

Lismore Local Environmental Plan 2012

6.8 Rural landsharing community development

(1) The objectives of the clause are as follows:

- (a) to enable people to collectively own a single lot for use as their principal place of residence,
- (b) to enable the erection of multiple dwellings on that lot and the sharing of facilities,
- (c) to enable the pooling of resources to economically develop a wide range of communal and rural living opportunities,
- (d) to facilitate a closer rural settlement, preferably in a clustered style, that:
 - (i) protects and enhances the environmental attributes of the lot, and
 - (ii) does not create demand for the unreasonable or uneconomic provision of services.

(2) This clause applies to a lot if any part of the lot is in an area that is identified as “Potential Rural Landsharing Community Development Areas” on the [Potential Rural Landsharing Community Development Map](#).

(3) Development consent may be granted to development for the purpose of 3 or more dwellings on a lot to which this clause applies if the consent authority is satisfied that:

- (a) the lot has an area of at least 10 hectares, and
- (b) the part of the lot on which the development is to be situated does not have a slope in excess of 18 degrees, and
- (c) the lot is within 4 kilometres (by road) of services, such as schools, shops or community facilities, and
- (d) adequate vehicular access is provided to the lot from an arterial, sub-arterial or collector road, and
- (e) the proposed dwellings are designed to reasonably accommodate a maximum of the number of people calculated by multiplying the number of dwellings permitted by subclause (4) (rounded up or down in accordance with subclause (5)) by 4.

(4) Despite subclause (3), development consent must not be granted to development on a lot to which this clause applies that has an area within the range specified in Column 1 of the Table to this subclause unless the number of proposed dwellings on the lot, together with any existing dwellings on the lot, will not exceed the number calculated in accordance with the formula specified opposite that area in Column 2 of that Table.

Table—Maximum number of dwellings

Column 1	Column 2
At least 10 hectares, but not more than 210 hectares	$\left(4 + \frac{(A - 10)}{4}\right)$
More than 210 hectares, but not more than 360 hectares	$\left(54 + \frac{(A - 210)}{6}\right)$
More than 360 hectares	80

where:

A is the area of the lot measured in hectares.

(5) If the maximum number of dwellings calculated in accordance with subclause (4) includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one half or more, or rounded down to the nearest whole number in the case of a fraction of less than one half.

6.8A Minimum subdivision lot size for rural landsharing community developments

(1) The objective of this clause is to permit the subdivision of land to which this clause applies for an approved or proposed rural landsharing community using a community title scheme.

(2) This clause applies to a lot:

(a) if any part of the lot is in an area that is identified as “Potential Rural Landsharing Community Development Areas” on the [Potential Rural Landsharing Community Development Map](#), or

(b) that contains an approved rural landsharing community.

(3) The size of any lot resulting from the subdivision of land to which this clause applies may be less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land if:

(a) the total number of neighbourhood lots (within the meaning of the [Community Land Development Act 1989](#)) located on the land following the subdivision does not exceed:

(i) the number that results from the application of clause 6.8 (in the case of land referred to in clause (2) (a)), or

(ii) the number of dwelling sites approved under the development consent for the multiple occupancy or rural landsharing community (in the case of land referred to in clause (2) (b)), and

(b) there will be at least one lot comprising association property (within the meaning of that Act) located within that land following the subdivision that comprises land to be used for the purposes of a recreation area, environmental facility or agriculture, and

(c) there is no more than one dwelling erected on each neighbourhood lot.

(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:

(a) the original parcel of land is not less than 10 hectares in size and is physically suitable for the development, and

(b) in the case of a proposed rural landsharing community the development has access to a bitumen sealed public road and each dwelling will use the same vehicular access to and from that public road, and

(c) the development will not impair the use of the land for agriculture or rural industries, and

(d) the land is capable of accommodating the on-site disposal and management of sewage for the development, and

(e) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and

(f) appropriate management measures are in place that will ensure the protection and enhancement of the biodiversity of the land, and

(g) appropriate management measures are in place that will ensure good quality social and economic outcomes.

(5) In this clause, an *approved rural landsharing community* means a development that has been approved by the issue of a development consent.

Note. It is the applicants’ responsibility to demonstrate that the development consent has not lapsed.