



New South Wales

## **Lismore Local Environmental Plan 2000 (Amendment No 6)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00177/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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**2002 No 369**

Clause 1                      Lismore Local Environmental Plan 2000 (Amendment No 6)

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**Lismore Local Environmental Plan 2000  
(Amendment No 6)**

**1 Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 6)*.

**2 Aims of plan**

This plan aims to remove anomalies and other inconsistencies in *Lismore Local Environmental Plan 2000* and to introduce a consolidated list of definitions in Schedule 7 to that plan.

**3 Land to which plan applies**

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

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

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

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5

Omit the clause. Insert instead:

#### **5 Adoption of model provisions**

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, with the exception of clauses 4, 8, 14, 15, 16, 17, 23, 29, 32, 33, 34, and 35 (c) of, and clause 11 of Schedule 1 to, those Provisions.

### [2] Clause 11

Omit the clause. Insert instead:

#### **11 Subdivision of land generally**

Except as otherwise provided in this plan, a person may not subdivide land to which this plan applies except with development consent.

### [3] Clause 18 Preservation of trees

Omit “A person shall not” from clause 18 (2).

Insert instead “Despite any other provision of this plan, a person must not”.

### [4] Clause 19 Development of land near adjoining zones

Omit clause 19 (1). Insert instead:

- (1) This clause applies to land within 50 metres of a boundary between any two zones under this plan, or between land zoned under this plan and land to which this plan applies that is not zoned under this plan. However, this clause does not allow development within Zone No 7 (a) or 7 (b).

### [5] Clause 23 Irrigation, forestry and flood mitigation works

Omit “reafforestation” from clause 23 (d). Insert instead “reforestation”.

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### [6] Clause 24 Development for the purpose of advertisements

Omit clause 24 (1) and (2) and the Table to the clause 24. Insert instead:

#### (1) **Erection or display of advertisements**

Development for the purpose of the erection or display of an advertisement in a zone is development that:

- (a) may be carried out without development consent if it is listed under the heading “Without development consent” for that zone, or
- (b) may be carried out only with development consent if it is listed under the heading “Only with development consent” for that zone, or
- (c) is prohibited if it is listed under the heading “Prohibited” for that zone,

in the Table to clause 6 of *Lismore Development Control Plan No 36* as adopted by the Council on 14 August 2001.

### [7] Clause 25 Development along main roads

Insert “1 (r),” after “1 (d),” in clause 25 (2).

### [8] Clauses 27 and 28

Omit the clauses. Insert instead:

#### **27 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 a public purpose.
- (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 involve the carrying out of designated development, or
  - (b) would involve the erection of or alteration of any structure, being a structure or an alteration that is or is 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.

**28 Additional development on certain land**

Despite any other provision of this plan, a person may, with development consent, carry out development on land specified in Column 1 of Schedule 4, if the development is specified in Column 2 of that Schedule opposite the land, subject to compliance with the development standards or other conditions (if any) specified in Column 3 of that Schedule opposite the land.

**[9] Clause 28B**

Insert after clause 28A:

**28B Demolition of a building or work**

A person must not demolish any building or work except with development consent, unless:

- (a) the demolition is authorised by a condition of consent for a subdivision or other development, or
- (b) an order to demolish has been issued by the Council under Division 2A of Part 6 of the Act, or
- (c) the building or work is exempt development.

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

Omit clause 30.1. Insert instead:

**30.1 Objectives of zone**

The objectives are:

- (a) to maintain and encourage sustainable agricultural activities within the zone, and

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- (b) to enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment, and
- (c) to discourage the fragmentation of rural land, and
- (d) to restrict the establishment of inappropriate traffic generating uses along main road frontages, and
- (e) 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.

### [11] Clause 30.4

Insert in alphabetical order:

- abattoirs
- extractive industries
- generating works
- institutions
- liquid fuel depots
- mines
- offensive or hazardous industries

### [12] Clause 30.5

Omit “(unless allowed with consent)” and “and shops ancillary to a permitted use”.

### [13] Clause 30.5

Insert in alphabetical order:

- boarding houses
- car repair stations

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

Omit clause 31.1. Insert instead:

**31.1 Objectives of zone**

The objectives are:

- (a) to preserve areas of higher quality agricultural land for agricultural production, 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 discourage the fragmentation of rural land, and
- (d) to control development that may restrict the function of, or create a traffic hazard along, classified roads, and
- (e) 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.

**[15] Clause 31.4**

Omit:

- abattoirs
- airfields
- caravan parks for non-permanent occupation
- helipads
- heliports
- tourist facilities (other than rural tourist facilities)

**[16] Clause 31.5**

Omit:

- large scale generating works
- shops (unless allowed with consent)

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### **[17] Clause 31.5**

Insert in alphabetical order:

- abattoirs
- airfields
- generating works
- helipads
- heliports
- liquid fuel depots
- recreation facilities
- service stations
- shops (other than convenience shops)
- tourist facilities (other than rural tourist facilities)

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

Omit “restaurants” from clause 32.4. Insert instead “refreshment rooms”.

### **[19] Clause 32.5**

Omit:

- animal saleyards
- large scale generating works

### **[20] Clause 32.5**

Insert in alphabetical order:

- extractive industries
- generating works
- offensive or hazardous industries

### **[21] Clause 33 Zone No 1 (d) (Investigation Zone)**

Insert in alphabetical order in clause 33.3:

- art and craft galleries
- bed and breakfast establishments

- communications facilities
- recreation facilities

**[22] Clause 33.4**

Omit “restaurants”. Insert instead “refreshment rooms”.

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

Omit clause 35.1. Insert instead:

**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 discourage the fragmentation of rural land, and
- (d) to control development that may restrict the function of, or create a traffic hazard along, classified and other formed roads, and
- (e) to limit the development of non-agricultural uses, except those which will not be adversely affected by flooding.

**[24] Clause 35.4**

Insert in alphabetical order:

- extractive industries
- mines

**[25] Clause 35.5**

Insert in alphabetical order:

- recreation facilities

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### **[26] Clause 36 Subdivision and development in rural zones**

Insert “(see Note 1 to this Table)” after “20 ha” in Column 2 of the Table to clause 36 (1).

### **[27] Clause 36 (1), Table**

Insert “(see Note 2 to this Table)” after “0.2 ha” in Column 2.

### **[28] Clause 36 (1), Table**

Insert after the Table:

**Note 1.** See also subclause (2).

**Note 2.** See also clause 40 (2) (e).

### **[29] Clause 36 (4)**

Omit “the purpose of a building, work, place or land use lawfully allowed”.  
Insert instead “a permissible use”.

### **[30] Clause 36 (4)**

Insert “a retail and wholesale plant nursery, rural tourist facility,” after “forestry,”.

### **[31] Clause 36 (5) (d)**

Insert “and in subclause (2)” at the end of the paragraph.

### **[32] Clause 37 Rural dwellings and rural dual occupancy**

Omit clause 37 (4) (b) and (c). Insert instead:

- (b) consists of an allotment that was lawfully created in accordance with clause 36 (2), or
- (c) 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, or

- (d) consists of an allotment consented to for use for residential purposes, in accordance with the provisions of *Lismore Local Environmental Plan 1992*, or
- (e) consists of an allotment created in accordance with paragraph (a), (b), (c) or (d), the boundaries of which have been subsequently altered:
  - (i) in accordance with clause 36 (5), or
  - (ii) through the opening or widening of a public road in accordance with the *Roads Act 1993*.

**[33] Clause 37 (5)**

Omit “subclause (4) (a)”. Insert instead “subclause (4) (a) and (b)”.

**[34] Clause 37 (7)**

Insert after clause 37 (6):

- (7) Where, in accordance with this clause, development for the purpose of a dwelling-house may be carried out on an allotment of land, 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.

**[35] Clause 39 Rural workers’ dwellings**

Omit clause 39 (2). Insert instead:

- (2) Rural workers’ dwellings may, with consent, be erected on a parcel of land to which this clause applies provided:
  - (a) each dwelling is on the same parcel of land as the principal farm dwelling and the principal farm dwelling is occupied by the landowner or manager or someone engaged in the operation of the farm, and
  - (b) each dwelling is to be occupied by a worker directly engaged in agricultural employment on that land, and
  - (c) the applicant demonstrates that the nature, scale and output of the agricultural enterprise generates enough income to support an employee who is to be housed in the dwelling, and

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- (d) evidence is provided showing how the employee will assist in the operation of the farm and that no alternative local labour or housing is likely to be available, and
- (e) any other dwellings on that land are used by persons substantially engaged in agricultural employment on that land, and
- (f) the erection of each dwelling will not significantly reduce the suitability of the land for agriculture or create conflict with adjoining land uses, and
- (g) each dwelling shares the same access road as the principal farm dwelling.

**[36] Clause 39 (3)**

Omit “number of dwellings”.

Insert instead “number of rural workers’ dwellings”.

**[37] Clause 41 Development on ridgetops in rural areas**

Omit clause 41 (3) (f).

**[38] Clause 42 Rural dual occupancy**

Omit the clause.

**[39] Clause 45 Water catchment and inundation area for proposed dam near Dunoon**

Omit “County Council” from clause 45 (2), (4), (5) and (6).

Insert instead “Water”.

**[40] Clause 45 (3)**

Omit the subclause. Insert instead:

- (3) Despite subclause (2), the concurrence of Rous Water is not required for development for the purpose of a dwelling-house unless the development is to be carried out on land shown hatched on the map (being the land to be inundated by the Dunoon dam).

**[41] Clause 46 Bed and breakfast establishments in rural zones**

Omit clause 46 (1). Insert instead:

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d) or 1 (r).

**[42] Clause 46 (3)**

Omit the subclause.

**[43] Clause 47 Temporary use of land in private ownership in Zones Nos 1 (a), 1 (b), 1 (d) and 1 (r)**

Omit the clause.

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

Omit from clause 48.4:

- institutions
- restaurants

**[45] Clause 48.4**

Insert in alphabetical order:

- refreshment rooms

**[46] Clause 48.5**

Omit:

- animal saleyards
- home offices

**[47] Clause 48.5**

Insert in alphabetical order:

- art and craft galleries
- institutions
- offensive or hazardous industries
- recreation facilities

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

Re-number clauses 48.1, 48.2, 48.3, 48.4 and 48.5 (where occurring after the heading to clause 49) as clauses 49.1, 49.2, 49.3, 49.4 and 49.5.

### **[49] Clause 49.4 (as renumbered)**

Insert in alphabetical order:

- recreation facilities
- refreshment rooms

### **[50] Clause 49.5 (as renumbered)**

Omit:

- animal saleyards
- home offices
- restaurants

### **[51] Clause 49.5 (as renumbered)**

Insert in alphabetical order:

- dual occupancies
- offensive or hazardous industries

### **[52] Clause 50 Zone No 2 (v) (Village Zone)**

Omit from clause 50.4:

- home offices
- institutions

### **[53] Clause 50.4**

Insert in alphabetical order:

- recreation facilities

### **[54] Clause 50.5**

Omit from clause 50.5:

- animal saleyards
- extractive, offensive or hazardous industries

**[55] Clause 50.5**

Insert in alphabetical order:

- caravan parks (unless connected to a reticulated sewerage system or sewage package treatment plant)
- extractive industries
- institutions
- offensive or hazardous industries

**[56] Clause 51**

Omit the clause. Insert instead:

**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 the consent authority has had regard to the matters relating to environmental impact specified in Schedule 5.
- (3) If the land is within Zone No 2 (a), consent must not be granted to the subdivision of land unless:
  - (a) each separate lot of land to be created by the subdivision has an area of not less than 400 square metres, and
  - (b) 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 to be created, and
  - (c) the consent authority is satisfied that the number of lots to be created by the subdivision has been maximised, having regard to the matters listed in Schedule 5.
- (4) Notwithstanding subclause (3) (a), consent may be granted for a subdivision to create lots with an area of less than 400 square metres if 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.

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**[57] Clause 53 Dwellings and dual occupancies in urban areas**

Omit “, 2 (f)” from clause 53 (1).

**[58] Clause 54 Urban dual occupancy**

Omit the clause.

**[59] Clause 57 Bed and breakfast establishments in urban areas**

Omit clause 57 (1). Insert instead:

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

**[60] Clause 57 (3)**

Omit the subclause.

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

Insert in alphabetical order in clause 58.4:

- generating works

**[62] Clause 58.5**

Omit:

- animal saleyards
- dual occupancy buildings
- home offices

**[63] Clause 58.5**

Omit “dwelling-houses”. Insert instead “dwellings”.

**[64] Clause 58.5**

Insert in alphabetical order:

- extractive industries

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

Omit from clause 59.3:

- restaurants (up to 150 square metres in floor area)

**[66] Clause 59.3**

Insert in alphabetical order:

- art and craft galleries
- communications facilities
- home offices
- recreational facilities
- refreshment rooms (up to 150 square metres in floor area)

**[67] Clause 59.5**

Omit:

- animal saleyards
- home offices

**[68] Clause 59.5**

Insert in alphabetical order:

- amusement parlours

**[69] Clause 59.5**

Omit “dwelling-houses”. Insert instead “dwellings”.

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

Omit from clause 60.5:

- animal saleyards
- 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
- home offices
- liquor outlets

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### **[71] Clause 60.5**

Insert in alphabetical order:

- dwellings (other than where physically attached to and used in conjunction with buildings or uses allowed with development consent)
- exhibition dwellings
- extractive industries
- offensive or hazardous industries

### **[72] Clause 62 Bed and breakfast establishments in business areas**

Omit the clause.

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

Insert in alphabetical order in clause 63.4:

- abattoirs
- restricted premises

### **[74] Clause 63.5**

Omit:

- animal saleyards
- restricted premises

### **[75] Clause 63.5**

Insert in alphabetical order:

- dual occupancies
- exhibition dwellings
- stock and saleyards

### **[76] Clause 66 Zone No 5 (b) (Special Uses (Technology Park) Zone)**

Omit from clause 66.5:

- animal saleyards

**[77] Clause 66.5**

Insert in alphabetical order:

- helipads

**[78] Clause 67 Zone No 6 (a) (Recreation Zone)**

Omit “(other than gas holders or generating works)” from clause 67.3.

**[79] Clause 67.4**

Insert in alphabetical order:

- art and craft galleries

**[80] Clause 67.4**

Omit “restaurants”. Insert instead “refreshment rooms”.

**[81] Clause 68 Zone No 6 (b) (Private Recreation Zone)**

Insert in alphabetical order in clause 68.3:

- art and craft galleries

**[82] Clause 68.4**

Insert in alphabetical order:

- recreation facilities

**[83] Clause 68.4**

Omit “restaurants”. Insert instead “refreshment rooms”.

**[84] Clause 70 Acquisition of land**

Insert “imposed in accordance with section 94 of the Act” after “development consent” in clause 70 (4).

**[85] Clause 75 Temporary use of public land**

Omit the clause.

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**[86] Clause 76 Temporary use of land in private ownership in Zone No 6 (b)**

Omit the clause.

**[87] Schedule 3 Development with restricted access to roads in rural and environment protection zones**

Omit:

- animal saleyards
- junk yards

**[88] Schedule 3**

Insert in alphabetical order:

- art and craft galleries

**[89] Schedule 3**

Omit “restaurants”. Insert instead “refreshment rooms”.

**[90] Schedule 4**

Omit the Schedule. Insert instead:

### **Schedule 4 Additional development on certain land**

(Clause 28)

| <b>Column 1</b>  | <b>Column 2</b>                        | <b>Column 3</b>                            |
|--|--|--|
| <b>Land</b>  | <b>Purpose</b>                         | <b>Development standards or conditions</b> |
| 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 |  |

| <b>Column 1</b>  | <b>Column 2</b>  | <b>Column 3</b>   |
|--|--|---|
| Land at the south-eastern corner at the junction of Holland Street and the Bruxner Highway, as shown edged heavy black on the map marked "Lismore Local Environmental Plan 2000" | Development for the purpose of a service station   |   |
| 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  | Not less than 3 practitioners   |
| Lot 3, DP 595145, being No 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  | No 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 | No demolition or manufacturing is to be carried out on site and use of the land for the purposes listed in Column 2 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 |

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| Column 1  | Column 2   | Column 3 |
|---|--|----------|
| 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 |          |

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### [91] Schedule 7 Definitions

Omit the Schedule. Insert instead:

### 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.

**agriculture** means horticulture, the cultivation of land including crop raising, stock raising and the use of land for any purpose of animal husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables or the like, but does not include animal establishments.

**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 animals are intensively housed, fed or slaughtered and includes an abattoir, a cattle feedlot, an intensive piggery, a chicken farm, and an intensive aquaculture farm.

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

***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.

***boarding house*** includes a house let in lodgings or a hostel but does not include a motel.

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

***bulk store*** means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

***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

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- (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.

**car repair station** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, including panel beating and spray painting.

**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, and
- (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.

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such a building is the premises of a club registered under the *Registered Clubs Act 1976*.

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**commercial premises** means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule.

**communications facility** means a facility used for communications, other than “low impact” facilities as described in the *Telecommunications Act 1997* of the Commonwealth.

**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 a health centre, an information centre, a kiosk, a museum, a library, a youth centre, restroom, a neighbourhood centre, a welfare centre and a senior citizens centre or the like, but does not include a building or place elsewhere specifically defined in this Schedule.

**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 café, 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 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:

- (a) art,
- (b) design,
- (c) handicrafts,
- (d) photography,
- (e) pottery,

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- (f) sculpture,
- (g) weaving,
- (h) 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.

**dual occupancy building** means a building containing 2 dwellings only.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling-house** means a building containing one but not more than one dwelling.

**educational establishment** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care establishment.

**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.

**extractive industry** means:

- (a) the winning of extractive material, or

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- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

***extractive material*** means sand, gravel, clay, turf, soil, rock, stone or similar substances.

***flood affected land*** means the land that would be inundated by the 1% AEP (Annual Exceedance Probability) flood, as shown on a map kept at the office of the Council.

***flood standard*** means the flood level established by the 1% AEP (Annual Exceedance Probability) 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”.

***forestry*** includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, other than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

***generating works*** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

***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.

***gross floor area*** means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall, and

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- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air conditioning ducts, and
- (c) car-parking needed to meet any requirements of the Council and any internal access to that car parking, and
- (d) space for the loading and unloading of goods.

**health care professional** means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors and Osteopaths Act 1991*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, and
- (d) an optometrist registered under the *Optometrists Act 1930*.

**helipad** means an area or place not open to public use which is authorised by the Department of Transport and which is set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use which is licensed by the Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

**heritage conservation area** means land described in Schedule 2 and shown edged heavy black on 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 map marked “Lismore Local Environmental Plan 2000 (Amendment No 2)—Heritage Items”.

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**home industry** means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential building) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and
- (b) the industry does not:
  - (i) interfere with the amenity of the locality 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
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.

**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 that does not involve:

- (a) anything that would have required the registration of the building under the *Shops and Industries Act 1962* immediately before the repeal of section 11 of that Act, 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

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- (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.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

***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 in this Schedule.

***institution*** means a penal or reformative establishment.

***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.

***light industry*** means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise

***liquid fuel depot*** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

***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.

***main road*** means a road that is declared to be a main road by an order in force under the *Roads Act 1993*.

***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

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(c) foodstuffs,

but does not include a shop.

**materials recycling yard** means a building or place used for collecting, dismantling, storing, abandoning, recycling or sale of secondhand or scrap materials, 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 out-patients only.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

**motel** means a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travelers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed in or on the building or place.

**offensive or hazardous industry** means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

**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.

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***place of assembly*** means a public hall, theatre, cinema, conference or reception centre, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

***place of public worship*** means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.

***public building*** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

***public utility undertaking*** means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking is to be construed as including a reference to a council, county council, Government department, corporation, firm or authority carrying on the undertaking.

***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 in this Schedule.

***recreation establishment*** means a health farm, religious retreat house, rest home, youth camp and the like but does not include a building or place elsewhere specifically defined in this Schedule.

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**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

**recreation vehicle area** means an area designated as a recreation vehicle area by the Environment Protection Authority under the *Recreation Vehicles Act 1983*.

**refreshment room** means a restaurant, café, tea room, eating house or the like.

**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.

**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.

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are also sold in that building or place.

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***roadside stall*** means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

***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, guest house, hostel, 3 or more cabins, educational facility or the like, being facilities which are integrated with or designed to complement the rural activities or attractions on the site or in the surrounding locality, but does not include a bed and breakfast establishment.

***rural workers' dwelling*** means a dwelling that is on land on which there is already erected a dwelling and that is occupied by persons engaged in rural occupation on that land.

***sawmill*** means a mill handling, cutting and processing timber from logs or baulks.

***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.

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**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule.

**stock and saleyard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**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:

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

Lismore Local Environmental Plan 2000 (Amendment No 6)—Sheets 1 and 2

**tourist facilities** means an establishment providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities, but does not include a bed and breakfast establishment.

**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.

**utility installation** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**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.

***warehouse*** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

***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.