 5 (b)—(Special Uses (Technology Park) Zone)—with black edging and lettered “5 (b)”.

Zone No 6 (a)—(Recreation Zone)—with black edging and lettered “6 (a)”.

Zone No 6 (b)—(Private Recreation Zone)—with black edging and lettered “6 (b)”.

Zone No 7 (a)—(Environment Protection (Natural Vegetation and Wetlands) Zone)—with black edging and lettered “7 (a)”.

Zone No 7 (b)—(Environment Protection (Habitat) Zone)—with black edging and lettered “7 (b)”.

Zone No 8—(National Parks and Nature Reserves Zone)—with black edging and lettered “8”.

9 Exempt and complying development

- (1) Development of minimal impact listed in *Lismore Development Control Plan No 39*, as adopted by the Council on 29 June 1999, is **exempt development**, despite any other provision of this plan.
- (2) Development listed in *Lismore Development Control Plan No 40*, as adopted by the Council on 29 June 1999, is **complying development** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Lismore Development Control Plan No 39* or *40*, as so adopted.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Lismore Development Control Plan No 40* adopted by the Council, as in force when the certificate is issued.
- (5) Exempt and complying development may be carried out within an environmentally sensitive area described in the Table to this clause only if the development is listed in that Table as development that can be carried out in such an area.

Table**Exempt and complying development allowed within environmentally sensitive areas**

Environmentally sensitive areas	Exempt or complying development (as identified in DCP No 39 or 40) that may be carried out:	
	Exempt	Complying
Flood affected land	All	Additions and alterations to existing dwellings; Swimming pools; Industrial and warehouse building additions; Commercial buildings—alterations and fitouts
Heritage conservation areas	Aerials and antennae (domestic use); Aviaries; Builders' sheds; Clotheslines; Cubbyhouses; Fish ponds; Flagpoles; Gas tanks; Gazebos; Greenhouses; Letterboxes; Restumping; Water heaters	Nil
Catchment areas	All	Nil
Environment Protection (Natural Vegetation and Wetlands) Zone	All (except farm sheds)	Nil
Environment Protection (Habitat) Zone	All (except farm sheds)	Nil
National Parks and Nature Reserves Zone	All (except farm sheds)	Nil
Agricultural Zone	All	Swimming pools; Commercial buildings—internal alterations

Areas identified by the Council as bush fire prone areas All

Dwelling additions, alterations and ancillary development;
Swimming pools;
Industrial and warehouse buildings additions and alterations;
Commercial buildings—minor internal alterations;
Existing commercial buildings to be used for certain food premises;
Strata subdivisions

Part 2 General provisions

10 Advertised development

The consent authority must not consent to advertised development unless the consent authority has had regard to the matters relating to environmental impact specified in Schedule 5.

11 Subdivision of land generally

Despite any other provision of this plan, a person may subdivide land to which this plan applies only with development consent granted in accordance with this Division.

12 Heritage items

- (1) In respect of any heritage item listed in Schedule 1, a person shall not, without development consent:
 - (a) damage or alter the item, or
 - (b) demolish or move the item, or
 - (c) erect another building on or subdivide the land on which the item is situated, or
 - (d) damage any mature and significant tree on the land on which the item is situated.
- (2) Consent shall not be granted to a development application required by subclause (1) unless the consent authority has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item or horticultural features of its setting.

13 Development in the vicinity of heritage items

Consent shall not be granted to an application to carry out development on land in the vicinity of a heritage item unless the consent authority has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

14 Heritage conservation areas

- (1) In respect of each of the heritage conservation areas listed in Schedule 2, a person shall not:
 - (a) demolish or alter a building or work within the area, or
 - (b) damage or move a relic within the area, or
 - (c) excavate for the purpose of exposing a relic within the area, or
 - (c1) damage or remove a tree within the area, or
 - (d) damage or despoil a place within the area, or
 - (e) erect a building on or subdivide land within the area,except with development consent.
- (2) Prior to granting consent required by this clause, the consent authority must make an assessment of the following design aspects of the proposed development:
 - (a) the pitch and form of the roof, if any,
 - (b) the style, size, proportion and position of the openings for windows and doors, if any,
 - (c) the colour, texture, style, size and type of finish of the materials, if any, to be used on the exterior of the building.

15 Heritage advertisements and notifications

- (1) Except as provided by subclause (2):
 - (a) the following are identified as advertised development for the purposes of the definition of **advertised development** in section 4 (1) of the Act:
 - (i) the demolition of a building or work that is a heritage item, and
 - (ii) a use of a building or land referred to in clause 17 which, but for that clause, would be prohibited under this plan, and
 - (b) where a person makes a development application for consent to the demolition of a building or work that is a heritage item, consent must not be granted to that application until 28 days after the consent authority has notified the Secretary of the Heritage Council of its intention to do so.
- (2) Subclause (1) does not apply to the partial demolition of a heritage item if, in the opinion of the prospective consent authority, the demolition will not adversely affect the heritage significance of the item.

16 Provisions relating to heritage items covered by a conservation instrument

Clauses 13, 14 and 15 do shall not apply where the building that is a heritage item or is within a heritage conservation area is the subject of a heritage order or interim heritage order within the meaning of, and made pursuant to, the [Heritage Act 1977](#).

17 Conservation incentives

(1) Nothing in this plan prevents the granting of consent to:

- (a) the use, for any purpose, of a building that is a heritage item or of the land on which the building is erected, or
- (b) the use, for any purpose, of a building within a heritage conservation area or of the land on which the building is erected,

if the consent authority is satisfied that the conservation of the building is facilitated by the granting of the consent.

(2) When considering an application for consent to erect a building on land on which there is situated a building that is a heritage item, the consent authority may:

- (a) for the purpose of determining the floor space ratio, and
- (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land, the floor space of the heritage item, but only if the consent authority is satisfied that the conservation of the building that is a heritage item depends on excluding the floor space of the heritage item.

18 Preservation of trees

(1) The objective of this clause is to provide that the Council may regulate the removal or lopping of trees for the purpose of securing or preserving the amenity of premises, a streetscape or a neighbourhood and securing or preserving koala habitat by introducing a development control plan.

(2) A person shall not, without development consent, ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree identified in a development control plan approved for the purposes of this clause by the Council on land specified or described in that plan.

19 Development of land near adjoining zones

(1) This clause applies to land within 50 metres of a boundary between any two zones, except Zone No 7 (a) or 7 (b).

- (2) Subject to subclause (3), development may, with consent, be carried out on land to which this clause applies for any purpose for which development may be carried out in any adjoining zone.
- (3) Consent must not be granted to the carrying out of development referred to in subclause (2) unless, in the opinion of the consent authority, the carrying out of the development is desirable due to design, ownership, servicing or similar requirements.

20 Buffer zones to avoid potential land use conflicts

- (1) This clause applies to all land to which this plan applies.
- (2) Despite any other provision of this plan, consent must not be granted to residential, rural residential or tourism development (including subdivision for those purposes), unless it has been demonstrated, to the satisfaction of the consent authority, that the proposed development will be compatible with any existing specified land uses in the locality and with surrounding established development.
- (3) In subclause (2), **specified land uses** means use of land for the purposes of cattle dips, dairies, cattle feedlots, chicken farms, intensive horticulture, piggeries, refuse disposal areas, sewage treatment works, quarries and other similar land uses.

21 Investigation areas referred to on zoning map

- (1) This clause applies to land identified on the map as land to which this clause applies.
- (2) Consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority has considered any likely conflict between the proposed use and longer term future uses of the land.

22 Development on flood affected land

- (1) In this clause:

acquisition areas means areas designated as such in the report entitled "*Lismore Flood Plain Management Advice to Council*" dated March 1983, a copy of which is held in the office of the Council.

- (2) The consent authority, when considering a development application involving the subdivision of, or the erection or alteration of buildings on, flood affected land, shall consider:
 - (a) the need for the floor level to be at or above the assessed flood standard, and
 - (b) the degree of flood-proofing and the need for flood-free storage, and
 - (c) the need for access to the development when the land is flooded, and
 - (d) the cumulative effect of carrying out the development on the functioning of the

floodway, and

- (e) whether the development will increase the risk to life and property and the likely need for the evacuation of persons.
- (3) Notwithstanding the provisions of Part 3, consent shall not be granted to the erection of a building on land designated as floodway, or land designated as “acquisition areas” on the map, unless:
- (a) the building is to be used for the purpose of flood emergency or utility services, or
 - (b) the consent authority is of the opinion that the development will provide a necessary service to the community in that locality, or
 - (c) the building is located on filled land designated as floodway, within Zone No 3 (f) or 4 (a), and an hydraulic study has been carried out for the land on which the building is proposed which shows, to the consent authority’s satisfaction, that the flood impact of the filling is not significant.
- (4) Consent shall not be granted to the erection of a building on land shown hatched on the map marked “*Lismore Local Environmental Plan 1992 (Amendment No 1)*” unless the building is to be used for the purposes of flood emergency or utility services or, in the opinion of the consent authority, the building will provide a necessary service to the community in the locality.

23 Irrigation, forestry and flood mitigation works

Nothing in this plan is to be construed as restricting or prohibiting (or enabling the consent authority to restrict or prohibit) the carrying out, or causing to be carried out, by a public authority, of any work for the purpose of:

- (a) soil conservation, or
- (b) irrigation, or
- (c) afforestation, or
- (d) reforestation, or
- (e) flood mitigation, or
- (f) water conservation, or
- (g) river improvements,

in pursuance of the provisions of the [Water Act 1912](#), the [Irrigation Act 1912](#), the [Farm Water Supplies Act 1946](#), the [Rivers and Foreshores Improvement Act 1948](#) or the [Local Government Act 1993](#).

24 Development for the purpose of advertisements

(1) **Definitions** In this clause:

advertising billboard means a structure (such as framework, a signboard, a noticeboard, a wall, or a fence) erected or used primarily for the display of advertising matter.

advertising sign means any sign on which advertising matter is displayed or which is designed or adapted or apparently designed or adapted for the display of advertising matter.

animated sign means an advertising sign with movement, or that flashes or changes colour, due to the use of electrical or manufactured sources of power.

awning sign (above) means an advertising sign that is located on top of an awning or verandah and that does not project above the parapet or ridgeline or beyond the awning edge.

awning sign (below) means an advertising sign that is fixed below an awning and above the footpath and that does not project above the awning edge and is located at least 2.5 metres above the footpath and 500 millimetres from the kerbing edge or awning edge.

banner/flag sign means a single piece of lightweight material attached or supported on one or two sides that displays advertising matter.

blimp/balloon sign means an advertising sign which is inflated and suspended above the premises, site or event which it is intended to promote or identify and which is tethered and displayed at the same premises for a period of no more than one calendar month in any one year.

bunting means an advertising sign consisting of a continuous string of lightweight coloured material secured so as to allow movement.

chalkboard sign means a board used for the purpose of describing services or goods for sale which vary on a regular basis, such as a restaurant menu.

directional sign means an advertising sign erected by the Council for the purpose of directing vehicular or pedestrian traffic, or advising the public (including advising the public about any restrictions), and which does not include any information of a commercial nature.

election sign means an advertising sign which is temporarily displayed to relay information for political purposes and which has an area not exceeding 1 square metre and which is only exhibited during the campaign concerned.

fascia sign means an advertising sign that is painted on or attached to the fascia or

return of an awning, but does not exceed the height of the fascia or the return of the awning.

home occupation sign means an advertising sign attached or located within the curtilage of a dwelling and which bears only the name, occupation and phone number of the occupier and has an area not exceeding 1 square metre.

illuminated sign (indirect) means an advertising sign in the form of a device (such as a reflective or luminous sign) in which a source of light is extended to the device in order to make the message readable.

illuminated sign (internal) means an advertising sign illuminated by an internal source of light.

illuminated sign (neon) means an illuminated advertising sign constructed from neon tubing.

integrated sign means an advertising sign that is permanent and is an integrated design component of a building.

pole/pylon sign means an advertising sign which is supported by one or more columns, uprights or braces fixed to the ground and which is not directly attached to any building or other structure.

portable footpath sign means a small, free-standing, portable advertising sign (other than a chalkboard) located on a footpath or area utilised for pedestrian traffic and includes a sandwich board.

projecting wall sign (horizontal) means an advertising sign which projects more than 300 millimetres from any wall to which it is attached, being a sign that has a width greater than its height.

projecting wall sign (vertical) means an advertising sign which projects more than 300 millimetres from any wall to which it is attached, being a sign that has a height greater than its width.

real estate sign means an advertising sign temporarily located on any land, building or structure which indicates the land, building or other structure is for sale, rent or auction, and which has an area not exceeding 5 square metres.

sky/roof/fin sign means an advertising sign erected on or above a roof or parapet wall of a building and which is supported, wholly or partially, by the building, and includes an advertising sign extending above the roof line of a building.

temporary sign means an advertising sign which is intended to advertise community or civic projects, construction projects or other special public events on a temporary basis and which is erected for no more than two consecutive calendar months.

tourist sign means an advertising sign that directs the travelling public to tourist facilities, activities or accommodation or places of scientific, historical or scenic interest.

wall sign means an advertising sign affixed or painted directly onto an exterior wall of a building, bus shelter or other structure and which is parallel to the face of the building or other structure.

window sign means an advertising sign painted or displayed on the exterior or interior of a shop window or on any glazed surface of a building or structure.

(2) **Development control table for outdoor advertising** In relation to land within a zone specified in Column 1 of the Table to this clause, development for the purpose of the erection or display of an advertisement described in the Table:

(a) which may be carried out without development consent is specified under the heading “Without development consent”, and

(b) which may be carried out only with development consent is specified under the heading “Only with development consent”, and

(c) which is prohibited is specified under the heading “Prohibited”.

Table

Column 1	Column 2	Column 3	Column 4
Zone No	Without development consent	Only with development consent	Prohibited
1 (a), 1 (b), 1 (r)	chalkboard sign, election sign, fascia sign, home occupation sign, real estate sign	any advertising sign not listed in Column 2 or 4	advertising billboard, animated sign, awning sign (above), banner/flag sign, blimp/balloon sign, bunting, illuminated sign (internal), illuminated sign (neon), pole/pylon sign, portable footpath sign, projecting wall sign, sky/roof/fin sign
1 (c), 1 (d), 1 (f)	awning sign (below), chalkboard sign, election sign, fascia sign, home occupation sign, real estate sign	any advertising sign not listed in Column 2 or 4	advertising billboard, animated sign, awning sign (above), banner/flag sign, blimp/balloon sign, bunting, illuminated sign (internal), illuminated sign (neon), pole/pylon sign, portable footpath sign, projecting wall sign, sky/roof/fin sign, wall sign

2 (a)	<p>awning sign (below), chalkboard sign, election sign, fascia sign, home occupation sign, real estate sign (not exceeding an area of 2 square metres where the land is used for residential purposes)</p>	<p>any advertising sign not listed in Column 2 or 4</p>	<p>advertising billboard, animated sign, awning sign (above), banner/flag sign, blimp/balloon sign, bunting, illuminated sign (internal), illuminated sign (neon), pole/pylon sign, portable footpath sign, projecting wall sign, sky/roof/fin sign, window sign (other than at ground floor)</p>
2 (f), 2 (v)	<p>awning sign (below), chalkboard sign, election sign, fascia sign, home occupation sign, real estate sign, window sign (ground floor only)</p>	<p>any advertising sign not listed in Column 2 or 4</p>	<p>advertising billboard, animated sign, portable footpath sign, sky/roof/fin sign</p>
3 (a), 3 (b), 3 (f), 4 (a)	<p>awning sign (below), chalkboard sign, election sign, fascia sign, home occupation sign, real estate sign, wall sign (not exceeding an area equivalent to 10% of the area of the wall), window sign (ground floor only)</p>	<p>any advertising sign not listed in Column 2 or 4</p>	<p>portable footpath sign</p>

5	awning sign (below), chalkboard sign, election sign, fascia sign, home occupation sign, real estate sign, window sign (ground floor only)	any advertising sign not listed in Column 2 or 4	advertising billboard, animated sign, bunting, election sign, portable footpath sign, sky/roof/fin sign
6 (a), 6 (b)	awning sign (below), chalkboard sign, election sign, fascia sign, home occupation sign, real estate sign, window sign (ground floor only)	any advertising sign not listed in Column 2 or 4	advertising billboard, animated sign, bunting, election sign, portable footpath sign, sky/roof/fin sign
7 (a), 7 (b), 8	fascia sign, home occupation sign, real estate sign	any advertising sign not listed in Column 2 or 4	advertising billboard, animated sign, awning sign, banner/flag sign, blimp/ balloon sign, bunting, election sign, illuminated sign, integrated sign, pole/ pylon sign, portable footpath sign, projecting wall sign, sky/roof/fin sign, wall sign, window sign

- (3) **Advertisements on trailers on public land prohibited** The development of public land (within the meaning of clause 74) to display an advertisement for a commercial purpose on a trailer is prohibited. This subclause does not apply to a trailer attached to a motor vehicle while the vehicle and trailer are otherwise lawfully on the carriageway of a public street.
- (4) **Directional signs** Nothing in this clause requires development consent for the erection or display of a directional sign by the Council or another public authority.
- (5) **Matters for assessment relating to outdoor advertising** When assessing a development application for consent to development for the purpose of the erection or display of an advertisement, the consent authority shall take into consideration the following:
- (a) the size and number of advertising signs both proposed and existing,
 - (b) the relationship of the advertising sign to the scale, character and architecture of the premises where the sign is to be sited,

- (c) the impact of the sign on the streetscape and heritage value (if any) of the area,
- (d) the colour, graphics and standard of presentation of the advertising sign,
- (e) the impact of the advertising sign on traffic safety in the area, and on residential amenity, where relevant,
- (f) any Council policy in relation to the control of outdoor advertising.

25 Development along main roads

- (1) Consent must not be granted to the carrying out of development on land that has frontage to a main road, unless:
 - (a) vehicular access to that land is provided by a road other than the main road, wherever possible, and
 - (b) in the opinion of the consent authority, the safety and efficiency of the main road will not be adversely affected by:
 - (i) the design of the vehicular access to the proposed development, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the main road to gain access to the proposed development.
- (2) Notwithstanding the provisions of subclause (1), consent must not be granted to the carrying out of development listed in Schedule 3 on land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 7 (a) or 7 (b) if the development will create direct vehicular access to:
 - (a) a main road, or
 - (b) a road connecting with a main road, where the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main road.

26 Suspension of certain laws etc

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or other like instrument imposing restrictions as to the erection of or use of buildings for certain purposes, or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to development carried out in accordance with this plan.
- (2) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclause (1).

27 Local art and craft galleries

- (1) Despite any other provision of this plan, a person may, with development consent, carry out development for the purpose of a local art and craft gallery on land within any zone, except Zone No 1 (f), 2 (a), 7 (a) or 8.
- (2) Development for the purpose of a local art and craft gallery is prohibited on land within Zone No 1 (f), 2 (a), 7 (a) or 8.
- (3) Consent must not be granted to development for the purpose of a local art and craft gallery if the land on which it is situated has a frontage to an arterial road unless there is vehicular access to the land otherwise than directly from an arterial road.
- (4) In this clause:

local art and craft gallery means a building or place used for the display and sale of items of local art and craft.

28 Additional development on certain land

- (1) Nothing in this plan prevents a person, with development consent, from carrying out development on land referred to in Schedule 4 specified in relation to that land in that Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted in respect of the development.

28A Development on land identified on Acid Sulfate Soil Planning Maps

- (1) **Objectives** The objectives of this clause are to require special assessment of certain developments on land identified as being subject to acid sulfate soils and to provide for a regime of self-regulation by organisations which have demonstrated to Council their ability to manage acid sulfate soil issues.
- (2) **Consent usually required** A person must not, without the consent of Council, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (4).

Class of land as shown on Acid Sulfate Soil Planning Map	Works
1	Any Works.
2	Works below natural ground surface Works by which the watertable is likely to be lowered.

- | | |
|---|---|
| 3 | Works beyond 1 metre below the natural ground surface
Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface. |
| 4 | Works beyond 2 metres below the natural ground surface
Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land. |

(3) For the purpose of subclause (2) **works** includes:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, agricultural-related works, the construction or maintenance of drains, engineering works, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or
- (b) any other works that are likely to lower the watertable.

(4) **Exception following preliminary assessment** This clause does not require consent for the carrying out of works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to Council, and
- (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.

(5) **Application guidelines** Applicants should consult Lismore City Council *Development Control Plan No 38—Acid Sulfate Soils* prior to lodgement of applications and prepare their application in accordance with the requirements of that DCP.

(6) **Considerations for consent authority** Council must not grant consent, pursuant to this clause, unless it has first considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) any comments received from the Department of Land and Water Conservation

within 21 days of the Council having sent that Department a copy of the development application and of the related acid sulfate soils management plan.

(7) **Public authorities not excepted** This clause requires consent for development to be carried out by Lismore City Council, other councils, county councils or drainage unions despite:

(a) Clause 23 of this plan, and

(b) Clause 35 and item 2 of Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and

(c) Clause 10 of *State Environmental Planning Policy No 4—Development Without Consent*.

(8) **Special provisions for Council and county councils** Notwithstanding the provisions of subclause (7), the following types of development may be carried out without consent by the Council or a county council:

(a) development consisting of emergency work,

(b) development consisting of routine maintenance, and

(c) development consisting of minor work,

and development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies.

(9) Despite subclause (8), development consisting of routine maintenance or minor work may be carried out only with consent if the development is on a site listed as a heritage item in Schedule 1.

(10) Where the Council or a county council carries out development described in subclause (8) and encounters, or is likely to encounter, actual acid sulfate soils, the Council or county council shall properly deal with those soils in accordance with the *Acid Sulfate Soils Guidelines* so as to minimise the actual or potential impact to the environment arising from disturbance to the soils.

(11) In this clause:

council's work means such works as are owned or controlled by the Council.

county council has the same meaning as in the *Local Government Act 1993*.

emergency work means the repair or replacement of any part of the Council's works or the works of a county council:

(a) because it has been (or is being) damaged by a natural disaster, an accident, an act of vandalism or a like occurrence, or

(b) because it has ceased to function or suddenly ceased to function adequately, and includes work reasonably necessary to prevent or limit any further damage or malfunction.

minor work means new work effected by the Council or a county council, but not drainage work, which has a value not greater than \$20,000.

routine maintenance means the periodic inspection, cleaning, repair and replacement of the Council's works or the works of a county council, but does not include work that would result in an increase in the design capacity of any part of those works or necessitate the deepening of an existing works capacity, except where one tonne, or less, of soil is disturbed.

works of a county council means such works as are owned or controlled by a county council.

(12) **Special provisions for NSW Sugar Milling Cooperative Ltd** Subclauses (2) and (6) do not apply to works carried out on land shown as class 1, 2, 3, 4 and 5 land on the series of maps marked "*Acid Sulfate Soil Planning Map*" for the purpose of agriculture (including drains, land levelling, dams, road works and the like) provided that:

- (a) a Production Area Entitlement with the NSW Sugar Milling Cooperative Ltd applies to the land at the time of carrying out the works, and
- (b) the works are carried out in accordance with a drainage management plan lodged with and endorsed by the NSW Sugar Milling Cooperative, and
- (c) the drainage management plan has been prepared in accordance with the *Sugar Industry Best Practice Guidelines*, a copy of which is available at the office of the Council, and
- (d) the *Sugar Industry Best Practice Guidelines* have been approved by the Director-General of the Department of Urban Affairs and Planning in consultation with the NSW Acid Sulfate Soils Management Advisory Committee (ASSMAC) and the Department of Agriculture and have been adopted by the Council, and
- (e) the works are not carried out in respect of any major drain listed in Schedule 8, or on land within Zone No 7 (a) or 7 (b), and
- (f) Council has not served a notice on the person carrying out or using the works requiring that the carrying out or use of the works must cease or that development consent must be obtained prior to the carrying out or further use of the works.

(13) An annual review of drainage management plans and works to which subclause 12 relates is to be carried out by, or on behalf of, the NSW Sugar Milling Co-operative Ltd

to a standard satisfactory to the Council and the Co-operative is to provide the Council with a copy of the results of the review immediately after it has been carried out. The Council may issue a notice under subclause (12) (f) relating to any one or more of those works if either of those requirements is not complied with.

Part 3 Provisions applying to particular zones

29 Zone objectives and zoning control tables

- (1) The objectives of each zone are set out in the table in this Part that provides general zoning controls for that zone, under the heading “Objectives (or Objective) of zone”.
- (2) Except as otherwise provided for by this plan, for each zone, the development that:
 - (a) may be carried out without development consent, is indicated in the table that provides general zoning controls for that zone under the heading “Without development consent”, or
 - (b) may be carried out only with development consent, is indicated in that table under the heading “Only with development consent”, or
 - (c) is prohibited, is indicated in that table under the heading “Prohibited”.
- (3) The consent authority must not grant consent to the carrying out of development in a particular zone unless the consent authority is of the opinion that the proposed development is consistent with the objectives of the zone in which it is to be carried out.
- (4) Development is advertised development, for the purposes of the Act, if the development is listed under the heading “Only with development consent—advertised development” in the table that provides general zoning controls for a particular zone. However, such development is not advertised development if it involves only alterations or additions to existing buildings or works, being alterations or additions of a minor nature which, in the opinion of the consent authority, do not to any significant extent change the scale, impact, size or degree of the existing buildings or works.

Division 1 Rural zones

30 Zone No 1 (a) (General Rural Zone)

The following table provides general zoning controls for Zone No 1 (a):

Table

30.1 Objectives of zone

The objectives are:

- (a) to encourage and permit a range of uses creating a pattern of settlement at a

scale and character that maintains or enhances the natural, economic, cultural, social and scenic amenity of the rural environment of the City of Lismore, and

- (b) to encourage and permit a pattern of settlement which does not adversely affect the quality of life of residents and visitors and maintains the rural character, and
- (c) to ensure development occurs only on land which is suitable for and economically capable of supporting that development and so as not to create conflicting uses, and
- (d) to allow the use of land within the zone for agricultural purposes and for a range of other appropriate purposes, while minimising conflict between other uses and intensive agriculture, and
- (e) to restrict the establishment of inappropriate traffic generating uses along main road frontages, and
- (f) to ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the potential of any existing or future extractive industry, and
- (g) to enable the provision of rural tourist accommodation and facilities only where such facilities are compatible with the form and density of the nature of the locality, and
- (h) to permit the development of industries that are appropriately located in the rural environment.

30.2 Without development consent

Development for the purpose of:

- agriculture (other than animal establishments)
- bush fire hazard reduction
- forestry
- home occupations

Exempt development

30.3 Only with development consent

Development not included in item 30.2, 30.4 or 30.5.

30.4 Only with development consent—advertised development

Development for the purpose of:

- airfields
- caravan parks or mobile home parks for non-permanent occupation
- helipads
- heliports
- industries (other than home, light or rural industries)
- service stations

30.5 Prohibited

Development for the purpose of:

- amusement parlours
- brothels
- bulky goods showrooms
- commercial premises (unless allowed with consent)
- liquor outlets (other than those physically attached to and operated or to be operated as part of a convenience shop)
- residential buildings
- restricted premises
- shops (other than convenience shops and shops ancillary to a permitted use)
- warehouses

31 Zone No 1 (b) (Agricultural Zone)

The following table provides general zoning controls for Zone No 1 (b):
Table

31.1 Objectives of zone

The objectives are:

- (a) to preserve areas of higher quality agricultural land, and
- (b) to permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and
- (c) to control development that may restrict the function of or create traffic hazards

along classified roads, and

- (d) to enable tourist facilities to be provided that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.

31.2 Without development consent

Development for the purpose of:

- agriculture (other than animal establishments)
- bush fire hazard reduction
- forestry
- home occupations

Exempt development

31.3 Only with development consent

Development not included in item 31.2, 31.4 or 31.5.

31.4 Only with development consent—advertised development

Development for the purpose of:

- abattoirs
- airfields
- caravan parks for non-permanent occupation
- helipads
- heliports
- industries (other than home, light or rural industries)
- recreation establishments
- service stations
- tourist facilities (other than rural tourist facilities)

31.5 Prohibited

Development for the purpose of:

- amusement parlours

- boarding houses
- brothels
- bulky goods showrooms
- caravan parks
- car repair stations
- clubs
- commercial premises
- drive-in theatres
- goods transport terminals
- hospitals
- institutions
- large scale generating works
- licensed premises
- liquor outlets (other than those physically attached to and operated or to be operated as part of a convenience shop)
- materials recycling yards
- medical centres
- motels
- motor showrooms
- offensive or hazardous industries
- passenger transport terminals
- recreation vehicle areas
- residential buildings
- restricted premises
- shops (unless allowed with consent)
- transport depots
- warehouses.

32 Zone No 1 (c) (Rural Residential Zone)

The following table provides general zoning controls for Zone No 1 (c):
Table

32.1 Objectives of zone

The objectives are:

- (a) to provide opportunities for rural residential living in areas in close proximity to existing villages and urban areas where services are readily and economically accessible, and
- (b) to minimise the cost of development to the general community by requiring persons benefiting from rural residential development to both pay for and provide their own on-site utility services, where appropriate, and
- (c) to preserve and enhance the amenity of the rural residential area requiring the preparation of an environmental impact report or development control plan where the Council deems necessary prior to the development of the land, and
- (d) to ensure a variety of lots sizes that are compatible with existing land use and reflect land capability.

32.2 Without development consent

Development for the purpose of:

- agriculture (other than animal establishments)
- bush fire hazard reduction
- forestry
- home occupations

Exempt development

32.3 Only with development consent

Development not included in item 32.2, 32.4 or 32.5.

32.4 Only with development consent—advertised development

Development for the purpose of:

- educational establishments
- institutions
- medical centres

- recreation establishments
- restaurants
- rural tourist facilities
- veterinary hospitals

32.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- amusement parlours
- animal establishments
- animal saleyards
- boarding houses
- brothels
- bulky goods showrooms
- bulk stores
- caravan parks
- car repair stations
- cemeteries and crematoriums
- clubs
- commercial premises
- drive-in theatres
- large scale generating works
- goods transport terminals
- helipads
- heliports
- hospitals

- industries (other than home industries)
- licensed premises
- liquid fuel depots
- liquor outlets (other than those physically attached to and operated or to be operated as part of a convenience shop)
- materials recycling yards
- mines
- motels
- motor showrooms
- passenger transport terminals
- recreation facilities
- recreation vehicle areas
- residential buildings
- restricted premises
- sawmills
- service stations
- shops (other than convenience shops)
- stock and saleyards
- tourist facilities
- transport depots
- warehouses

33 Zone No 1 (d) (Investigation Zone)

The following table provides general zoning controls for Zone No 1 (d):
Table

33.1 Objectives of zone

The objectives are:

- (a) to identify land which is to be investigated in respect of its suitability for rezoning,
and

- (b) to ensure that development within the zone is compatible with the anticipated future development of the land, and
- (c) to ensure that development maintains the existing character of the locality and minimises disturbance to the scenic value of the landscape through clearing, earthworks, access roads and construction of buildings, and
- (d) to ensure that development does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.

33.2 Without development consent

Development for the purpose of:

- agriculture (other than animal establishments and plantings that will require the use of mechanised sprays)
- bush fire hazard reduction
- forestry
- home occupations

Exempt development

33.3 Only with development consent

Development for the purpose of:

- craft studios
- dwelling-houses
- home industries
- home offices
- public utility undertakings
- recreation areas
- recreation establishments
- roadside stalls
- rural industries ancillary to an existing use
- utility installations
- wholesale plant nurseries

33.4 Only with development consent—advertised development

Development for the purpose of:

- animal establishments
- caravan parks for non-permanent accommodation
- community facilities
- restaurants
- retail plant nurseries
- service stations

33.5 Prohibited

Development not included in item 33.2, 33.3 or 33.4.

34 Zone No 1 (f) (Forestry Zone)

The following table provides general zoning controls for Zone No 1 (f):
Table

34.1 Objective of zone

The objective is to allow forestry activities carried out by or on behalf of the Forestry Commission.

34.2 Without development consent

Development for the purpose of:

- agriculture
- any building, work, place or land use authorised under the [Forestry Act 1916](#) (including any ordinarily ancillary or incidental development)
- bush fire hazard reduction
- home occupations

Exempt development

34.3 Only with development consent

Development for the purpose of:

- extractive industries
- mines

- utility installations

34.4 Only with development consent—advertised development

Nil.

34.5 Prohibited

Development not included in item 34.2, 34.3 or 34.4.

35 Zone No 1 (r) (Riverlands Zone)

The following table provides general zoning controls for Zone No 1 (r):
Table

35.1 Objectives of zone

The objectives are:

- (a) to encourage the use of the land for its optimum productive potential, and
- (b) to permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and
- (c) to control development that may restrict the function of, or create a traffic hazard along, classified and other formed roads, and
- (d) to limit the development of non-agricultural uses, except those which will not be adversely affected by flooding.

35.2 Without development consent

Development for the purpose of:

- agriculture (other than animal establishments)
- bush fire hazard reduction
- forestry
- home occupations

Exempt development

35.3 Only with development consent

Development not included in item 35.2, 35.4 or 35.5.

35.4 Only with development consent—advertised development

Development for the purpose of:

- abattoirs
- airfields
- animal establishments
- industries (other than home, light or rural industries)
- helipads
- heliports
- recreation establishments
- service stations

35.5 Prohibited

Development for the purpose of:

- amusement parlours
- boarding houses
- brothels
- bulky goods showrooms
- bulk stores
- caravan parks
- car repair stations
- cemeteries and crematoriums
- clubs
- commercial premises
- drive-in theatres
- generating works
- goods transport terminals
- hospitals

- institutions
- licensed premises
- liquor outlets (other than those physically attached to and operated or to be operated as part of a convenience shop)
- materials recycling yards
- medical centres
- motels
- motor showrooms
- offensive or hazardous industries
- passenger transport terminals
- recreation vehicle areas
- residential buildings
- restricted premises
- shops
- tourist facilities (except boatsheds and boat landing facilities, marinas, playgrounds, water sport facilities and houseboats)
- warehouses

36 Subdivision and development in rural zones

- (1) Consent must not be granted to the subdivision of land within a zone shown in Column 1 of the Table to this subclause, if the consent authority is satisfied that the land will be used for the purpose of agriculture, forestry or a dwelling-house, unless the area of each lot to be created is not less than the area shown opposite that zone in Column 2 of the table.

Table

Column 1	Column 2
Zone	Minimum area
No 1 (a) General Rural Zone	40 ha
No 1 (b) Agricultural Zone	20 ha
No 1 (c) Rural Residential Zone	0.2 ha

No 1 (d) Investigation Zone	40 ha
No 1 (r) Riverlands Zone	40 ha

- (2) Notwithstanding subclause (1), consent may be granted to the subdivision of land within Zone No 1 (b), if the consent authority is satisfied the land will be used for the purpose of horticulture, where the area of each lot to be created is not less than 13 hectares and, before consent is granted, a plan of management and a financial feasibility report have been prepared that are to the satisfaction of the consent authority.
- (3) In determining an application to which subclause (2) applies, the consent authority shall consider the following matters:
- (a) any opinion from the Director-General of the Department of Agriculture regarding the area and quality of the land concerned and its potential horticultural productivity,
 - (b) the likely effects, both economic and otherwise, that the proposed subdivision will have on agricultural/horticultural industries in the area and the resources employed by or in connection with those industries,
 - (c) the likely effects, both economic and otherwise, that the proposed subdivision will have on the use and development of other land and resources in the area,
 - (d) whether there are any reasonable alternatives to the proposed subdivision in the circumstances,
 - (e) the effect of the existence of, or potential to erect, a dwelling on the land concerned,
 - (f) the cumulative effect of similar proposals,
 - (g) the likelihood of the proposed lots remaining available for horticultural use,
 - (h) the adequacy of the water supply to the proposed lots.
- (4) Notwithstanding subclause (1), consent may be granted to the subdivision of land within Zone No 1 (a), 1 (b), 1 (c), 1 (d) or 1 (r) to create a lot of any size if the consent authority is satisfied that the lot will be used for the purpose of a building, work, place or land use lawfully allowed within that zone (other than agriculture, forestry, a dwelling-house or a rural worker's dwelling), and, in the opinion of the consent authority:
- (a) the lot has a satisfactory shape and frontage for that use, and
 - (b) the lot will not cause a traffic hazard or create or tend to create further ribbon development along a road, and

- (c) the use of the lot (for which development consent has been granted) has substantially commenced.
- (5) Notwithstanding subclause (1), consent may be granted to a subdivision of land to adjust common boundaries between rural lots so as to create allotments that will be smaller than allowed by that subclause where:
 - (a) the consent authority is satisfied that a more efficient land use can be achieved that is not significantly inconsistent with the objectives of the rural zones,
 - (b) no additional lots or dwelling entitlements are created,
 - (c) the proposed use of the lots would not conflict with the surrounding agricultural or other uses, and
 - (d) consideration has been given by the consent authority to the minimum lot sizes contained in the Table to subclause (1).
- (6) Nothing in this clause shall prohibit or restrict subdivision for any of the following purposes:
 - (a) the opening or widening of a public road,
 - (b) adjustments to common property boundaries where the area of the existing lots is unaltered,
 - (c) rectifying an encroachment on an existing lot.

37 Rural dwellings generally

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d) or 1 (r).
- (2) Consent may be granted to the erection of a dwelling-house on a parcel of land to which this clause applies only if erection of the dwelling-house will result in no more than one dwelling-house on the same parcel, unless provided otherwise by this Part.
- (3) Consent may be granted to the erection of a dwelling-house on land to which this clause applies only if the land:
 - (a) contains a site that is, in the opinion of the consent authority, suitable for a dwelling-house and that is easily accessed from a public road at a point of entry that will not cause a traffic hazard, and
 - (b) is of a suitable shape and size for the on-site disposal of septic waste, as verified by absorption tests or more detailed professional assessment to the satisfaction of the consent authority, and
 - (c) has a site for the dwelling-house and access that are not subject to adverse flood hazards, and

- (d) when used for the dwelling-house, will minimise conflict with adjoining uses, and
 - (e) has a site for the dwelling-house that is not subject to erosion or landslip.
- (4) Consent may be granted to the erection of a dwelling-house on land to which this clause applies only if the land:
- (a) consists of an allotment having an area equal to or greater than the area specified in the Table to clause 36 (1) for the zone in which the land is situated, or
 - (b) consists of an allotment of any size that was lawfully created, or approved by the Council or consented to, before 27 March 1992 (the date of commencement of *Lismore Local Environmental Plan 1992*) and on which the dwelling-house could have been lawfully erected immediately before that date,
 - (c) consists of an allotment consented to for use for residential purposes, in accordance with the provisions of *Lismore Local Environmental Plan 1992*.
- (5) *State Environmental Planning Policy No 1—Development Standards* applies to subclause (4) (a) in the same way as it applies to a development standard.
- (6) A second dwelling-house may be erected on an allotment of land to which this clause applies, with consent, if 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.

38 Caretaker's residence

Consent may be granted to the erection on an allotment of land of a caretaker's residence which is ancillary a use of land (other than for agriculture, forestry, a dwelling-house or a rural worker's dwelling) for which development consent has been granted, provided the consent authority is satisfied that:

- (a) the caretaker's residence is necessary for the security and/or supervision of the principal use of the land, and
- (b) the principal use of the land has been established or is being established, and
- (c) where the principal use of the land involves a building, the caretaker's residence is to be physically attached to or within the curtilage of such building.

39 Rural workers' dwellings

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (d) or 1 (r).
- (2) Rural workers' dwellings may, with consent, be erected on a parcel of land to which this clause applies provided:
 - (a) each dwelling is to be occupied by a worker directly engaged in agricultural

employment on that land, and

- (b) the applicant demonstrates that the nature, scale and output of the agricultural enterprise clearly requires that the rural workers reside on that land, and
- (c) any other workers' dwellings on that land are used by persons substantially engaged in agricultural employment on that land, and
- (d) the erection of each dwelling will not significantly reduce the suitability of the land for agriculture.

- (3) A rural worker's dwelling may, with consent, be erected on a lot of land to which this clause applies on which a rural worker's dwelling is already in existence only if the total number of dwellings will not exceed one for each 40 hectares of land within Zone No 1 (a) or 1 (d) and one for each 20 hectares of land within Zone No 1 (b).

40 Rural residential development

- (1) This clause applies to land within Zone No 1 (c).
- (2) Consent must not be granted to a subdivision of land to which this clause applies if the consent authority is satisfied that the land will be used for rural residential development unless:
 - (a) the consent authority has had regard to the matters relating to environmental impact specified in Schedule 5, and
 - (b) the size and shape of each lot to be created and the range of proposed lot sizes are, in the opinion of the consent authority, satisfactory having regard to the land's capability and potential for conflicting uses, and
 - (c) arrangements satisfactory to the consent authority have been made for the provision of a water supply and the disposal of stormwater and sewage effluent, and
 - (d) arrangements satisfactory to the consent authority have been made to protect the environment, and
 - (e) the average area of all allotments to be created by the subdivision is not less than 0.5 hectare.
- (3) Consent must not be granted to a subdivision of land to which this clause applies if, as a result of the subdivision, the total number of allotments:
 - (a) that the consent authority is satisfied will be used for the purpose of dwellings, and
 - (b) that will have been created from land to which this clause applies in any of the successive 5-year periods following the commencement of this plan,

will exceed the number specified in writing by the Council in respect of that period for the purposes of this clause with the approval of the Director.

41 Development on ridgetops in rural areas

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d) or 1 (r).
- (2) Consent may be granted to the carrying out of development on land to which this plan applies on or near any ridgeline visible from any public road only if, in the opinion of the consent authority, the development is not likely to detract from the visual amenity of the rural area and is in the community interest.
- (3) In determining whether to grant such a consent, the consent authority shall consider the following:
 - (a) the height and location of any building that will result from carrying out the development,
 - (b) the reflectivity of materials to be used in carrying out the development,
 - (c) the likely effect of carrying out the development on the stability of the land,
 - (d) the bush fire hazard,
 - (e) whether landscaping proposals satisfactory to the consent authority have been made,
 - (f) whether the development is essential to the viability of the use of the land concerned.

42 Rural dual occupancy

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c) or 1 (d).
- (2) Where, in accordance with clause 37, development for the purposes of a dwelling-house may be carried out on an allotment of land to which this clause applies, a person may, with development consent:
 - (a) erect a dual occupancy building on the allotment, or
 - (b) alter or add to a dwelling-house erected on the allotment so as to create a dual occupancy building.

43 Investigation areas referred to on zoning map

- (1) This clause applies to land identified on the map as land to which this clause applies.
- (2) Consent must not be granted to the carrying out of development on land to which this clause applies unless the consent authority has considered any likely conflict between the proposed use and longer term future uses of the land.

44 Safety area

- (1) This clause applies to land situated on Rifle Range Road, Tuncester, shown horizontally hatched on the map.
- (2) Notwithstanding any other provision of this plan, consent must not be granted to the erection or use of any building for any purpose on land to which this clause applies.

45 Water catchment and inundation area for proposed dam near Dunoon

- (1) This clause applies to land near Dunoon shown edged with a heavy black broken line on the map (being the water catchment for the Dunoon dam).
- (2) Consent must not be granted to any development on land to which this clause applies without the concurrence of Rous County Council.
- (3) However, the concurrence of Rous County Council is required for consent to development for the purpose of dwelling-houses only if the development will be carried out on land shown hatched on the map (being the land to be inundated by the Dunoon dam).
- (4) In deciding whether to grant concurrence required by this clause, the Rous County Council must take into consideration the following matters:
 - (a) any potential adverse impact on the water quality within the catchment that may result from the development,
 - (b) any potential incremental adverse impacts on water quality that may result from the development,
 - (c) whether adequate safeguards and other measures have been proposed to protect the water quality,
 - (d) whether the proposed development would detrimentally affect the future construction of any dam,
 - (e) whether the proposed development would be more suitably undertaken on an alternative site.
- (5) The owner of land shown hatched on the map and located within the Dunoon dam catchment may, by notice in writing require Rous County Council to acquire that land.
- (6) On receipt of such a notice, Rous County Council must acquire the land to which the notice relates.

46 Bed and breakfast establishments in rural zones

- (1) Despite any other provision of this plan, a person may, with development consent, carry out development for the purpose of a bed and breakfast establishment on land

within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 1 (f) or 1 (r).

(2) A person must not carry out development for the purpose of a bed and breakfast establishment on land to which this clause applies if there is vehicular access to or egress from the land, directly to or from the Bruxner Highway or Bangalow Road and the speed limit at the point of direct vehicular access or egress is more than 80 km/h.

(3) In this clause:

bed and breakfast establishment means a dwelling-house used by its permanent residents (including the owner) to provide short term paid accommodation (which may include meals) and includes ancillary buildings within the curtilage of the dwelling-house.

47 Temporary use of land in private ownership in Zones Nos 1 (a), 1 (b), 1 (d) and 1 (r)

Despite the other provisions of this plan, a person may, without development consent, use land in Zone No 1 (a), 1 (b), 1 (d) or 1 (r) that is in private ownership for a temporary use that will be carried out for a period of not more than 72 hours (whether consecutive or not) if:

- (a) the Council has been given written notice of the proposed land use at least 28 days before the use commences, and
- (b) the written notice contains the written authority of the owner of the land, and
- (c) in the opinion of the Council, the use will have no adverse environmental or amenity impacts, and
- (d) the use does not involve the erection or alteration of any structure, being a structure or an alteration intended to be permanent.

Division 2 Residential zones

48 Zone No 2 (a) (Residential Zone)

The following table provides general zoning controls for Zone No 2 (a):
Table

48.1 Objectives of zone

The objectives are:

- (a) to encourage a wide range of housing densities and types to ensure maximum utilisation of infrastructure and equitable distribution of housing densities, and
- (b) to ensure the development of all land within the zone adequately provides for the demand for physical services and community facilities created by the additional population, and

- (c) to allow development for other than residential purposes, except where the scale, type and traffic-generating aspects of the development will significantly alter the landscaping, character or amenity of the surrounding residential area, and
- (d) to ensure the design quality of new development is compatible with the character of each residential area.

48.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

48.3 Only with development consent

Development not included in item 48.2, 48.4 or 48.5.

48.4 Only with development consent—advertised development

Development for the purpose of:

- agriculture
- caravan parks
- cemeteries and crematoriums
- child care establishments
- clubs
- communications facilities
- community facilities
- educational establishments
- hospitals
- institutions
- medical centres with not more than three practitioners
- mobile home parks for permanent occupation
- motels

- places of assembly
- places of public worship
- recreation establishments
- residential buildings
- restaurants
- retail plant nurseries
- veterinary hospitals
- wholesale plant nurseries

48.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- airline terminals
- amusement parlours
- animal establishments
- animal saleyards
- brothels
- bulky goods showrooms
- bulk stores
- bus depots
- bus stations
- car repair stations
- commercial premises
- convenience shops (except where located at a distance greater than 400 metres from an existing convenience shop, neighbourhood shopping centre or commercial centre)
- craft studios

- drive-in theatres
- extractive industries
- generating works
- goods transport terminals
- helipads
- heliports
- home offices
- industries (other than home industries)
- licensed premises
- liquid fuel depots
- liquor outlets (other than those physically attached to and operated or to be operated as part of a convenience shop)
- materials recycling yards
- medical centres with more than 3 practitioners
- mines
- motor showrooms
- passenger transport terminals
- public buildings
- recreation vehicle areas
- restricted premises
- roadside stalls
- rural tourist facilities
- sawmills
- service stations
- shops
- stock and saleyards
- tourist facilities (other than motels)

- transport depots
- warehouses

49 Zone No 2 (f) (Residential (Flood Liable) Zone)

The following table provides general zoning controls for Zone No 2 (f):
Table

48.1 Objectives of zone

The objectives are:

- (a) to allow existing residential use to continue and to permit the establishment of new residential dwellings, where the design and siting will minimise the risk of flooding, and
- (b) to minimise the adverse effects of flooding on existing development, and
- (c) to encourage the development of the river corridor and surrounds for recreational purposes compatible with flooding.

48.2 Without development consent

Development for the purpose of:

- agriculture (other than animal establishments)
- bush fire hazard reduction
- forestry
- home occupations

Exempt development

48.3 Only with development consent

Development not included in item 48.2, 48.4 or 48.5.

48.4 Only with development consent—advertised development

Development for the purpose of:

- bulky goods showrooms
- bulk stores
- clubs
- light industries

- motor showrooms
- places of assembly
- places of public worship
- service stations
- warehouses

48.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- amusement parlours
- animal establishments
- animal saleyards
- boarding houses
- brothels
- caravan parks
- car repair stations
- cemeteries and crematoriums
- commercial premises
- drive-in theatres
- exhibition dwellings
- extractive industries
- generating works
- goods transport terminals
- helipads
- heliports
- home offices

- hospitals
- industries (other than home industries)
- institutions
- licensed premises
- liquid fuel depots
- liquor outlets (other than those physically attached to and operated or to be operated as part of a convenience shop)
- materials recycling yards
- mines
- motels
- passenger transport terminals
- recreation establishments
- recreation vehicle areas
- residential buildings
- restaurants
- restricted premises
- roadside stalls
- rural industries
- rural tourist facilities
- sawmills
- shops (other than convenience shops)
- stock and saleyards
- tourist facilities
- transport depots
- veterinary hospitals

50 Zone No 2 (v) (Village Zone)

The following table provides general zoning controls for Zone No 2 (v):

Table

50.1 Objectives of zone

The objectives are:

- (a) to retain the character of the rural villages, and
- (b) to provide for the development of a full range of rural village facilities in locations that are compatible with the character and amenity of each village, and
- (c) to ensure that adequate provision is made for water supply, effluent disposal, refuse disposal and community facilities, and
- (d) to control the location, form, character and density of development.

50.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

50.3 Only with development consent

Development not included in item 50.2, 50.4 or 50.5.

50.4 Only with development consent—advertised development

Development for the purpose of:

- amusement parlours
- caravan parks
- educational establishments
- generating works
- home offices
- hospitals
- industries (other than extractive, offensive or hazardous industries)
- institutions
- licensed premises

- liquid fuel depots
- materials recycling yards
- recreation establishments

50.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- animal establishments
- animal saleyards
- brothels
- cemeteries and crematoriums
- drive-in theatres
- extractive, offensive or hazardous industries
- helipads
- heliports
- mines
- mobile home parks for permanent occupation
- recreation vehicle areas
- restricted premises
- sawmills
- stock and saleyards

51 Subdivision of land in Zones Nos 2 (a) and 2 (v)

- (1) This clause applies to land within Zone No 2 (a) or 2 (v).
- (2) Consent must not be granted to subdivision of land to which this clause applies unless:
 - (a) the consent authority has had regard to the matters relating to environmental impact specified in Schedule 5, and

- (b) if the land is within Zone No 2 (a), each separate lot of land created by the subdivision has an area of not less than 400 square metres, and
- (c) arrangements satisfactory to the consent authority have been made for the provision of a reticulated water supply, an electricity supply and disposal of stormwater and sewage effluent on each lot created.

- (3) Notwithstanding subclause (2) (b), consent may be granted for a subdivision that will create lots with an area of less than 400 square metres where the proposed plan of subdivision shows the proposed location on the proposed lots of any proposed dwellings and involves the concept of zero lot lines and reduced boundary setbacks.

52 Subdivision of land in Zone No 2 (f)

Consent must not be granted to the subdivision of land within Zone No 2 (f) to create an allotment where the consent authority is of the opinion that a dwelling-house is intended to be erected on the allotment to be created by the subdivision.

53 Dwellings in urban areas

- (1) The clause applies to land within Zone No 2 (a), 2 (f) or 2 (v).
- (2) Consent may be granted for the erection of a dwelling-house on stable land only and not on land subject to erosion or landslip, unless the dwelling is suitably designed and the consent authority has considered a geotechnical report relating to the land, being a report considered adequate by the consent authority.
- (3) Development may be carried out on land to which this clause applies that results in 2 dwellings (whether or not attached) on the same allotment.

54 Urban dual occupancy

- (1) This clause applies to a subdivision of land within Zone No 2 (a) or 2 (v) into 8 or more allotments, but only if:
 - (a) the subdivision will create a number of allotments (being at least 25% of the total number of allotments to be created), each of which has an area of more than 600 square metres and is identified on the plan of subdivision or another plan held in the office of the Council as capable of being the site for 2 dwellings, and
 - (b) the consent authority is satisfied that each of the allotments so identified is capable of being the site for 2 dwellings.
- (2) Nothing in this plan prevents the consent authority from imposing conditions that give effect to the principles of the urban dual occupancy scheme on a consent for a subdivision to which this clause applies, if:
 - (a) the applicant for the consent has requested the consent authority to restrict the

percentage of lots resulting from the subdivision on which 2 dwellings may be situated, and

(b) the consent authority considers that the restriction is reasonable in the circumstances.

(3) The principles of the urban dual occupancy scheme are as follows:

(a) development of the subdivided land must not result in 2 dwellings on more than 25% of the lots created by the subdivision, except as provided by subclause (4),

(b) development that results in 2 dwellings on the same allotment may be carried out only on allotments having an area of more than 600 square metres and identified as referred to in subclause (1), except as provided by subclause (4),

(c) development of the subdivided land must result in a density of development of at least 15 dwellings per hectare of residential land (excluding parks, roads and other public places).

(4) A person may, with development consent, alter or add to a dwelling-house to create 2 dwellings (but no more) on any allotment created by a subdivision to which this clause applies, but only if the dwelling-house has been completed and occupied for at least 2 years.

(5) For the purposes of this clause, if 25% is not a whole number, the quantity of allotments representing that percentage is to be rounded up to the next whole number.

55 Caravan parks for permanent occupation

(1) This clause applies to all land within Zone No 2 (a) or 2 (v).

(2) In determining an application for consent to the carrying out of development for the purpose of caravan parks for permanent occupation, the consent authority shall consider the following:

(a) the capability and suitability of the land for the intended use,

(b) the proximity of the land to a village or urban centre,

(c) the availability of a water supply to meet the needs of the proposed development,

(d) the availability of a sewerage system to meet the needs of the proposed development,

(e) the provision for the disposal of stormwater,

(f) the adequacy of the existing road system and the safety of the proposed access to the development,

- (g) the visual impact of the proposed development and the adequacy of any measures to reduce this impact.

56 Excavating and filling of land in urban areas

- (1) This clause applies to land within Zone No 2 (a), 2 (f) or 2 (v).
- (2) Despite any other provision of this plan, any excavation of land to which this clause applies to a depth exceeding one metre shall not be carried out without development consent.
- (3) Despite any other provision of this plan, any filling of land to which this clause applies shall not be carried out without development consent.

57 Bed and breakfast establishments in urban areas

- (1) Despite any other provision of this plan, a person may, with development consent, carry out development for the purpose of a bed and breakfast establishment on land within Zone No 2 (a), 2 (f) or 2 (v).
- (2) A person must not carry out development for the purpose of a bed and breakfast establishment on land to which this clause applies if there is vehicular access to or egress from the land, directly to or from the Bruxner Highway or Bangalow Road and the speed limit at the point of direct vehicular access or egress is more than 80 km/h.
- (3) In this clause:

bed and breakfast establishment means a dwelling-house used by its permanent residents (including the owner) to provide short-term paid accommodation (which may include meals) and includes ancillary buildings within the curtilage of the dwelling-house.

Division 3 Commercial zones

58 Zone No 3 (a) (Business Zone)

The following table provides general zoning controls for Zone No 3 (a):
Table

58.1 Objectives of zone

The objectives are:

- (a) to encourage the development and expansion of retail, commercial and professional activities which strengthen the City's role as a regional centre, and
- (b) to ensure that adequate provision is made for car parking, and
- (c) to encourage facilities which minimise the adverse effects of flood.

58.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

58.3 Only with development consent

Development not included in item 58.2, 58.4 or 58.5.

58.4 Only with development consent—advertised development

Development for the purpose of:

- amusement parlours
- residential buildings
- restricted premises

58.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- animal establishments
- animal saleyards
- brothels
- caravan parks
- cemeteries and crematoriums
- drive-in theatres
- dual occupancy buildings
- dwelling-houses (other than those physically attached to or used in conjunction with buildings or uses allowed with development consent)
- exhibition dwellings
- helipads

- heliports
- home offices
- industries (other than home and light industries)
- liquid fuel depots
- materials recycling yards
- mines
- offensive or hazardous industries
- recreation vehicle areas
- rural tourist facilities
- sawmills
- stock and saleyards

59 Zone No 3 (b) (Neighbourhood Business Zone)

The following table provides general zoning controls for Zone No 3 (b):
Table

59.1 Objectives of zone

The objectives are:

- (a) to accommodate, in convenient locations, a limited range of retail and commercial activities and community facilities where the scale and type of development is appropriate to the needs of the neighbourhood and is compatible with the amenity of the surrounding neighbourhood, and
- (b) to ensure that neighbourhood services do not detract from the service role of other commercial centres, and
- (c) to restrict office development to small scale development designed to meet the needs of the district.

59.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

59.3 Only with development consent

Development for the purpose of:

- child care establishments
- commercial premises
- community facilities
- convenience shops
- craft studios
- home industries
- liquor outlets
- medical centres
- restaurants (up to 150 square metres in floor area)
- retail plant nurseries
- shops
- utility installations

59.4 Only with development consent—advertised development

Development not included in item 59.2, 59.3 or 59.5.

59.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- animal establishments (other than pet shops)
- animal saleyards
- brothels
- caravan parks
- cemeteries and crematoriums
- drive-in theatres

- dwelling-houses (other than physically attached to or used in conjunction with buildings or uses allowed with development consent)
- exhibition dwellings
- helipads
- heliports
- home offices
- industries (other than home and light industries)
- liquid fuel depots
- materials recycling yards
- mines
- offensive or hazardous industries
- recreation vehicle areas
- restricted premises
- rural tourist facilities
- sawmills
- stock and saleyards

60 Zone No 3 (f) (Services Business (Flood Liable) Zone)

The following table provides general zoning controls for Zone No 3 (f):
Table

60.1 Objectives of zone

The objectives are:

- (a) to encourage the establishment and development of businesses that require direct vehicular access, and
- (b) to allow the development of services, businesses and light industries that support the business, industrial, rural and tourism activities of the City and the region, and
- (c) to encourage facilities (not being shops) which are not adversely affected by flooding.

60.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

60.3 Only with development consent

Development not included in item 60.2, 60.4 or 60.5.

60.4 Only with development consent—advertised development

Development for the purpose of:

- amusement parlours.

60.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- animal establishments
- animal saleyards
- brothels
- caravan parks
- cemeteries and crematoriums
- drive-in theatres
- dwelling-houses (other than lawfully erected prior to 27 March 1992 or physically attached to and used in conjunction with buildings or uses allowed with development consent)
- exhibition homes
- forestry
- generating works
- helipads

- heliports
- home offices
- hospitals
- industries (other than light industries)
- liquid fuel depots
- liquor outlets
- materials recycling yards
- mines
- recreation vehicle areas
- residential buildings
- restricted premises
- roadside stalls
- rural industries
- rural tourist facilities
- sawmills
- shops
- stock and saleyards
- tourist facilities

61 Excavating and filling of land in business areas

- (1) This clause applies to land within Zone No 3 (a), 3 (b) or 3 (f).
- (2) Despite any other provision of this plan, any excavation of land to which this clause applies to a depth exceeding one metre shall not be carried out without development consent.
- (3) Despite any other provision of this plan, any filling of land to which this clause applies shall not be carried out without development consent.

62 Bed and breakfast establishments in business areas

- (1) Despite any other provision of this plan, a person may, with development consent, carry out development for the purpose of a bed and breakfast establishment on land

within Zone No 3 (a), 3 (b) or 3 (f).

- (2) A person must not carry out development for the purpose of a bed and breakfast establishment on land to which this clause applies if there is vehicular access to or egress from the land, directly to or from the Bruxner Highway or Bangalow Road and the speed limit at the point of direct vehicular access or egress is more than 80 km/h.
- (3) In this clause:

bed and breakfast establishment means a dwelling-house used by its permanent residents (including the owner) to provide short-term paid accommodation (which may include meals) and includes ancillary buildings within the curtilage of the dwelling-house.

62A Neighbourhood shopping centre, Ballina Road and Holland Street, Goonellabah

- (1) This clause applies to Lot 21, DP 835735, at the southeastern corner of Ballina Road and Holland Street, Goonellabah, as shown edged heavy black and lettered "3 (b)" on the map marked "*Lismore Local Environmental Plan 2000 (Amendment No 3)*".
- (2) The Council must not consent to an application to carry out development for the purpose of a neighbourhood shopping centre on the land to which this clause applies unless:
 - (a) the centre contains no more than 1,500 square metres gross leasable floor space, and
 - (b) a landscaped buffer area is provided at the southern boundary of the site between the development and adjoining dwellings.

Division 4 Industrial zones

63 Zone No 4 (a) (Industrial Zone)

The following table provides general zoning controls for Zone No 4 (a):
Table

63.1 Objectives of zone

The objectives are:

- (a) to provide sufficient land in suitable locations for a broad range of industrial uses, and
- (b) to ensure the efficient use of industrial land, and
- (c) to allow non-industrial uses which are ancillary to industry (such as the retail sale of bulky goods) and other non-industrial uses that do not significantly affect the existing or potential viability of industry in the area, and

- (d) to ensure that development does not adversely affect the flooding characteristics of the area or increase the hazard of flooding on adjoining land.

63.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

63.3 Only with development consent

Development not included in item 63.2, 63.4 or 63.5.

63.4 Only with development consent—advertised development

Development for the purpose of:

- amusement parlours
- brothels
- bulky goods showrooms
- clubs
- communications facilities
- educational establishments
- extractive industries
- licensed premises
- offensive or hazardous industries
- places of assembly
- places of public worship

63.5 Prohibited

Development for the purpose of:

- airfields
- animal establishments
- animal saleyards

- boarding houses
- caravan parks
- crematoriums and cemeteries
- drive-in theatres
- dwelling-houses (other than those used in conjunction with an industrial use and situated on the same land as that industry)
- helipads
- heliports
- hospitals
- institutions
- mines
- motels
- residential buildings
- recreation vehicle areas
- restricted premises
- roadside stalls
- rural tourist facilities
- shops (other than those necessary to service an industrial estate)

64 Excavating and filling of land in industrial areas

- (1) This clause applies to land within Zone No 4 (a).
- (2) Despite any other provision of this plan, any excavation of land to which this clause applies to a depth exceeding one metre shall not be carried out without development consent.
- (3) Despite any other provision of this plan, any filling of land to which this clause applies shall not be carried out without development consent.

Division 5 Special Uses and Recreation zones

65 Zone No 5 (Special Uses Zone)

The following table provides general zoning controls for Zone No 5:

65.1 Objectives of zone

The objectives are:

- (a) to designate land which is now used or is intended to be used for particular public or community purposes, and
- (b) to ensure the land is used for a purpose appropriate to its location, community needs and economic utilisation.

65.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

65.3 Only with development consent

Development for any public purpose

Development for the purpose of:

- roads
- the particular use indicated by black lettering on the map

65.4 Only with development consent—advertised development

Development not included in item 65.2, 65.3 or 65.5.

65.5 Prohibited

Development for the purpose of:

- brothels.

66 Zone No 5 (b) (Special Uses (Technology Park) Zone)

The following table provides general zoning controls for Zone No 5 (b):

66.1 Objectives of zone

The objectives are:

- (a) to provide a high quality workplace that is related to the discovery, research and development of natural products, and
- (b) to encourage development of services and facilities that will transform research

into commercial undertakings, and

- (c) to provide facilities and services that will foster research and responsive technology, and
- (d) to encourage facilities that will not adversely affect the natural environment, and
- (e) to provide for other community facilities that will complement the technology park.

66.2 Without development consent

Development for the purpose of:

- agriculture
- bush fire hazard reduction
- environmental facilities
- home occupations
- works for the purpose of landscaping

Exempt development

66.3 Only with development consent

Development not included in item 66.2, 66.4 or 66.5.

66.4 Only with development consent—advertised development

Development for the purpose of:

- amusement parlours
- boarding houses
- caravan parks
- child care establishments
- clubs
- extractive industry
- generating works
- helipads
- liquor outlets
- road transport terminals

66.5 Prohibited

Development for the purpose of:

- abattoirs
- airfields
- airline terminals
- animal establishments
- animal saleyards
- brothels
- car repair stations
- heliports
- junk yards
- liquid fuel depots
- mines
- motor showrooms
- restricted premises
- sawmills
- service stations
- stock and saleyards

67 Zone No 6 (a) (Recreation Zone)

The following table provides general zoning controls for Zone No 6 (a):
Table

67.1 Objectives of zone

The objectives are:

- (a) to ensure access by the general public to adequate open space to meet the needs of all residents and provide opportunities to enhance the quality of the total environment of the City of Lismore, and
- (b) to allocate land which will adequately provide both active and passive open space to service the present and future recreational needs of residents and visitors, and

(c) to manage flora and fauna on public open space.

67.2 Without development consent

Development for the purpose of:

- environmental facilities
- works for the purposes of gardening, landscaping or bush fire hazard reduction

Exempt development

67.3 Only with development consent

Development for the purpose of:

- agriculture
- child care establishments
- community facilities
- recreation areas
- utility installations (other than gas holders or generating works)

67.4 Only with development consent—advertised development

Development for the purpose of:

- caravan parks
- clubs
- craft studios
- passenger transport terminals
- places of assembly
- restaurants

67.5 Prohibited

Development not included in items 67.2, 67.3 or 67.4.

68 Zone No 6 (b) (Private Recreation Zone)

The following table provides general zoning controls for Zone No 6 (b):
Table

68.1 Objective of zone

The objective is to permit a range of recreational and tourist activities on land in private ownership.

68.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- environmental facilities

Exempt development

68.3 Only with development consent

Development for the purpose of:

- agriculture
- child care establishments
- community facilities
- craft studios
- dwelling-houses used in conjunction with another use listed in this item
- recreation areas
- utility installations

68.4 Only with development consent—advertised development

Development for the purpose of:

- animal saleyards
- caravan parks
- clubs
- educational establishments
- licensed premises
- passenger transport terminals
- places of assembly
- recreation establishments

- restaurants

68.5 Prohibited

Development not included in item 68.2, 68.3 or 68.4.

69 “Cellulose Valley” Technology Park

- (1) This clause applies to Lot 1 DP 772604, Lot 1 DP 772605, Lot 1 DP 118533 and Lots 471, 472, 473 and 474 DP 775718, being land generally bounded by Crawford, Military and Skyline Roads, East Lismore.
- (2) Consent must not be granted to development of the land to which this clause applies for the purpose of a Technology Park unless the consent authority is satisfied that:
 - (a) all existing trees within the subject site that serve as koala habitat will be retained or, if there is no alternative to removal, each will be replaced on the site with suitable koala habitat species at a ratio of 50 replacement trees for every tree removed, and
 - (b) koala movement within and between that koala habitat will be facilitated, and
 - (c) existing koala habitat will be restored and enhanced, and
 - (d) measures will be taken to reduce the chances of native animal road kill on roads within the subject site and on those roads where additional traffic will be generated as a result of the development, and
 - (e) measures will be taken to restrict access to the site by dogs, including signs to discourage the walking of dogs, and
 - (f) any additional requirements of a Koala Management Plan applying to the site that has been approved by the Council will be taken into account, and
 - (g) appropriate measures will be taken to ameliorate impacts of development on the Wallum Froglet, should it be found to occur on the site.
- (3) For the purposes of this clause, the trees to which this plan applies which serve as koala habitat include forest Red gum (*Eucalyptus tereticornis*), Grey Ironbark (*E. siderophloia*), White Mahogany (*E. acmenoides*), Tallowwood (*E. microcorys*), Brush Box (*L. confertus*) and Forest Oak (*A. torulosa*).

70 Acquisition of land

- (1) This clause applies to land within Zone No 5 or 6 (a).
- (2) The owner of any land to which this clause applies zoned as specified in Column 1 of the Table to this subclause may, by notice in writing, require the body specified in Column 2 of the Table opposite that zoning to acquire that land.

Table

Column 1

Column 2

Special Uses (Main Road)

RTA

Special Uses (University)

Southern Cross University

Recreation Zone

Council

- (3) On receipt of such a notice, the Council or the Southern Cross University must acquire the land to which the notice relates.
- (4) The Council shall not be required to acquire land the subject of a notice referred to in subclause (2) where the land is required to be dedicated to the Council as a condition of development consent.
- (5) The RTA, on receipt of a notice referred to in subclause (2), must acquire land zoned Special Uses (Main Road) if:
- (a) the land is vacant, or
 - (b) the land is not vacant, but:
 - (i) the land is included in the 5-year works program of the RTA current at the time of receipt of the notice, or
 - (ii) the RTA has decided not to give concurrence under clause 72 (2) to an application for consent to the carrying out of development on the land, or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for a public road.

- (6) Land acquired under this clause may be developed, with development consent, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (7) In this clause and clause 72:

RTA means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

vacant land means land on which, immediately before the day on which a notice under subclause (2) is given, there were no buildings, other than fences.

71 Acquisition of land within Zone No 6 (a)—effect of rezoning

- (1) The Council need not take any action under clause 70 with respect to acquiring land within Zone No 6 (a) for 90 days (or for such other period as may be agreed between

the owner and the Council before that period expires) after receiving a notice under that clause, if the Council, within 14 days after receiving the notice, notifies the owner that it is reviewing the zoning of the land.

- (2) The Council need not acquire the land pursuant to the notice if the land is rezoned, or the Council decides or has decided to prepare a local environmental plan to rezone the land, before the period of 90 days (or the agreed period) expires.

72 Use of land pending acquisition

- (1) Land to which clause 70 applies, other than land zoned Special Uses (Main Road), may be developed for any purpose, with development consent granted with the concurrence of the body specified as being required to acquire the land, prior to its acquisition by the body concerned.
- (2) A person may, with development consent granted with the concurrence of the RTA, carry out development on land zoned Special Uses (Main Road):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any other purpose that is compatible with development which may be carried out in an adjoining zone.
- (3) In deciding whether to grant concurrence to proposed development under this clause, the RTA or other body concerned must take the following into consideration:
 - (a) the need to carry out development on the land for the purpose for which the land is reserved,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the RTA or other body resulting from the carrying out of the proposed development.

73 Community use of special use or recreation land

- (1) This clause applies to all land within Zone No 5, 6 (a) or 6 (b).
- (2) Notwithstanding any other provision of this plan, consent may be granted to the use of land to which this clause applies, or to the use of buildings situated on any such land, for community purposes which may include the commercial operation of that land or those buildings.

74 Classification and reclassification of public land as operational land

- (1) Land described in Part 1 of Schedule 6 is land that was classified, or reclassified, as operational land before the application of the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of

the *Local Government Act 1993*.

- (2) Land described in Part 2 of Schedule 6:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (3) Land described in Columns 1 and 2 of Part 3 of Schedule 6, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those specified opposite the land in Column 3 of Part 3 of Schedule 6.
- (4) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 6, means the local environmental plan cited at the end of the description of the land.
- (5) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 6, the Governor approved of subclause (3) applying to the land.

74A Classification and reclassification of public land as community land

The public land described in Schedule 6A is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

75 Temporary use of public land

- (1) In this clause, ***public land*** means land vested in the Crown, a Minister of the Crown, a statutory body, the Council or an organisation established for public purposes.
- (2) Despite any other provision of this plan, a person may, without development consent, use public land for any purpose (not being a regular or recurrent country market) for a maximum period of 6 days (whether consecutive or not) in a calendar year, unless the use of the land for the purpose:
 - (a) would constitute the carrying out of designated development, or
 - (b) would involve the erection of or alteration of any structure, being a structure or an alteration intended to be permanent.
- (3) Nothing in this clause permits a person to use land:
 - (a) without the agreement of the owner or any trustees controlling the land, or

- (b) without complying with other legislation in force in relation to the land or the proposed use of the land.

76 Temporary use of land in private ownership in Zone No 6 (b)

Despite the other provisions in this plan, a person may, without development consent, use land in Zone No 6 (b) that is in private ownership for a temporary use that will be carried out for a period of not more than 72 hours (whether consecutive or not) if:

- (a) the Council has been given written notice of the proposed land use at least 28 days before the use commences, and
- (b) that written notice contains the written authority of the owner of the land for that use to occur, and
- (c) in the opinion of the Council, the use will have no adverse environmental or amenity impacts, and
- (d) the use does not involve the erection of or alteration of any structure, being a structure or an alteration intended to be permanent.

Division 6 Environmental Protection zones

77 Zone No 7 (a) (Environment Protection (Natural Vegetation and Wetlands) Zone)

The following table provides general zoning controls for Zone No 7 (a):
Table

77.1 Objectives of zone

The objectives are:

- (a) to protect and preserve significant wetlands, and
- (b) to retain significant areas of unique natural vegetation, such as rainforest remnants, and
- (c) to prohibit development which could destroy or damage a wetlands ecosystem or rainforest.

77.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction

Exempt development

77.3 Only with development consent

Development for the purpose of:

- agriculture
- earthworks
- environmental facilities
- roads
- utility installations (other than gas holders or generating works)

77.4 Only with development consent—advertised development

Nil.

77.5 Prohibited

Development not included in item 77.2 or 77.3.

78 Zone No 7 (b) (Environment Protection (Habitat) Zone)

The following table provides general zoning controls for Zone No 7 (b):
Table

78.1 Objective of zone

The objective is to encourage the retention of wildlife habitats and associated vegetation and wildlife corridors.

78.2 Without development consent

Development for the purpose of:

- bush fire hazard reduction
- home occupations

Exempt development

78.3 Only with development consent

Development for the purpose of:

- agriculture
- dwelling-houses
- craft studios

- environmental facilities
- environmental protection works
- open space
- roads
- utility installations (other than gas holders or generating works)

78.4 Only with development consent—advertised development

Nil.

78.5 Prohibited

Development not included in item 78.2 or 78.3.

79 Zone No 8 (National Parks and Nature Reserves Zone)

The following table provides general zoning controls for Zone No 8:
Table

79.1 Objective of zone

The objective is to identify land included in national parks and nature reserves.

79.2 Without development consent

Development for any purpose authorised under the [National Parks and Wildlife Act 1974](#)

Development for the purpose of:

- bush fire hazard reduction

79.3 Only with development consent

Nil.

79.4 Only with development consent—advertised development

Nil.

79.5 Prohibited

Development not included in item 79.2.

Schedule 1 Heritage items

(Clause 12)

Map No	Property Title or Description	Address/ Location	Item (including the site unless otherwise specified)	Heritage Study Reference	Significance
1	Graham Centre	22 Woodlark Street, Lismore	Office Building and Former Bank	20016	State Built item
2	St Carthages Catholic Cathedral	6-8-10 Leycester Street, Lismore	Church	20022 40003	State Built item Conservation area Archaeological site
3	"Monaltrie"	451 Wyrallah Road, East Gundurimba	House and Grounds	20095 40008 10004 30156	State Built item Landscape item Archaeological site
4	The Lismore Clinic	185 Molesworth Street, Lismore	Medical Clinic	20003	Built item
5	Former Lismore Municipal Building	165 Molesworth Street, Lismore	Public Building	20005 40009	Built item Conservation area Archaeological site
6	Former Post Office	172 Molesworth Street (Cnr Magellan Street), Lismore	Post Office	20009 40009	Built item Conservation area Archaeological site
7	Lismore Uniting Church	116 Woodlark Street (Cnr Keen Street), Lismore	Church	20013	Built item
8	Former Boarding House (Gwalia Flats)	7 Coleman Street (Cnr Cambrian), Lismore	Boarding House	20014 40001	Built item Conservation area
9	St Andrews Anglican Church	8 and 14 Zadoc Street (Cnr Keen Street), Lismore	Church	20017 40001 30005	Built item Conservation area Landscape item
10	Former Church of Christ	178 Keen Street (Cnr Magallen Street), Lismore	Church	20019	Built item
11	St Pauls Presbyterian Church	188 Keen Street, Lismore	Church	20020	Built item
12	Former St Mary's Convent	5 Dawson St, Lismore	Convent	20023 40003	Built item Conservation area

13	Winsome Hotel	11 Bridge Street, North Lismore	Hotel	20024	Built item Archaeological site
14	"Trevallyn"	69 Cathcart Street, Lismore	House	20030 30143 40009	Built item Conservation area Landscape item
15	House	27 Bridge Street, Wyrallah	House	20031 30158	Built item Landscape item
16	"Ermello"	638 Ballina Road, Lindendale	House	20060	Built item
17	Disputed Plain Homestead	1014 Kyogle Road, Fernside	House and Site	20062	Built item Archaeological site
18	St Thomas Anglican Church	32 Fernside Road, Fernside	Church	20063 30020	Built item Landscape item
19	"Maybrook"	652 Eltham Road, Eltham	House	20068 30054	Built item Landscape item
20	Freemasons Hotel	53 and 53A Cullen Street, Nimbin	Hotel	20073 40010 40002	Built item Conservation area
21	St John's Presbyterian Church	11 Main Street, Clunes	Church	20074	Built item
22	"Wendela"	143 Rocky Creek Dam Road, Dunoon	House	20083 30082	Built item Landscape item
23	Woodlawn College	203 Woodlawn Road, North Lismore	School	20101 30097	Built item Landscape item
24	"Tulloona"	106 Ballina Road, Goonellabah	House	20108	Built item Archaeological site
25	Richmond River High School	89 Lake Street, North Lismore	School	20110 30186	Built item
26	Lismore Police Station	40 Molesworth Street, Lismore	Police Station	20001 40001	Built item Conservation area
27	Westpac Bank	65 Molesworth Street, Lismore	Bank	20002	Built item
28	Memorial Baths	179 Molesworth Street, Lismore	Swimming Pool and Entrance Pavilion	20004 40009	Built item Conservation area Archaeological site
29	Commonwealth Bank	180 Molesworth Street, Lismore	Bank	20008 40009	Built item Conservation area

30	The Lismore Club	9 and 9A Club Lane, Lismore	Club	20010 40014	Built item
31	Lismore Court House	9 Zadoc Street, Lismore	Court House	20015 40001	Built item Conservation area
32	Former Lismore High School	150 and 152 Keen Street, Lismore	School	20018 40012 20042	Built item
33	St Paul's Memorial Hall	190 Keen Street, Lismore	Hall	20021	Built item
34	Railway Station Platform Building	1/38 Union Street, South Lismore	Railway Station	20025 40006	Built item
35	Armstrong House "Kiaora"	83 Uralba Street (Cnr Dibbs Street), Lismore	Former Private Hospital	20026 30072	Built item Landscape item
36	"Clovelly"	13 Wyrallah Road, Girards Hill	House	20028 20105 40011	Built item Conservation area
37	House	42 Cathcart Street, Girards Hill	House	20029 40011	Built item Conservation area
38	House	312 Molesworth Street, East Lismore	House	20036	Built item
39	Station Hotel	2 Casino Street, South Lismore	Hotel	20038	Built item
40	Uniting Church Hall	118 Woodlark Street, Lismore	Hall	20041	Built item
41	Roy Waddell Community Centre	149 Richmond Hill Road, Richmond Hill	Former School	20065	Built item
42	House	511 Tuckurimba Road, East Coraki	House	20051	Built item
43	House	1129 Wyrallah Road, Tucki Tucki	House	20056	Built item
44	Glassware Gallery	264 Cowlong Road, McLeans Ridges	Former School	20066	Built item
45	Eltham Village Tea Room	445 Eltham Road, Eltham	Refreshment Room	20069	Built item

46	"Kembla"	40 Main Street, Clunes	House	20075 30049	Built item Landscape item
47	Clunes Coronation Hall	22 Walker Street, Clunes	Hall	20076	Built item
48	CWA Rooms	1/115 Molesworth Street (Spinks Park), Lismore	Community Centre	20078 40009	Built item Conservation area
49	Band Rotunda	3/115 Molesworth Street (Spinks Park), Lismore	Bandstand	20079 40009 30002	Built item Conservation area Archaeological site Landscape item
50	Former Bank	39 Cullen Street, Nimbin	Surgery	20084 40002 40010	Built item Conservation area
51	House	67A McPherson Road, Bexhill	House	20089	Built item
52	St Andrews Presbyterian Church	102 James Street, Dunoon	Church	20091 30088	Built item Landscape item
53	Former Govt Savings Bank	30 Woodlark Street, Lismore	Office Building	20103	Built item
54	"Cedarville"	27 Rayward Road, Dunoon	House	20107 30089	Built item Archaeological site Landscape item
55	St Andrews Anglican Ministry (Former Police Station)	17 Keen Street, Lismore	House	20121 40001 20001 20015 20137	Built item Conservation area Archaeological site
56	School	64 Conway Street, Lismore	School	20122	Built item
57	Barbeques Galore	68 Conway Street (Cnr Dawson St), Lismore	Commercial Building	20127	Built item
58	City Club Apparel	52 and 54 Newbridge Street, Lismore	Factory	20128	Built item
59	Public Trustees Office (Former Rectory)	6 Zadoc Street, Lismore	Office	20136	Built item Conservation area Archaeological site
60	"Cabarita"	2970 Wyrallah Road, Buckendoon	House	20140	Built item

61	Corndale Hall	556 Corndale Road, Corndale	Hall	20152	Built item
62	House	34 Cullen Street, Nimbin	House	20159	Built item Conservation area Archaeological site
63	Masonic Hall	5 and 5A Mayfield Street, Eltham	Hall	20143 22237	Built item Archaeological site
64	Lismore Cemetery	9A, 9B, 9D Military Road, Lismore	Cemetery	30139 10033	Built item Landscape item Archaeological site
65	Boer War Memorial	4/115 Molesworth Street (Spinks Park), Lismore	War Memorial	30044 40009	Built item Conservation area Archaeological site
66	Coleman's Bridge	Leycester Creek, Lismore	Bridge	10027	Built item Archaeological site
67	Monaltrie Cemetery (Wilson Family Cemetery)	55 Monaltrie Road, Monaltrie	Cemetery	10004 40008 20095	Archaeological site Landscape item
68	Tucki Tucki Bora Ring	1305-1305B Wyrallah Road, Tucki	Bora Ring	10001	Archaeological site Landscape item
69	Cubawee Aborigines School Site	466 Kyogle Road, Tuncester	Former School Site	10002	Archaeological site
70	Norco Butter Factory	Union Street/ Foleys Road and Taylor Street, Lismore	Butter Factory	40007	Archaeological site
71	Boatharbour Nature Reserve and Jetty	623 and 624 Bangalow Road, Bexhill	Reserve and Wharf remains	10020	Archaeological site
72	Railway Wharf	Wilson's River adjacent to Union Street, South Lismore	Former Wharf	10022	Archaeological site
73	Railway Strait Carriage Shed	18, 20 and 30 Kyogle Street, South Lismore	Shed	10023 40006	Archaeological site
74	Engine Shed	7 Engine Street, South Lismore	Shed	10024 40006	Archaeological site

75	Fawcett's Bridge	Wilson's River, joining Bridge and Woodlark Sts, Lismore	Bridge	10026	Archaeological site
76	Bexhill Brickworks	56 Coleman Street, Bexhill	Former Brickworks	10031	Archaeological site Landscape item
77	Lismore Bowling Club	171A Molesworth Street, Lismore	Bowling Club	20129 40009 30002	Archaeological site Conservation area
78	Pioneer Cemetery and Memorial Rest Park	2 Nimbin Road, North Lismore	Cemetery and Aboriginal Bora Ring	10028	Archaeological site
79	Railway Viaduct	Terania Street, North Lismore	Viaduct	10017 40006	Archaeological site Landscape item
80	Railway Bridge	Wilson's Creek adjacent to Eltham Road, Eltham	Bridge	10014	Archaeological site
81	"Locheil"	1 Bouyon Street, North Lismore	House Interior	10003	Archaeological site
82	House	688A Eltham Road, Eltham	House	N/A	Built item Landscape item
83	"Ringby"	35 John Street, Girards Hill	House	N/A	Built item
84	Farm	312 Ridgewood Road, Rosebank	Dry Stone Wall	N/A	Landscape item
85	Former District Works Office	186 Molesworth Street, Lismore	Office	N/A	Built item Conservation area
86	Spinks Park	115 Molesworth Street, Lismore	Landscape (Gardens and setting)	30002	Landscape item Conservation area
87	Alphadale Cemetery	589 and 601 Ballina Road (Bruxner Highway), Lindendale	Cemetery	30193	Landscape item
88	Blakebrook School	417 Rosehill Road, Blakebrook	School Grounds	30196	Landscape item

89	Bungabee State Forest	Bordering Bice Road, Leycester, Back Creek Road, Bently and Cawolga Road, Rock Valley, Blakebrook	State Forest	30070	Landscape item
90	Clunes Public School	19 Walker Street, Clunes	School Grounds	30047	Landscape item
91	Glebe Bridge	Richmond River, bridging Coraki Road, East Coraki	Lift Bridge	30041	Landscape item
92	Dunoon War Memorial	1/114 James Street, Dunoon	War Memorial and Surrounds	30087	Landscape item
93	Dunoon Cemetery	1271 Dunoon Road, Dunoon	Cemetery	30102	Landscape item
94	Dunoon Public School	65 and 65A James Street, Dunoon	Grounds	30104	Landscape item
95	Trees	612, 622 and 632 Skyline Road, Gundurimba	Trees	30113	Landscape item
96	Spinaze Park	686 Dunoon Road, Tullera	Park and Surrounds	30100	Landscape item
97	Modanville Public School	889 and 877 Dunoon Road, Modanville	Grounds	30101	Landscape item
98	Nimbin Showground	37 Cecil Street, Nimbin	Showground and Surrounds	30027	Landscape item
99	Nimbin Central School	71 Cullen Street, Nimbin	Grounds	30026	Landscape item
100	St Patrick's Church	92 and 96 Cullen Street, Nimbin	Grounds	30023	Landscape item
101	Nimbin Park	67 and 69 Cullen Street, Nimbin	Park and Surrounds	30022	Landscape item
102	Nimbin Cemetery	23 and 23A Nimbin Cemetery Road, Nimbin	Cemetery	30128	Landscape item
103	Nightcap Range and National Park	Terania, Whian Whian	Scenic Landscape	30108	Landscape item

104	Tucki Tucki Nature Reserve	11 Munro Wharf Road and 1497 Wyrallah Road, Tucki Tucki	Nature Reserve	30043	Landscape item
105	Whian Whian State Forest	Whian Whian	Scenic Landscape	30081	Landscape item
106	House	38 John Street, Girards Hill	House	N/A	Built item

Schedule 2 Heritage conservation areas

(Clause 14)

Dalley Street Conservation Area	Map Sheet 116
Girards Hill Conservation Area	Map Sheet 117
St Andrews Conservation Area	Map Sheet 118
Spinks Park/Civic Precinct Conservation Area	Map Sheet 119
St Carthages Conservation Area	Map Sheet 120
Nimbin Conservation Area	Map Sheet 121

Schedule 3 Development with restricted access to roads in rural and environment protection zones

(Clause 25 (2))

Development for the purpose of the following:

- animal saleyards
- bulk stores
- caravan parks
- car repair stations
- clubs
- commercial premises
- educational establishments
- hospitals
- hotels
- industries (other than home or rural industries)
- institutions

- junk yards
- licensed premises
- liquid fuel depots
- material recycling yards
- mines
- motels
- passenger transport terminals
- places of assembly
- places of public worship
- recreation establishments
- restaurants
- retail plant nurseries
- roadside stalls
- sawmills
- service stations
- stock and saleyards
- transport depots
- warehouses

Schedule 4 Additional development on certain land

(Clause 28)

Lot 1, DP 609846, as shown edged heavy black on the map marked "*Lismore Local Environmental Plan 2000*"—development for the purpose of a motel.

Lot 1, DP 373463 and Lot 392, DP 755718 being Nos 77 and 73 Uralba Street, Lismore, as shown edged heavy black on the map marked "*Lismore Local Environmental Plan 2000*"—development for the purpose of a medical centre with more than 3 practitioners.

Lot 3, DP 595145, being 162 Ballina Road, Goonellabah as shown edged heavy black on the map marked "*Lismore Local Environmental Plan 2000*"—development for the purpose of a medical centre with not more than 5 practitioners.

Lot 2, DP 830354, being No 254 Keen Street, Lismore, as shown edged heavy black on the map marked "*Lismore Local Environmental Plan 2000*"—development for the purpose of the storage and retail sale of second-hand building materials, but only if no demolition or manufacturing is carried out

on site and use of the land for those purposes is limited to 8 a.m. to 5 p.m. on Mondays to Fridays and to 9 a.m. to 12.30 p.m. on Saturdays.

Lot 42, DP 827203, being No 6 Funnel Drive, Modanville, as shown edged heavy black on Sheet 2 of the map marked "*Lismore Local Environmental Plan 2000*"—development for the purpose of shops.

Lot 6, DP 549575, Bruxner Highway, Goonellabah, as shown edged heavy black on the map marked "*Lismore Local Environmental Plan 2000*"—development for the purpose of a service station, if a development application for consent to the carrying out of development for this purpose was submitted before the first anniversary of the commencement of *Lismore Local Environmental Plan 1992 (Amendment No 51)*.

Schedule 5 Matters relating to environmental impact

(Clauses 10, 40 (2) (a) and 51 (2))

- 1 The objectives of the proposed development and how it relates to the objectives of this plan and the relevant zone.
- 2 The existing environment, including existing land use, slope, aspect, geology, soils, flood liability, vegetation, fauna and hydrology likely to be affected by the proposed development, if carried out.
- 3 The interaction between the proposed development and the natural and human made environment (for example, habitat, vegetation, open space, recreational system, drainage system, and road, bicycle and pedestrian movement systems).
- 4 The likely impact of the proposed development on the surrounding natural and human made environment, such as loss of agricultural land, impact on water resources and any land use conflicts and the means proposed to reduce any adverse impact (for example visual controls, stormwater controls, erosion controls, traffic controls and provision of community facilities).
- 5 Measures to be taken in conjunction with the proposed development to protect the environment and the assessment of the likely effectiveness of those measures.
- 6 Any likely increase in demand for facilities or services as a result of the development.
- 7 An assessment of the likely impact of the proposed development on people occupying the locality within which it will be carried out.

Schedule 6 Classification and reclassification of public land as operational land

(Clause 74)

Part 1 Land classified, or reclassified, before the application of amendments made to s 30 of LGA 1993

East Lismore

Industry Drive Part Lot 11, DP 548837, as shown edged heavy black on Sheet 4 of the map marked "*Lismore Local Environmental Plan 1992 (Amendment No 43)*".

Goonellabah

Windsor Court Part Lot 24, DP 730478, as shown edged heavy black on Sheet 1 of the map marked "*Lismore Local Environmental Plan 1992 (Amendment No 36)*".

Lismore

Brewster Street Lots 5-10, DP 436538, Lots 13-15, DP 8588, Lot 1, DP 368623, Lot 1, DP 368622 and Lot 6, DP 376908, located in the vicinity of Lismore Shopping Square, as shown edged heavy black on the map marked "*Lismore Local Environmental Plan 1992 (Amendment No 35)*".

Bruxner Highway Lot 111, DP 804466, known as 215 Bruxner Highway, as shown edged heavy black on Sheet 6 of the map marked "*Lismore Local Environmental Plan 1992 (Amendment No 25)*".

North Lismore

Tweed Street Lots 2-5 and 22-24, DP 942, known as the Lismore Saleyards Carpark, as shown edged heavy black on Sheet 2 of the map marked "*Lismore Local Environmental Plan 1992 (Amendment No 43)*".

South Lismore

Bruxner Highway Part Lot 532, DP 825929 and Part Lot 2, DP 577321, as shown edged heavy black on Sheet 2 of the map marked "*Lismore Local Environmental Plan 1992 (Amendment No 36)*".

Part 2 Interests not changed

Part 3 Interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Goonellabah		
22 Ballina Road	Lot 34, DP 219592, as shown edged heavy black on Sheet 2 of the map marked " <i>Lismore Local Environmental Plan 2000 (Amendment No 4)</i> "— <i>Lismore Local Environmental Plan 2000 (Amendment No 4)</i> .	Nil.

15 Westview Drive Lot 23, DP 829442, as shown edged heavy black on Sheet 3 of the map marked "*Lismore Local Environmental Plan 2000 (Amendment No 4)*"—*Lismore Local Environmental Plan 2000 (Amendment No 4)*. Easements noted on Certificate of Title Folio Identifier 23/829442.

Lismore

50 Dawson Street Lot 1, DP 636233, as shown edged heavy black on Sheet 1 of the map marked "*Lismore Local Environmental Plan 2000 (Amendment No 4)*"—*Lismore Local Environmental Plan 2000 (Amendment No 4)*. Easements and lease noted on Certificate of Title Folio Identifier 1/636233.

Lismore Heights

3 Barr Scott Drive Lot 29, DP 262148, as shown edged heavy black on Sheet 4 of the map marked "*Lismore Local Environmental Plan 2000 (Amendment No 4)*"—*Lismore Local Environmental Plan 2000 (Amendment No 4)*. Nil.

South Lismore

45 Wilson Street Lot 22, DP 701863, as shown edged heavy black on Sheet 5 of the map marked "*Lismore Local Environmental Plan 2000 (Amendment No 4)*"—*Lismore Local Environmental Plan 2000 (Amendment No 4)*. Nil.

Schedule 6A Classification and reclassification of public land as community land

(Clause 74A)

Lismore

Wyrallah Road Lot 2, DP 861927, known as King Park, as shown edged heavy black on Sheet 1 of the map marked "*Lismore Local Environmental Plan 1992 (Amendment No 43)*".

Schedule 7 Definitions

(Clause 6 (1))

In this plan:

abattoir means a building or place used for the slaughter of animals or birds, whether or not animal

by-products are processed, manufactured or distributed there.

acid sulfate soils means actual acid sulfate soils or potential acid sulfate soils.

Acid Sulfate Soils Assessment Guidelines means the *Acid Sulfate Soils Assessment Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee (ASSMAC) and adopted by the Director.

Acid Sulfate Soil Planning Map means the series of sheets of the map prepared by the Department of Land and Water Conservation marked “*Lismore Local Environmental Plan 2000 (Amendment No 5)—Acid Sulfate Soil Planning Map*” kept in the office of the Council.

actual acid sulfate soils are soils containing highly acidic soil horizons or layers resulting from the aeration of soil materials that are rich in iron sulfides, primarily sulfide. This oxidation produces hydrogen ions in excess of the sediment’s capacity to neutralise the acidity resulting in soils of pH of 4 or less when measured in dry season conditions.

agricultural-related works means any farming or land management activities which will materially alter the shape or natural form of the land or which may alter groundwater levels and includes any of the following:

- drainage works,
- construction and maintenance of open drains,
- excavation works,
- extractive industries and mines,
- construction of dams, stock water holes, aquaculture ponds and the like,
- site levelling,
- flood mitigation works, including construction of levees (artificial waterbodies),
- topsoil removal and turf farming,
- laying of pipes, cables, conduits and the like,
- dewatering of wetlands, dams and the like.

alter, in relation to a heritage item or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

amusement parlour means any premises where more than four amusement devices, consisting of either pinball machines, pool tables, billiard tables, or coin operated amusement devices or the like, are provided for the entertainment of the public, with the exception of any premises the subject of a

hotelier's licence under the [Liquor Act 1982](#).

animal establishment means an establishment in which large numbers of animals are housed, fed or slaughtered and includes an abattoir, a cattle feedlot, an intensive piggery, a chicken farm and an intensive aquaculture farm.

animal saleyard means an area primarily used for the sale of animals.

brothel means a building or place habitually used for the purpose of prostitution.

bulky goods showroom means a building or place used for the sale by retail or auction, the hire or the display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include a building or place used for the sale of foodstuffs or clothing or a motor showroom.

bush fire hazard reduction means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bush fire hazard.

caravan park means a site:

- (a) on which moveable dwellings (as defined in the [Local Government Act 1993](#)) are placed for the purpose of providing permanent accommodation or for the purpose of providing temporary accommodation for tourists, or
- (b) used for the purpose of the erection, assembly or placement of cabins for temporary accommodation by tourists.

child care establishment means a building or place used for the purpose of caring for or supervising children which:

- (a) caters for more than five under school age children who are not related to the owner,
- (b) may include an educational function, and
- (c) may operate for the purpose of gain,

but does not include a building or place providing residential care for those children.

community facility means a building owned by a public authority or a body of persons which may be used for the physical, social, cultural, or intellectual development or welfare of the local community, and includes an art or craft gallery, a health centre, an information centre, a kiosk, a museum, a library, a youth centre, a restroom, a neighbourhood centre, a welfare centre and a senior citizens centre or the like, but does not include a building or place elsewhere defined in this plan.

complying development (see clause 9).

convenience shop means a shop selling or hiring out a variety of small consumer goods which may include a place used for the fuelling of motor vehicles and the retail sale of petrol, oil and petroleum products, a cafe, a take-away food service, postal services, and video hire services, where the gross floor area does not exceed 100 square metres.

Council means the Council of the City of Lismore.

craft studio means a building or place used for the purpose of carrying out of any 1 or more of the occupations referred to below by not more than 3 persons, being an occupation the carrying out of which does not involve interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and includes the display and sale only of items made on the premises:

- art
- design
- handicrafts
- photography
- pottery
- sculpture
- weaving
- a like occupation involving craft or art work.

demolition, in relation to a heritage item or to a building, work, relic or place within a heritage conservation area, means the damaging defacing, destruction, pulling, down or removal of the heritage item, building, work, relic or place in whole or in part.

drain means a man-made depression, ditch or channel deeper than 30cm, used to convey water from one area to another.

dual occupancy building means a building containing two dwellings only.

engineering works means works carried out under the supervision of a suitably qualified engineer and using equipment or plant. Such works may include any of the following:

- construction of roads, bridges, buildings, levees, dams, railways or drains,
- laying of pipes, cables or conduits,
- levelling of the ground,
- extractive industries and mines,
- dewatering of the ground,
- flood mitigation works,

or the like, and may include an agricultural-related works.

environmental facilities means:

- (a) a structure or work which provides for nature or scientific study or display facilities, such as walking tracks, board walks, observation decks, bird hides or the like, or
- (b) environmental management or restoration facilities, such as those for bush regeneration, swamp restoration, erosion and runoff prevention works or the like.

exempt development (see clause 9).

exhibition dwelling means a new dwelling-house not used as a dwelling, that is used for a pre-determined period for the exhibition of the dwelling-house or interior household appliances or products, whether or not the dwelling-house includes a sales office.

existing drain means a drain lawfully constructed prior to 26 August 1999 (being the first date of exhibition of the *Lismore Local Environmental Plan 2000 (Amendment No 5)*).

flood affected land means the land that would be inundated by the 1-in-100 year flood, as shown on a map kept at the office of the Council.

flood mitigation works means structural measures intended to reduce flood damage by either reducing flood levels or the lateral extent of flooding and includes any of the following:

- levees,
- flood mitigation drains,
- retarding or detention basins,
- bypass floodways,
- flood gates on drains,
- channel improvement.

flood standard means the flood level established by the 1-in-100 year flood, as determined by the Council.

floodway means the area marked "FW" on the sheet of the map marked "*Map No 7, Development Control Plan No 7—Flood Prone Lands*".

goods transport terminal means a building or place used for the principal purpose of the bulk handling of goods for transport by road, rail, river or air, including facilities for the loading and unloading of vehicles or craft used to transport those goods and for the parking, servicing and repair of those vehicles or craft.

heritage conservation area means land described in Schedule 2 and shown edged heavy black on the sheet of the map marked "*Lismore Local Environmental Plan 2000 (Amendment No 2) Conservation Area*" specified in that Schedule in respect of that land.

heritage item means a building, work, relic, tree or place (which may or may not be situated on or

within land that is a heritage conservation area) described in Schedule 1 and shown edged heavy black on the maps marked “*Lismore City Council Local Environmental Plan 2000 (Amendment No 2) Heritage Items*”.

home occupation means an occupation carried on in a dwelling-house or in a dwelling in a residential building by the permanent residents of the dwelling-house or dwelling which does not involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*, or
- (b) the employment of more than one person other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail from the premises.

home office means a building or place:

- (a) which is attached to, forms part of, or is in the vicinity of, a dwelling, and
- (b) which is used for the purpose of carrying on a business by the permanent residents of the dwelling, and
- (c) at which not more than one person other than those residents is employed, and
- (d) which is not used for the display of goods, whether in a window or otherwise, and
- (e) the use of which does not involve the exhibition of any notice, advertisement or sign, and
- (f) which is not used for the sale of any goods.

industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles for a commercial purpose, but (in a table providing general zoning controls) does not include development elsewhere defined for the purposes of this plan.

landscape means character or visual quality of the environment of a particular location or area and may include both natural and man-made elements.

licensed premises means a building or place which is licensed under the *Liquor Act 1982* to permit the sale of liquor for consumption both on and away from the building or place, and includes a hotel, tavern or registered club, but does not otherwise include a liquor outlet.

liquor outlet means a building or place which is licensed under the *Liquor Act 1982* to permit the sale of liquor for consumption away from the licensed premises.

maintenance of drains refers to any works that will disturb or remove soil within existing drains.

marina means a pontoon, jetty, pier or the like used, or intended to be used, to provide moorings for boats used for pleasure or recreation, whether or not operated for the purpose of gain, which may be used for the provision of:

- (a) slipways, and
- (b) facilities for the repair, maintenance and fuelling of boats, or the supply of accessories and parts for boats or boating enthusiasts, and
- (c) foodstuffs,

but does not include a shop.

materials recycling yard means a building or place used for collecting, dismantling, storing, abandoning or recycling second-hand or scrap materials for the purpose of resale, but does not include recycling drop-off centres operated by, or on behalf of, the Council.

medical centre means a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only.

passenger transport terminal means any building or place used for the assembly, dispersal and convenience of passengers travelling by any form of passenger transport, and includes associated facilities for parking, manoeuvring, storing or routinely servicing any vehicle forming part of that undertaking.

potential acid sulfate soils are soils which contain iron sulfides or sulfidic material which have not been exposed to air and oxidised. The field pH of these soils in their undisturbed state is pH 4 or more and may be neutral or slightly alkaline.

prime agricultural land means land identified as Class 1, 2, 3 or special purposes land on maps prepared by the Department of Agriculture and held by the Council, but does not include land notified by the Director-General of the Department of Agriculture to the Council as not being prime agricultural land.

recreation area means an area used for outdoor sporting, leisure or recreation activities and may include clubhouse facilities, spectator facilities or shelters, but (in a table providing general zoning controls) does not include a building or place elsewhere specifically defined for the purposes of this plan.

recreation vehicle area means an area designated as a recreation vehicle area by the Environment Protection Authority under the [Recreation Vehicles Act 1983](#).

relic means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the City of Lismore which is 50 or more years old.

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

restaurant means a building or place, the principal purpose of which is the provision of food to people

for consumption on the premises and may include entertainment facilities.

restricted premises means a building or place used or intended for use as a shop in which:

- (a) any classified publications (other than unrestricted publications) within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* are available for sale or rental to the public, or
- (b) a business is conducted involving selling or disposing of products to which section 578E of the *Crimes Act 1900* applies, or
- (c) a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but which is not printed matter.

rural industry means the handling, treating, processing or packing of primary products unless such activity is part of the agricultural activity of the property concerned and also includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

rural tourist facility means a small-scale establishment providing basic holiday accommodation or basic recreational or educational facilities and includes a camping ground, bed and breakfast establishment, holiday camp and guesthouse, hostel, educational facility or the like the facilities provided at which are integrated with or designed to complement the rural activities or attractions on the site or in the surrounding locality.

service station means a building or place used for the fuelling of motor vehicles and the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the hiring of trailers, or
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles, or
- (c) the washing and greasing of motor vehicles, or
- (d) the repairing and servicing of motor vehicles (but not the body building, panel beating, or spray painting of motor vehicles), or
- (e) the retail selling or hiring out of small convenience consumer goods,

but only if the gross floor area used for such selling or hiring is not greater than 100 square metres.

the map means the map marked “*Lismore Local Environmental Plan 2000*” as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of maps) marked as follows:

Lismore Local Environmental Plan 2000 (Amendment No 3)

Lismore Local Environmental Plan 2000 (Amendment No 4)—Sheet 5

transport depot means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger or goods transport undertaking.

veterinary hospital means a building or place used for diagnosing or for surgically or medically treating animals, whether or not the animals are kept on the premises for the purposes of treatment.

wholesale plant nursery means a building or place used for either the growing or storage of plants, pending their sale in large quantities for the purposes of resale or agriculture.

works that may alter groundwater levels means drainage works, ground water bores, wells, ground dewatering or the like on or adjacent to land containing acid sulfate soils which may lower the groundwater level in the general area.

Schedule 8 Major drains

Clause 28A

Barne's Drain
Dungarubba Creek
Mystery Drain
Flatley's Drain
Meston's Drain
Kilgin Drain
Bertoli's Drain
Robinson's Drain
Thompson Drain
Krishna Drain
Yeager Drain
O'Connor Drain
McPherson Drain
Snowy's Drain
Rippon's Drain