

Item 8 – Additional Housing on Rural Lots

Amend the *Lismore Local Environmental Plan 2012* to enable **multi dwelling housing** on suitable rural lots in the **RU1 Primary Production** and **RU2 Rural Landscape** zones, subject to development consent and compliance with a new local provision.

The amendment gives effect to the **Rural Land Use Strategy**, which identifies an opportunity to provide additional housing on suitable rural properties while protecting agricultural production, environmental values, rural character and adjoining rural land uses.

The amendment also responds to Lismore's need for additional housing choices following major flood events. By allowing additional dwellings on appropriately located and serviced rural land, the proposal may provide opportunities for households seeking to voluntarily relocate from flood-affected urban areas.

The amendment will:

- permit **multi dwelling housing** with consent in the **RU1** and **RU2** zones;
- introduce a local provision regulating where and how **multi dwelling housing** may be carried out on rural land;
- limit the proposed pathway to rural lots with an area of at least **20 hectares**;
- require **dwellings** to be clustered within a defined area associated with an existing lawful **dwelling**;
- require consideration of agricultural productivity, rural land-use conflict, environmental constraints, natural hazards, access, wastewater servicing and rural character; and
- prohibit **subdivision** arising from the additional housing permitted under the provision.

The amendment will enable additional housing on a single rural lot. It will not create separate dwelling entitlements, permit the **subdivision** of individual **dwellings** or establish a **rural land sharing community**.

This item will amend or introduce the following components of the *Lismore LEP 2012*:

- the **RU1 Primary Production** zone **Land Use Table**, by permitting **multi dwelling housing** with consent;
- the **RU2 Rural Landscape** zone **Land Use Table**, by permitting **multi dwelling housing** with consent; and
- a new local provision applying specifically to **multi dwelling housing** on eligible rural lots.

The new local provision will identify:

- the zones and lots to which the provision applies;
- the minimum lot area required to use the provision;
- the relationship between the additional **dwelling**s and an existing lawful **dwelling**;
- the area within which the **dwelling**s must be clustered;
- the matters the consent authority must consider before granting consent; and
- the restriction on **subdivision** associated with the additional housing.

The provision should be located in the part of the *LEP* dealing with **additional local provisions**, rather than being described as a new principal development standard. This is because its purpose is to regulate the circumstances in which **multi dwelling housing** may be approved, rather than establish a new numerical development standard of general application.

The amendment will apply to land:

- in **RU1 Primary Production** or **RU2 Rural Landscape** zones;
- comprising a lawfully created lot with an area of at least **20 hectares**;
- having an existing dwelling entitlement under *Lismore LEP 2012*; and
- containing an existing lawful **dwelling house** (if this is retained as an eligibility requirement).

The amendment will apply through written *LEP* provisions and the relevant rural zones. No separate *LEP* map is presently proposed for this item.

Lots which do not satisfy the eligibility requirements of the new local provision will not be able to use this additional housing pathway.

Multi dwelling housing is proposed to be added as development permitted with consent in the **RU1** and **RU2 Land Use Tables**.

The new local provision will limit permissibility so development consent may only be granted where:

- the lot has an area of at least **20 hectares**;
- the lot has an existing dwelling entitlement under the *Lismore LEP 2012*;
- the lot either contains an existing lawful **dwelling**, or is vacant but has a confirmed dwelling entitlement;
- the proposed **dwelling**s are clustered within a defined area associated with the existing **dwelling**;
- the number, location and scale of **dwelling**s are compatible with the capacity and characteristics of the land;

- the development will not materially impair the agricultural use of the subject land or adjoining land;
- potential conflict with agriculture and rural industries is avoided or appropriately managed;
- the land is suitable for the proposed development, having regard to environmental constraints and natural hazards;
- safe and lawful access can be provided;
- wastewater, water supply, stormwater and other servicing requirements can be adequately addressed;
- the development is compatible with the rural character and amenity of the locality; and
- the development will not result in the **subdivision** of the additional **dwellings** from the rural lot.

The proposed provision will not establish an automatic entitlement to a particular number of **dwellings**. The appropriate number of **dwellings** will be determined through the development assessment process, having regard to the capacity and constraints of the individual lot.

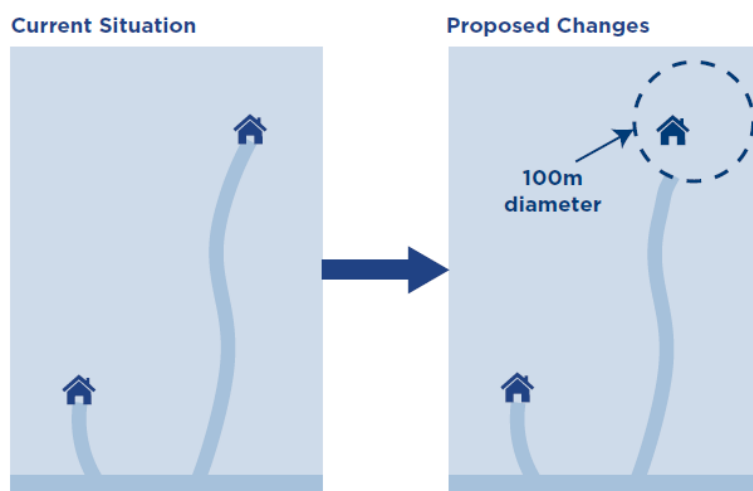


Figure 10. Conceptual Building Envelope Control (extract from Rural Land Use Strategy).

The intended effect of the amendment is to:

- implement the additional rural housing direction of the **Rural Land Use Strategy**;
- provide additional housing opportunities on suitable rural lots;
- allow rural landowners and households to accommodate extended family, changing household needs and intergenerational living;

- concentrate additional **dwelling**s near an existing lawful **dwelling** rather than disperse development across a rural property;
- minimise fragmentation and sterilisation of productive agricultural land;
- avoid or manage land-use conflict with agriculture and rural industries;
- limit additional access points and the unnecessary duplication of infrastructure;
- ensure development can be adequately serviced without unreasonable environmental or infrastructure impacts;
- maintain rural landscape character and amenity; and
- prevent the additional housing from creating separate **subdivision** or dwelling entitlements.

The amendment will establish a development assessment pathway only. It will not approve a particular number of **dwelling**s, building location, access arrangement, servicing solution or development layout.

The following consequential amendments may be required:

- align the **RU1** and **RU2 Land Use Tables** with the new local provision;
- ensure consistency with other rural housing, **subdivision**, and dwelling entitlement provisions in the *Lismore LEP 2012*;
- distinguish the additional housing pathway from **rural land sharing communities**; and
- update relevant provisions of the Lismore **Development Control Plan**.

The *LEP* and **DCP** provisions will be reviewed together to provide a consistent framework for the siting, servicing and assessment of additional rural housing.