

Chapter 20

## Complying Development

Not in use where LEP 2012 applies



## **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP)**

The NSW State Government has introduced State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP), which was gazetted on 12 December 2008, and commenced operation on 27 February 2009.

The SEPP applies to the whole State.

The Codes SEPP specifies certain development under that Policy as being 'exempt' from the need to obtain development consent. It also specifies certain types of housing development as complying development.

Under the arrangements in the Codes SEPP:

- if the same development type is specified as exempt development in the General Exempt Development Code and in the council's existing LEP or DCP, then the Codes SEPP prevails and the development must be carried out in accordance with the General Exempt Development Code
- if the General Housing Code specifies a development type as complying and the council's LEP or DCP nominates it as complying, applicants can, until 27 February 2010, choose to use whichever provisions they prefer as the basis on which to prepare an application for a complying development certificate;
- if the General Exempt Development Code specifies a development type as exempt and the Council's LEP or DCP nominates it as complying, applicants can, until 27 February 2010, choose to use whichever provisions they prefer as the basis for being considered and to carry out their development as exempt development;
- if the same development type is specified as complying development in the General Housing Code and as exempt development in the council's LEP or DCP, then the provisions of the Codes SEPP prevails and the development must be carried out as complying development in accordance with the Codes SEPP;
- if a LEP or a DCP nominates a development type as exempt or complying and the Codes SEPP does not deal with that development type, then the Council's current provisions prevail.

During the transition period between commencement of the Codes SEPP and 27 February 2010, applicants will be required to nominate on their application for a complying development certificate which planning controls they will be relying on.

In circumstances where a complying development type is nominated in a council's LEP or DCP but is not covered by the Codes SEPP then the LEP or DCP provisions will continue to apply after 27 February 2010 until those development types are covered by future amendments to the Codes SEPP.

A copy of the Codes SEPP is available at: [www.planning.nsw.gov.au/housingcode](http://www.planning.nsw.gov.au/housingcode)

Further information on the General Housing Code is available at:  
[www.planning.nsw.gov.au/housingcode](http://www.planning.nsw.gov.au/housingcode)

For further information please email [planningreform@planning.nsw.gov.au](mailto:planningreform@planning.nsw.gov.au) or call the Department of Planning's Information Centre on Freecall: 1300 305 695 or 02 9228 6333.

## 20 Complying Development

The purpose of this Chapter is to provide criteria for complying development within the area of the Lismore City Council.

### 20.1 Objectives of this Chapter

1. To encourage a high standard of design, both functional and aesthetic, which takes due regard of the needs of occupants, neighbours and the availability of local amenities.
2. To encourage development that is sympathetic to the topography of the land and the scale and character of the surrounding development.
3. To encourage building design and siting which takes advantage of climatic factors and reduces household energy requirements.
4. To ensure that the development has a minimal impact on the environment, including minimising waste to landfill.
5. To provide a criteria for development which may be carried out, without the prior consent of Council for certain nominated development, subject to the issue of a 'Complying Development Certificate', by Council or a private accredited certifier.

### 20.2 How to use this Chapter

The Schedule to this Chapter contains eight (8) types of development that can be considered for complying development under the Lismore Environmental Plan. A person wishing to carry out development of a type nominated in the Schedule to this Plan will be considered to have complied with the provisions of this Plan if it satisfies all the criteria listed for each development type and the conditions of approval.

### 20.3 Definitions

In this Chapter the following definitions apply:

*"common open space"* means the open space area, which is available and accessible to all residents.

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

*"dwelling house"* means a single building containing one dwelling, not attached to another dwelling.

*"flood liable"* means land that is subject to flooding by a one in one hundred year flood event.

*"functional open space"* means the main area of private open space, and it is that part of the primary open space area which is directly accessible to the living area of a dwelling and is capable of being landscaped or screened to ensure that the area has privacy from adjoining development.

*"height"* means the distance measured vertically from any point on the ceiling of the top most floor of the building to the ground level immediately below that point. Where there is a cathedral ceiling height is measured to the top plate.

*"primary open space"* means the part of the site or building which is designed, or developed, or capable of being maintained and used as lawn, courtyard or planted gardens and is available for use and enjoyment of the occupants of the development and,

includes rooftop spaces, swimming pools, walk ways, tennis courts, balconies, gazebos or other similar structures, where Council deems such to be appropriate in terms of accessibility, treatment and appearance, but

excludes drying yards, garbage handling and storage areas, areas used for movement or parking of vehicles, and any setback or open space which is less than two metres in width.

## 20.4 Limitation

The proposed complying development:

- is permissible under any environmental planning instrument that applies to the land.
- is not State Significant Development, designated development or development which requires the concurrence of persons or authorities, other than Council or the Director General of National Parks and Wildlife, under section 79B(3) of the Environmental Planning and Assessment Act 1979.
- is not on land that is critical habitat, a wilderness area under the Wilderness Act 1987 or is identified in a plan as an environmentally sensitive area. is not in an area identified in an environmental planning instrument applying to the land, as land that is bushfire prone, flood liable, potentially contaminated, subject to subsidence, slip, erosion or acid sulphate soils; and is not on a site that has previously been used as a service station, for intensive agriculture, mining or extractive industries, sheep or cattle dips, or for the manufacture of chemicals,
- complies with any relevant conditions of development consent previously issued on the land,
- has the relevant approval for water and sewer services, including the disposal of trade wastes and/or the on-site disposal of human wastes, prior to the issue of a Complying Development Certificate,
- complies with the criteria listed for each type of development,
- complies with the conditions attached to the complying development certificate.

## 20.5 Complying Development Conditions

All complying development is to meet the following conditions, where relevant to the site and development.

### **Building code**

1. All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia and the complying development certificate.

### **Notification**

2. Two days before any site works, building or demolition begins, the applicant must forward Form 7 (see attached) of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority).

### **Home Building Act**

3. Residential building work, within the meaning of the Home Building Act, 1997, must not be carried out unless the principal certifying authority:
  - a) in the case of a licensed person under the Act:
    - i) has been informed in writing of the licensee's name and licence number, and
    - ii) is satisfied that compliance with Part 6 of Act (insurance provisions) has been met.
  - b) in the case of an owner-builder:
    - i) has been informed in writing of the owner-builders name and permit number, or
    - ii) has been given a declaration, signed by the land owner, that the cost of labour and materials involved in the work is less than the amount prescribed as 'owner-builder work' in Section 29 of the Act.

- c) is given appropriate information and declarations where any arrangements for doing the work are changed.
- d) has been provided with a certificate of Builders' Indemnity Insurance from an approved insurer, where applicable.

### **Site management**

#### 4. Prior to any site works:

Run-off and erosion controls are to be installed, to prevent soil erosion, water pollution or the discharge of sediment onto surrounding land by:

- i. diverting uncontaminated run-off around cleared or disturbed areas,
- ii. erecting a silt fence to prevent debris escaping into drainage systems or waterways,
- iii. preventing tracking of soil by vehicle onto roads,
- iv. stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the silt fence.

During building work any necessary measures must be taken to ensure the amenity of the neighbourhood, by employing measures to reduce the generation of offensive emissions (dust, odours and noise etc). The development shall be so managed, that all activities are undertaken in accordance with acceptable environmental standards. Activities include:

- a) The processing, handling, movement and storage of materials and substances; and
- b) The treatment, storage and disposal of wastes (including solid and liquid wastes).

Acceptable environmental standards in the case of the treatment, storage and disposal of wastes shall include compliance with the provisions of Chapter 15 – Waste Minimisation.

### **Site safety**

- 5. (a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professionally recognised standards.
- (b) All excavations and work associated with the erection and demolition of a building, which may be dangerous, must be guarded and protected to prevent them from being dangerous to life and property.

### **Retaining walls**

#### 6. If soil conditions require it:

- (a) retaining walls, or other approved methods of soil retention, must be provided in association with the erection or demolition of a building, and
- (b) adequate provision must be made for drainage.

### **Adjoining building work**

#### 7. If the soil conditions require it:

- (1) if an excavation associated with the erection or demolition of a building that extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment, furnish particulars of the excavation to the owner of the building being erected or demolished.

- Note:*
- (1) *The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining land.*
  - (2) *In this clause, "allotment of land" includes a public road and any other public place.*

### **Public safety and convenience**

8. 1) If the work involved in the erection or demolition of a building:
  - a) is likely to obstruct or inconvenience pedestrian or vehicular traffic in a public place, or
  - b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. An application to erect a hoarding or fence must be submitted to and approved by Council.
- 2) If necessary, an awning is to be erected, sufficient to prevent any material from, or in connection with the work, falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise, if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.

### **Signage**

9. 1) A sign must be erected in a prominent position on any work site involved in the erection or demolition of a building is being carried out:
  - a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 2) Any such sign is to be removed when the work has been completed.
- 3) This clause does not apply to:
  - (a) building work carried out inside an existing building, or
  - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 4) Any advertising signs to be in accordance with the requirements of Council's Local Environmental Plan.

### **Toilet facilities**

10. 1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work is involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed on the site.

*Note: Toilet facilities are not to be located on footpaths or other public land.*

- 2) Each toilet provided:
  - a) must be a standard flushing toilet, and
  - b) must be connected:
    - i) to a public sewer, or
    - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
    - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.

*Note: 'Porta-potti' and similar on-site treatment and storage sanitary facilities are acceptable, where connection is not available to the sewerage system, if the wastes are disposed of satisfactorily into a reticulated sewage system.*

### **Stormwater**

11. Stormwater from the building and surface water from the land surrounding any structure must be diverted to the street drainage system or an easement to drain water.

### **Location of building**

12. (a) The proposed building is a minimum of 1.5 metres clear of any sewer main or stormwater drainage line, or the equivalent of the invert depth of the pipe, whichever is the greater.
- (b) Any building, and associated earthworks on the site, is to be clear of all easements and sewer mains.

### **Inspections**

13. The Council or an accredited certifier is to be notified 24 hours in advance, to inspect the following, where applicable:
- (a) erosion controls, site works and site set out, before building starts
  - (b) steel reinforcement to footings or slab before pouring concrete
  - (c) framework of structure before lining or cladding is fixed
  - (d) sewer and stormwater drainage and on-site retention before backfilling
  - (e) the building on completion, prior to occupation

### **Hours of work**

14. Any building work which has the capacity to generate offensive noise, odours or dust, or which will have an impact on the amenity of the area, must be carried out between 7.00 a.m. and 6.00 p.m., Monday to Friday and 8.00 a.m. to 1.00 p.m. Saturdays, excluding public holidays.

- Note: (i) This provision does not exempt a person from compliance with the Noise Control Act.*
- (ii) Compliance with this clause does not absolve persons from the need to comply with any of the relevant protection of the environment legislation.*

### **Vehicular access**

15. Driveways are to be a minimum of 500 mm clear of all drainage structures in the kerb and guttering and are not to interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.

Vehicular access to a site is to be in accordance with Chapters 5 & 6 – Subdivision and Infrastructure - 'Design and Construction Manual' provisions.

### **Section 94 Contributions, Levies, Bonds and Charges**

16. Any contribution payable under Council's 'Section 94 Contributions Plan' has been paid to Council.
- The levy for S.E.S contribution, if applicable, has been paid to Council.
- The bonds for vehicular crossing and stormwater connection have been paid to Council.
- The charge for a water connection has been paid to Council.
- The long service levy has been paid to Council or the Long Service Payments Corporation.

### **Approvals**

17. Council has granted approval for the connection of the premises to the water supply, sewer main and stormwater drainage system.

### **Sum of proposed exemptions and prior exemptions**

18. The development does not involve an addition to a structure, or the subdivision of land, additional to any previous development carried out under this Chapter which will result in an increase in total height or area, over and above the stated complying criteria in this Chapter, or which exceeds any limitation imposed by a development standard.

**Bed and Breakfast Accommodation - Registration**

18. Note that the premises are required to be registered in Council’s Commercial Premises Register as a Bed and Breakfast establishment, prior to the commencement of business activities.

**Certificate**

19. (a) A Complying Development certificate application is made on the required form to Council or an accredited certifier and is accompanied by the necessary details.  
 (b) A complying development certificate is issued by Council or an accredited certifier, prior to the work commencing.

*Note: A person is taken to have been issued with a complying development certificate for the subdivision of land that does not involve the carrying out of subdivision work, if a subdivision certificate is endorsed on the relevant plan of subdivision under Part 4A of the Act.*

**SCHEDULE – Complying Development Criteria**

Development	Criteria to be Met
<p><b>2.1. Dwelling houses and additions and alterations or ancillary development, incidental to dwellings, on a lot more than 400 and less than 2500 square meters</b></p> <p><b>Within a Zone N° 2(a), or 2(v) under a Lismore Environmental Planning Instrument</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Dwelling Entitlement</b></p> <ul style="list-style-type: none"> <li>• The allotment has a dwelling entitlement pursuant the Lismore Environmental Plan.</li> </ul> <p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li>• Any part of the structure:                             <ul style="list-style-type: none"> <li>◊ Complies with the building line provided in an environmental planning instrument or development control plan applying to the land</li> <li>◊ Is set back at least 6 metres from the front lot boundary.</li> </ul> </li> </ul> <p>Or the set-back must be an average of the setback of like structures on land either side of the subject property; whichever is the greater</p> <ul style="list-style-type: none"> <li>• Carports and garages facing a public street, are not more than 6 metres or 50 percent of the frontage width; whichever is the lesser</li> </ul> <p><b>Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>• The new dwelling has at least a 3.5 star rating under the Housing Energy Rating Scheme (NatHERS) or complies with Council’s Energy Efficiency policy.</li> <li>• The water closets are provided with 6/3 litre dual flush toilet suites</li> <li>• Showers and taps are provided with fixed flow regulators in accordance with Chapter 1 - ‘Residential Development’.</li> <li>• Permanently installed dishwashers are AAA rated</li> <li>• Sarking is provided under all tile roofs</li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li>• The ground floor level of the structure at any point is not more than 500 mm above the natural ground level</li> <li>• The distance between the floor level and the underside of the eaves is not more than 2.4 metres, in the case of single storey dwellings ancillary structures and additions and 5.5 metres in the case of two-storey dwellings ancillary structures and additions</li> <li>• The roof pitch is not more than 24 degrees and any openings</li> </ul>

- do not extend more than 600 mm above the roof surface
- The adjoining property's main area of private open space or any habitable room is not in shadow between 10 a.m. and 3 p.m. on 21 June, as a result of the development.
- The external wall of any structure is not less than 900 mm from a side or rear boundary, in the case of single storey dwellings and additions and 1.5 metres, in the case of two-storey dwellings and additions.
- The eaves and guttering to be a minimum of 675 mm from the boundary.
- The proposed structure will not affect the view from any adjoining dwelling.

#### **Privacy and Security**

- Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbouring dwelling and are within 9 metres:
  - ◇ are offset from the external edge of one window to the external edge of the other, by a distance of 500 mm, or
  - ◇ have sill heights of 1.7 metres above the floor level, or
  - ◇ have fixed obscure glazing in any part of the window below 1.7 metres above floor level

#### **Open Space and Landscaping**

- A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaced
- No more than one-third of the front setback is paved or sealed

#### **Flooding**

- The site is not "flood liable" land.

#### **Landslip**

- The building site is not subject to landslip

#### **Sewer Mains, Stormwater Drainage and Easements**

- The proposed building is a minimum of 1.5 metres clear of any sewer main or stormwater drainage line, or the equivalent of the invert depth from the pipe, whichever is the greater distance
- Any building, and associated earthworks on the site, is clear of all easements and sewer mains
- The building can be connected by gravity drainage to Council's sewer mains.

#### **Pollution Control**

- Vacuum breaker devices are provided to all external taps.

#### **Vehicle Access**

- The vehicular access grade is to be hard surface, dust free and in accordance with Chapters 5-6 'Subdivision' - 'Design & Construction Specification - Vehicular Access' provisions.
- Vehicle accommodation is provided in accordance with Chapter 1 - Residential Development.
- Vehicle access for vehicle accommodation on site or for construction purposes does not require the removal or lopping of any Council street trees.

	<p><b>Cut and/or Fill</b></p> <ul style="list-style-type: none"> <li>• The cut and fill on the site is in accordance with the provisions of Chapter 1 - Residential Development.</li> </ul> <p><b>Cattle Dips</b></p> <ul style="list-style-type: none"> <li>• The building is outside a 200 metre radius of any cattle dip, or the application is supported by a report prepared by an Environment Protection Authority accredited auditor.</li> </ul> <p><b>Retaining Walls</b></p> <ul style="list-style-type: none"> <li>• Details are provided of all retaining walls in respect of the subject building and the retaining walls are in accordance with Chapter 1 - Residential Development.</li> </ul> <p><b>Trees</b></p> <ul style="list-style-type: none"> <li>• The development, including access for construction purposes, does not require the removal of any trees on the allotment, other than those located within the footprint of the proposed building or the proposed vehicular access.</li> </ul> <p><b>Sedimentation Control</b></p> <ul style="list-style-type: none"> <li>• Provision has been made for erosion and sedimentation control in accordance with Chapter 1 - Residential Development.</li> </ul> <p><b>Buffer Areas</b></p> <ul style="list-style-type: none"> <li>• The required buffer area set back and landscape planting is provided, where applicable, in accordance with Chapter 11 - Buffer Areas.</li> </ul> <p><b>Stormwater</b></p> <ul style="list-style-type: none"> <li>• Roofwater, subsoil drainage and surface water drainage from paved surfaces can be connected to the street drainage system or to an easement to drain water, in accordance with AS 3500.3 'Stormwater Drainage'.</li> </ul> <p><b>Roof Sheeting</b></p> <ul style="list-style-type: none"> <li>• The roof sheeting is not zincalume.</li> </ul> <p><b>Construction</b></p> <ul style="list-style-type: none"> <li>• The dwelling, alteration or addition, or ancillary development, complies with the deemed-to-satisfy provisions of Volume One, or section 3 of Volume Two (Housing Provisions), of the Building Code of Australia</li> </ul>
<p><b>2.2 Dwelling houses and additions and alterations, or ancillary development to dwellings on a lot 2500 square metres and over</b></p> <p><b>Within a Zone N° 2(a), or 2(v) under a Lismore Environmental Planning Instrument</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedules 1 and 2 of the</b></p>	<p><b>Dwelling Entitlement</b></p> <ul style="list-style-type: none"> <li>• The allotment has a dwelling entitlement pursuant to the Lismore Environmental Plan.</li> </ul> <p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li>• Any part of the structure: <ul style="list-style-type: none"> <li>◇ Complies with a building line provided in an environmental planning instrument or development control plan applying to the land, and</li> <li>◇ Is set back at least 15 metres from the front boundary, or an average of the setback of like structures on land either side of the subject property, whichever is the greater. Where the property has frontage to a 'Classified Road' the setback shall be at least 28 metres.</li> </ul> </li> </ul>

<p><b>Lismore Environmental Plan.</b></p>	<p><b>Energy Efficiency</b></p> <ul style="list-style-type: none"> <li>• The new dwelling has at least a 3.5 star rating under the Housing Energy rating Scheme (NatHERS) or complies with Council’s Energy Efficiency policy.</li> <li>• The water closets are provided with 6/3 litre dual flush toilet suites</li> <li>• Showers and taps are provided with fixed flow regulators in accordance with Chapter 1 - Residential Development.</li> <li>• Permanently installed dishwashers are AAA rated.</li> <li>• Sarking is provided under all tile roofs</li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li>• All structures are within a building envelope of not more than 500 square metres. The building envelope can be made up of a number of smaller envelopes that total not more than 500 square metres.</li> <li>• The ground floor level of the structure, at any point, is not more than 1.2m above natural ground level.</li> <li>• The distance between the floor level and the underside of the eaves is not more than 2.7 metres for a single storey building and 5.5 metres for a two-storey building.</li> <li>• The roof pitch is not more than 24 degrees and any openings do not extend more than 600 mm above the roof surface.</li> <li>• The external wall of any structure is at least 10 metres from a side or rear boundary.</li> </ul> <p><b>Open Space and Landscaping</b></p> <p>A minimum of 20 per cent of the site must be soft landscaped, that is, not hard surfaced in accordance with Council’s “Landscape Guidelines”.</p> <p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>• The site is not “flood liable” land.</li> </ul> <p><b>Landslip</b></p> <ul style="list-style-type: none"> <li>• The building site is not subject to landslip.</li> </ul> <p><b>Vehicle Access</b></p> <ul style="list-style-type: none"> <li>• The internal vehicle access is in accordance with Chapters 5-6 Subdivision and Infrastructure ‘Design &amp; Construction Specification - Vehicle Access’.</li> <li>• Vehicle accommodation is provided in accordance with Chapter 1 - Residential Development.</li> <li>• All weather two-wheel drive vehicular access is available from the Council maintained road pavement to the building site.</li> <li>• Vehicular crossing over the water table drainage is provided in accordance with Chapters 5-6 Subdivision and Infrastructure - ‘Design &amp; Construction Specification - Vehicle Access’.</li> <li>• Vehicle access for vehicle accommodation on site or for construction purposes does not require the removal or lopping of any Council street trees.</li> </ul> <p><b>Cut and/or Fill</b></p> <ul style="list-style-type: none"> <li>• The cut and/or fill on the site is in accordance with the provisions of Chapter 1 - Residential Development.</li> </ul>
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Not in use (2019-2022) applies

	<p><b>Easements and Sewers</b></p> <ul style="list-style-type: none"> <li>• The proposed building is a minimum of 1.5 metres clear of any sewer main or stormwater drainage line, or the equivalent of the invert depth from the pipe, whichever is the greater distance</li> <li>• Any building, and associated earthworks on the site, is clear of all easements and sewer mains</li> <li>• The building is able to be connected by gravity drainage to Council's sewer mains, or</li> </ul> <p><b>Pollution Control</b></p> <ul style="list-style-type: none"> <li>• Vacuum breaker devices are provided to all external taps, where connection is to a reticulated water supply.</li> </ul> <p><b>Cattle Dips</b></p> <ul style="list-style-type: none"> <li>• The building is outside a 200 metre radius of any cattle dip.</li> </ul> <p><b>Retaining Walls</b></p> <p>Details are provided of all retaining walls in respect of the subject building and the retaining walls are in accordance with Chapter 1 - Residential Development.</p> <p><b>Trees</b></p> <ul style="list-style-type: none"> <li>• The development, including access for construction purposes, does not require the removal of any trees on the allotment, other than those located within the footprint of the proposed building or the proposed vehicular access.</li> </ul> <p><b>Sedimentation Control</b></p> <p>Provision has been made for erosion and sedimentation control of the building site in accordance with Chapter 1 - Residential Development.</p> <p><b>Buffer Areas</b></p> <ul style="list-style-type: none"> <li>• The required buffer area set back and landscape planting is provided, where applicable, in accordance with Chapter 11 - Buffer Areas.</li> </ul> <p><b>Stormwater</b></p> <ul style="list-style-type: none"> <li>• Roofwater, subsoil drainage and surface water from paved surfaces can be connected to a street drainage system, or to a drainage easement, in accordance with As 3500.3 'Stormwater drainage'.</li> </ul> <p><b>Roof Sheeting</b></p> <ul style="list-style-type: none"> <li>• The roof sheeting is not zincalume.</li> </ul> <p><b>Construction</b></p> <ul style="list-style-type: none"> <li>• The building complies with the deemed-to-satisfy provisions of Volume One, or Section 3 of Volume Two (Housing Provisions) of the Building Code of Australia.</li> </ul>
<p><b>2.3. Swimming Pools, ancillary to a dwelling for private use only and on a lot more than 400 square metres</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedules 1 and 2 of the</b></p>	<p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li>• Any part of the structure is not within the building line setback provided by Chapter 1 - Residential Development.</li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li>• Any coping or decking around the pool is not more than 500 mm above the natural ground level.</li> </ul> <p><b>Amenity</b></p> <p>The noise level of the filtration equipment or pumps does not exceed 5 dBA above the ambient background level measured 1.5m from the external wall of any adjoining dwelling.</p>

<p><b>Lismore Environmental Plan.</b></p>	<p><b>The Swimming Pool Act</b></p> <ul style="list-style-type: none"> <li>All aspects of the structure comply with the deemed-to-satisfy provisions of the Swimming Pool Act 1998 and Regulations, and AS 1926.1 “Swimming Pool Safety”.</li> </ul> <p><b>Landslip</b></p> <ul style="list-style-type: none"> <li>The swimming pool site is not subject to landslip.</li> </ul> <p><b>Sewer Mains and Stormwater Drainage</b></p> <ul style="list-style-type: none"> <li>The proposed swimming pool is a minimum of 1.5 metres clear of any sewer main or stormwater drainage line, or equivalent of the invert depth from the pipe, whichever is the greater distance</li> <li>The swimming pool is able to be connected by gravity drainage to Council’s sewer main, or</li> </ul> <p><b>Cut and Fill</b></p> <ul style="list-style-type: none"> <li>The structure and associated earthworks are clear of all easements and sewer mains.</li> <li>The cut and fill on the site is in accordance with the provisions of Chapter 1- Residential Development.</li> </ul> <p><b>Trees</b></p> <p>The development does not require the removal of any trees on the allotment, other than those located within the footprint of the proposed swimming pool.</p> <p><b>Sedimentation Control</b></p> <p>Provision has been made for erosion and sedimentation control in accordance with Chapter 1 - Residential Development.</p> <p><b>Installation and Construction</b></p> <ul style="list-style-type: none"> <li>The installation and construction of the pool complies, where relevant, with AS/NZS 1838: 1994 - Swimming Pools - Pre-moulded fibre-reinforced plastics - Design and fabrication; AS/NZS 1839: 1994 - Swimming Pools - Pre-moulded fibre-reinforced plastics - Installation, or AS 2783 1992 - Use of reinforced concrete for small swimming pools.</li> </ul>
<p><b>2.4. Industrial and warehouse buildings - additions and alterations involving a maximum of fifty per cent, or 300 m<sup>2</sup> increase in floor area, whichever is the lesser, in 4(a) Industrial Zones.</b></p>	<p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li>Any part of the structure: <ul style="list-style-type: none"> <li>◇ complies with a building line provided in an environmental planning instrument or development control plan applying to the land, and is set back at least 6 metres from the front boundary or an average of the setback of like structures on land either side of the subject property, whichever is the greater.</li> </ul> </li> </ul> <p><b>Energy Efficiency</b></p> <p>The water closets are provided with 6/3 litre dual flush toilet suites.</p> <p><b>Amenities</b></p> <ul style="list-style-type: none"> <li>Where applicable, additional toilet facilities to be provided for increased staff and for disabled persons, in accordance with the Building Code of Australia.</li> </ul> <p><b>Building Height</b></p> <ul style="list-style-type: none"> <li>The roof height is no greater than the existing structure.</li> <li>The site is not cut or filled greater than 500 mm.</li> </ul> <p><b>Open Space and Landscaping</b></p> <ul style="list-style-type: none"> <li>The landscaping is in accordance with Council’s “Landscape Guidelines”.</li> </ul>

**Flooding**

- The site is not “flood liable” land.

**Sewer Mains and Stormwater Drainage**

- The building is a minimum of 1.5 metres clear of any sewer main or stormwater drainage line, or equivalent of the invert depth from the pipe, whichever is the greater distance
- The building can be connected by gravity drainage to Council’s sewer main.
- The building and any associated earthworks on the site are clear of any easements and sewer mains.

**Pollution Control**

- Vacuum breaker devices are provided to all external taps.
- Backflow and cross connection controls are installed in accordance with the National Plumbing and Drainage Code AS 3500.1
- Pollution control measures are in accordance with Council’s policy on “Pollution and Hazardous Waste Control”.
- An application to Council for approval to dispose of Trade wastes to the sewer or stormwater drainage system is **not** required.

**Vehicular Access, Car parking, Loading and Unloading**

- The vehicle access is in accordance with Chapters 5-7 Subdivision and Infrastructure - ‘Design & Construction Specification - Vehicle Access’ provisions.
- Vehicle accommodation is provided in marked bays, behind the building line setback, in accordance with Chapter 7 - Off Street Carparking.
- Parking on site is to be provided at a rate no less than required by Chapter 7 - Off Street Carparking.
- Loading and unloading to be carried out within the site.
- Vehicle turn-around is provided within the site.
- Driveway widths and turning circles on-site comply with the Roads and Traffic Authority standards.
- Vehicle access for vehicle accommodation on site or for construction purposes does not require the removal or lopping of any Council street trees.

**Garbage and Storage Areas**

- Garbage and storage areas are to be on-site, behind the building line and not visible from the street.

**Trees**

- The development, including access for construction purposes, does not require the removal of any trees or landscaping on the allotment.

**Sedimentation Control**

- Provision has been made for erosion and sedimentation control of the building site in accordance with Chapters 5-6 Subdivision and Infrastructure - ‘Design and Construction’ provisions.

**Stormwater**

- Roof water, subsoil drainage and surface water from paved surfaces can be connected to a street drainage system, or to a drainage easement, in accordance with AS 3500.3 ‘Stormwater Drainage’.
- The drainage system is designed for a 20-year return period, with excess flows designed to flow overland, on the subject property, to the street.

Not in use under EPP 2012

	<ul style="list-style-type: none"> <li>On-site stormwater retention is to be provided in accordance with the Environmental Protection Agency manual 'Managing Urban Stormwater' and/or Council's 'Stormwater Management Plan'.</li> </ul> <p><b>Roof and Wall Sheeting</b> The building cladding matches the existing building in material and colour. The roof sheeting is not zincalume</p> <p><b>Construction</b></p> <ul style="list-style-type: none"> <li>The building complies with the deemed-to-satisfy provisions of Volume One, of the Building Code of Australia.</li> <li>The development to comply with Chapter 3 -Industrial Development.</li> </ul> <p><b>Use</b></p> <ul style="list-style-type: none"> <li>There is no change of use of the building.</li> </ul>
<p><b>2.5. Sunshading Addition to existing commercial premises in conjunction with existing approved use.</b></p>	<p><b>Construction</b></p> <ul style="list-style-type: none"> <li>Freestanding sun protection erected in accordance with the manufacturer's recommendation and the relevant Australian Standards.</li> <li>Maximum 40m<sup>2</sup>.</li> <li>Maximum 4 metres high.</li> <li>Colours compatible with existing building(s).</li> </ul> <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>Existing landscaping is not affected.</li> </ul>
<p><b>2.6. Commercial Buildings - existing buildings - minor internal alterations to buildings with prior development consent for the existing use.</b></p>	<p><b>Internal Fitouts</b></p> <ul style="list-style-type: none"> <li>There is no increase of the floor area for commercial use.</li> <li>The work does not require any alteration to the fire safety measures.</li> <li>The work does not involve any increase in fire egress travel distance to a required exit.</li> <li>The area is not to be used for the preparation, sale or storage of food intended for human consumption.</li> </ul> <p>There is no change in Class under the Building Code of Australia.</p>
<p><b>2.7 Commercial Buildings - To be used as certain food premises - minor internal alterations to buildings with prior development consent for the existing use.</b></p> <p>Those premises in which activities other than the alteration or mixing of food or food products and/or ingredients are undertaken. Including food premises in which food products are principally consumed in the state that they are sold.</p>	<p><b>Internal Fitouts</b></p> <ul style="list-style-type: none"> <li>There is no increase of the floor area for commercial use.</li> <li>The work does not require any alteration to the fire safety measures.</li> <li>The work does not involve any increase in fire egress travel distance to a required exit.</li> <li>The food premises complies with the Food Act 1989 the Food (General) Regulation 1992 and Council's guidelines "Food Premises Code" and "Food Hygiene Standards".</li> </ul> <p>There is no change in Class under the Building Code of Australia.</p>
<p><b>2.8 Bed and Breakfast Accommodation in an approved dwelling.</b></p>	<p><b>Accommodation</b></p> <ul style="list-style-type: none"> <li>There is a maximum of 3 guest rooms and 6 guests at any one time.</li> <li>The dwelling is to be permanently occupied by a resident.</li> <li>Each guest room is to be provided with space and facilities to store clothes and travel gear.</li> </ul>

- Accommodation must be only for short-term guests.
- Facilities available to the guests include:
  - (1) a kitchen sink and facilities for the preparation and cooking of food
  - (2) a bath or shower
  - (3) clothes washing facilities
  - (4) a closet pan and wash basin

#### **Signs**

- Signage is to be a maximum of 0.5m<sup>2</sup> indicating the premises is a bed and breakfast establishment and the name of the proprietor.

#### **Food Preparation**

- The kitchen and food storage areas comply with Council's guidelines "Food Premises Code" and "Food Hygiene Standards".

#### **Fire Protection**

- The smoke detection and alarm system complies with AS 3786 'Smoke alarms'.
- A fire extinguisher and fire blanket are provided in the kitchen in accordance with AS 2444.
- No key release dead locks are to be installed on guest bedroom doors and exit doors.

#### **Parking & Vehicular Access**

- One off street parking space is to be provided, per each guest room, in addition to exiting owner/resident's parking space(s). Car parks are to be behind the building line setback, and in accordance with Chapter 7 - Off Street Carparking.
- Vehicles must be able to exit the site in a forward direction.
- Vehicular access or egress must not be to or from the Bruxner Highway or Bangalow Road, where the speed limit is more than 80 km/h.

#### **Registration**

- The premises is to be registered in Council's Commercial Premises Register as a Bed and Breakfast establishment, prior to the commencement of business activities.

#### **Building Work**

- No building work, other than that exempted under Chapter 19 - Exempt Development is required.

#### **Construction & Maintenance**

- Each guest room is to be provided with natural light and ventilation (either natural or mechanical ventilation) in accordance with the Building Code of Australia provisions.
- All parts of the premises and all appliances and fittings (including furniture, fittings, beds and bed linen) must be kept in a clean and healthy condition.
- Linen and manchester shall be changed after each individual guest visit and changed after two days of occupation by the same guest.

#### **Approval**

- Approval has been obtained from the owners' corporation, or the community, precinct or neighbourhood association, where a dwelling is subject to the Strata Schemes Management Act 1996 or the Community Land management Act 1989.

<p><b>2.9. Subdivisions - for the purposes of:</b></p> <ul style="list-style-type: none"> <li>• <b>Adjusting a boundary between lots.</b></li> <li>• <b>Correcting an encroachment on a lot</b></li> </ul>	<p><b>Setbacks</b></p> <ul style="list-style-type: none"> <li>• The setback of any existing building to a new boundary is in accordance with the Building Code of Australia and Chapter 1 – Residential Development.</li> </ul> <p><b>Number of Lots</b></p> <ul style="list-style-type: none"> <li>• There is no increase in the number of lots.</li> </ul> <p><b>Area of Lots</b></p> <ul style="list-style-type: none"> <li>• The area of the newly created lots will be in accordance with the provisions of the Lismore Environmental Plan and the difference in area between the lots to be created is not more than ten percent of the original lots.</li> </ul> <p><b>Battle-axe Subdivisions</b></p> <ul style="list-style-type: none"> <li>• Boundary adjustments must not minimise the access width of a battle-axe subdivision or result in the relocation of a battle-axe access handle.</li> </ul> <p><b>Maximum Boundary Adjustment</b></p> <ul style="list-style-type: none"> <li>• A minimum of ninety percent (90%) of either original lot area must be retained.</li> </ul> <p><b>Vehicular Access</b></p> <ul style="list-style-type: none"> <li>• Vehicular access to any lot is in accordance with Chapters 5-6 Subdivision and Infrastructure - 'Design &amp; Construction Specification - Vehicular Access' provisions.</li> </ul> <p><b>Buffer Areas</b></p> <ul style="list-style-type: none"> <li>• Buffer areas required by a prior Development Consent must not be reduced by a boundary adjustment.</li> </ul> <p><b>Effluent Disposal</b></p> <ul style="list-style-type: none"> <li>• The minimum effluent disposal area and boundary setback, required under Council's effluent disposal guidelines must be retained.</li> </ul> <p><b>Dwelling Entitlement</b></p> <ul style="list-style-type: none"> <li>• The boundary adjustment does not create any new dwelling entitlement.</li> </ul> <p><b>Services</b></p> <ul style="list-style-type: none"> <li>• The subdivision does not require the relocation, extension or alteration of any water main, sewer main or Council stormwater drainage line.</li> <li>• The subdivision does not require the relocation, extension or alteration of any water main, sewer main or Council stormwater drainage line.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note: Boundary adjustments resulting from subdivisions allowed by this item require a subdivision certificate under the EP &amp; A Act in order to be registered at the Land Titles Office.</p> </div>
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<p><b>2.10. Subdivisions - for the purpose of strata title of dual occupancies and attached dwellings</b></p>	<ul style="list-style-type: none"> <li>• The building or buildings were erected pursuant to a development consent granted by the Council.</li> <li>• The building or buildings have been completed and a certificate issued for it or them under Part 4 of Chapter 7 of the Local Government Act 1993 or Part 8 of the Environmental Planning and Assessment Act 1979.</li> </ul>
<p><b>2.11. Acupuncture Treatment Premises</b></p>	<ul style="list-style-type: none"> <li>• The business meets the requirements of the NSW Health Skin Penetration Guideline.</li> </ul>

Not in use where LEP 2012 applies