

**Chapter 19**

**Exempt 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.

## 19 Exempt Development

### 19.1 Objectives of this Chapter

1. To provide criteria under which certain identified development, that has a minimal impact on the environment, may be carried out without the prior consent of Council, in compliance with the Environmental Planning and Assessment Act 1979.
2. 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.
3. To encourage development that is sympathetic to the topography of the land and the scale and character of the surrounding development.
4. To ensure that the development identified as exempt development has a minimal impact on the environment.

### 19.2 How to Use this Chapter

The Schedule to this Chapter contains seventy-nine (79) types of development that can be considered for exempt development under the Lismore Environmental Plan. A person wishing to carry out development of a type nominated in the Schedule to this Chapter will be considered to have complied with the provisions of this Plan if it satisfies all the criteria listed for each development type.

### 19.3 Definitions

In this Chapter the following definitions apply:

*“agriculture”* means horticulture, the cultivation of land, including crop raising, forestry, 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 and the like. But does not include animal establishments.

*“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.

*“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.

*“stockyards”* means cattle yards erected for the purpose of temporarily confining cattle for transportation, treatment, branding or similar handling”.

*“sufficient written notice”* to Council, required for a change of use, must be given by the owner of the building, or the occupier of the building with the consent of the owner and contain a statement that it is so given by that owner. The notice must also contain a description of the building sufficient to identify the building and a statement of the particular purpose for which the building will be used after the notice has been given, and must be accompanied by the appropriate fee.

## 19.4 Limitations

The proposed development:

- is permissible under any environmental planning instrument that applies to the land.
- is not in an area identified in an environmental planning instrument applying to the land, as land that is a critical habitat, is, or is part of a wilderness area (vide Wilderness Act 1987), subject to subsidence slip, erosion or acid sulphate soils.
- 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 the on-site disposal of human wastes,
- complies with the provisions listed in the Development Standards for Exempt Development and the attached schedule.

### ***Development Standards for Exempt Development***

Exempt development must be carried out in accordance with the following, where relevant to the particular development.

#### ***Building code***

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia's deemed to comply provisions.

#### ***Site Control***

2. Prior to any site works:
  - a) Run-off and erosion controls are to be installed, to prevent soil erosion, water pollution or the discharge of loose sediment onto surrounding land by:
    - i. diverting uncontaminated run-off around cleared or disturbed areas,
    - ii. erect a silt fence to prevent debris escaping into drainage systems or waterways,
    - iii. prevent tracking of soil by vehicle onto roads,
    - iv. stockpile 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 creation of dust and offensive odours.

#### ***Retaining walls***

3. 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.

#### ***Location of building***

4.
  - 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.

#### ***Hours of work***

5. Any building work which has the potential to generate offensive noise, dust or odours, or which may 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 5.00 p.m. Saturdays, excluding public holidays.

- Note: i. *This provision does not exempt a person from compliance with the POEO Act.*  
ii. *Compliance with this clause does not absolve persons from the need to comply with any of the relevant pollution control legislation.*

**Compliance**

6. The works comply with the manufacturer's instructions, where applicable, and any relevant Australian Standards.

**New materials**

7. The building is constructed of new materials.

**Trees**

8. The development does not require the removal of any tree, as defined under Chapter 14 – Tree Preservation Order.

**Site coverage**

9. Including the proposed development and all existing development on the site; any limit provided in an Environmental Planning Instrument, Act or Regulation applying to the land is not exceeded.

**Boundary setback**

10. The development is located wholly within the subject allotment boundaries, except in the case of side and rear fencing.

**Sum of existing exemptions and prior exemptions**

11. The development does not involve an addition to a structure erected under this plan or the previous Local Approvals Policy of Council; which results in an increase in total height or area, over an above the stated exemption criteria in this plan.

*Not in use where LEP 2012 applies*

## SCHEDULE - EXEMPT DEVELOPMENT PROVISIONS

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES REQUIREMENTS	ADVISORY NOTE
<p><b>ACCESS RAMPS FOR THE DISABLED</b></p> <p>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</p>	<p><b>Siting:</b> Not to be erected between a building and Public Road</p> <p><b>Construction:</b> To be erected in accordance with AS 1428.1 'General requirements for access - Buildings'. Maximum grade 1:14 Maximum height 1.5m</p>	
<p><b>AIR CONDITIONING UNITS FOR DWELLINGS - Including any noise attenuation structures</b></p> <p>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</p>	<p><b>Siting:</b> Located a minimum of 4m from any wall of a residential building on an adjoining lot. Attached to an external wall or ground mounted</p> <p><b>Construction:</b> Building work must not reduce the structural integrity of the building Any opening created is to be adequately weatherproofed.</p>	<p>The air conditioner shall not give rise to an "offensive noise" under the Protection of Environment Operations Act 1997.</p>
<p><b>ALTERATION of a building or work.</b></p> <p>Excluding development of a heritage item, or in a conservation area or historical archaeological area or scenic protection area</p>	<p>Changes to the internal fabric or appearance of a building or work, whether or not involving structural alterations; or</p> <p>Changes to the external fabric or appearance of the building or work that involve repair or renovation, or painting, plastering or other decoration.</p>	
<p><b>ANCILLARY OR INCIDENTAL DEVELOPMENT to a purpose for which land may be used.</b></p> <p>Excluding development of a heritage item, or in a conservation area or historical archaeological area or scenic protection area.</p> <p>Excluding land used for entrance, exit, parking, loading or manoeuvring of vehicles, or landscaping if development would prevent or restrict the use of that part of the land</p>	<p>Parking, loading facilities, drainage, workers' amenities, pollution control, security or other similar purpose;</p>	
<p><b>ANTI-BIRD AND FRUIT BAT NETTING - To orchards within properties zoned Rural under a Lismore Environmental Planning Instrument.</b></p>	<p><b>Siting:</b> Wholly within the property boundaries. Located clear of any registered easements.</p>	

<p><b>AUTOMATIC TELLER MACHINES (ATM).</b></p>	<p><b>Installation:</b> Wholly within a Shopping Centre Development or a Shopping Arcade The installation must not reduce a fire egress width or impede pedestrian or vehicle movement within the Shopping Centre. Adequate litter receptacles are to be provided immediately adjacent the machine and a cleaning program is to be instituted. The installation must not alter the effectiveness of any fire safety measure. Defined queuing area be marked on the paving or delineated by other means.</p>	
<p><b>AVIARY- Other than poultry houses and pigeon coops - Excluding commercial purposes.</b></p>	<p><b>Size:</b> Maximum 10m<sup>2</sup> x 2.1m high.</p> <p><b>Construction:</b> To be constructed from low-reflective materials.</p> <p><b>Siting:</b> Not to be erected between a dwelling and a frontage to a public road. A minimum of 900mm from any boundary. Located a minimum of 1.5m clear of a sewer main, or the equivalent of the depth of the sewer main, whichever is the greater.</p>	<p>The possible noise arising from an aviary should be considered when locating the building in respect of adjoining dwellings.</p> <p>Aviaries to be constructed to minimise vermin and odour problems and to ensure the roof and floor drainage do not cause a nuisance to adjoining dwellings.</p> <p>All birds to be kept in accordance with Council's Orders Policy - 'Keeping of Animals'</p>
<p><b>AWNINGS AND CANOPIES TO DWELLINGS</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Size:</b> Maximum area 10m<sup>2</sup>.</p> <p><b>Siting:</b> Located wholly within property boundaries. A minimum of 900mm from any boundary.</p> <p><b>Construction:</b> Compatible in design with the existing dwelling. Not to be enclosed. Located behind the building line setback from any road boundary.</p>	
<p><b>BARBECUE AREAS AND ENTERTAINMENT AREAS associated with dwellings</b></p>	<p><b>Size:</b> Maximum of 10m<sup>2</sup> and 2.4m high</p> <p><b>Siting:</b> Not to be erected between a dwelling and a frontage to a public road. A minimum of 900mm from the side or rear boundary. Located a minimum of 1.5m clear of a sewer main, or the equivalent of the depth of the sewer main, whichever is the greater. Not to encroach onto any easement.</p>	
<p><b>BUILDING SITE SHEDS, OFFICES AND AMENITIES (For use in conjunction with a current Development Consent).</b></p>	<p><b>Siting:</b> Erected wholly within the boundaries of the allotment.</p> <p><b>Period:</b> To be removed immediately after completion of the development and prior to occupation or use.</p>	

	<p><b>Structure:</b> Supported on suitable substructure and tied down to suitable ground anchors or footing pads. To be constructed so that the buildings can be removed from the site within 24 hours notice.</p> <p><b>Plumbing and Drainage:</b> All sanitary drainage fixtures are to be connected to Council's service mains, where available, at a point of connection provided by Council. Where no sewer connection is available, an on-site storage toilet is to be provided and the wastes disposed of into a reticulated sewer system. All work is to be carried out in accordance with the requirements of the NSW Plumbing and Drainage Code, by a licensed plumber and drainer. There is to be no unauthorised alteration or cutting in to Council's mains.</p> <p><b>Electrical:</b> Any electrical connection is to be in accordance with the requirements of the Electrical Supply Authority.</p>	
<p><b>BUSH FIRE HAZARD REDUCTION - Within properties zoned other than 7(a) and 7(b) under a Lismore Environmental Planning Instrument.</b></p>	<p>The work must be:</p> <ul style="list-style-type: none"> <li>• Authorised under the Rural Fires Act 1997, or the State Emergency and Rescue management Act 1989, in relation to an emergency within the latter Act.</li> <li>• Carried out by an owner or occupier of a lawful dwelling, of vegetation likely to present a significant fire hazard within a "fuel free zone" calculated in accordance with the publication "Planning for Bushfire Protection" published by the NSW Rural Fire Services.</li> </ul>	
<p><b>BUSHFIRE HAZARD REDUCTION - Within properties zoned 7(a) Environmental Protection (Natural Vegetation and Wetlands) and 7(b) Environmental Protection (Habitat) Zone under a Lismore Environmental Planning Instrument.</b></p>	<p>Work must be authorised under the Rural Fires Act 1997, or the State Emergency and Rescue Management Act 1989, in relation to an emergency within the latter Act.</p>	
<p><b>BUS SHELTERS</b></p>	<p><b>Construction:</b> Must be constructed by or for Council. Must reflect the character and amenity of the area. Must be structurally adequate. Low reflective surface finishes. No advertising to be displayed.</p> <p><b>Size:</b> A maximum height of 2.7m above footpath level. Maximum area of 10m<sup>2</sup>.</p> <p><b>Siting:</b> Not to obstruct the line of sight of vehicular traffic.</p>	

<p><b>CARPOR AND EXTENSIONS TO CARPORTS associated with dwellings</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as Identified in Schedules 1 and 2 of the Lismore Environmental Planning Instrument</b></p>	<p><b>Size:</b> Maximum 25m<sup>2</sup> and maximum 2.4m high.</p> <p><b>Construction:</b> Roof sheeting to be other than zincalume and to be non-reflective. Finish to be compatible with the dwelling. Not to be enclosed.</p> <p><b>Siting:</b> Minimum of 900mm from side or rear boundary. Not to be erected between a dwelling and a Public Road. Located a minimum of 1.5m clear of a sewer main or the equivalent depth of the sewer main, whichever is the greater.</p> <p><b>Drainage:</b> Stormwater to be conducted to the street drainage system or a drainage easement.</p>	
<p><b>CLOTHES HOIST AND LINES</b></p>	<p><b>Siting:</b> To be erected within the boundaries of the allotment. Not to be erected between a building and a frontage to a public road.</p> <p><b>Construction:</b> Installed to manufacture's specifications.</p>	
<p><b>COMMUNITY OR CULTURAL CENTRE, SOCIAL OR SPORTING CLUB</b></p> <p>Excluding a club registered under the Registered Clubs Act, 1976)</p>	<p>Where a building is lawfully used, or has been lawfully constructed to be used, for the purposes of a social or sporting club, or a community or cultural centre, the building may be used for any other of those purposes upon sufficient written notice being given to the Council.</p>	<p>Consent conditions imposed on the previous use of the building and relating to the maintenance of landscaping, the parking of vehicles or space for loading and unloading of vehicles, will apply to the new use.</p>
<p><b>CUBBY HOUSES AND PLAYGROUND EQUIPMENT - At ground level - for domestic use.</b></p>	<p><b>Size:</b> Maximum height 2.1m. Maximum area 10m<sup>2</sup>.</p>	<p>The playground equipment should comply with AS 1924 -- 'Playground equipment for parks, schools and domestic use - Design and construction - Safety aspects'.</p>
<p><b>DECKS AND PATIOS TO DWELLINGS - (Not roofed and attached to dwellings).</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas identified in Schedule 1 and 2 of the Lismore Local Environmental Plan 1992.</b></p>	<p><b>Size:</b> Maximum 20m<sup>2</sup>. Finished floor level no higher than 500mm above existing ground level, at any point.</p> <p><b>Construction:</b> To be compatible in design, finish and colour with the existing building.</p> <p><b>Siting:</b> Not to be erected between a dwelling and frontage to a public road. A minimum of 900mm from any rear or side boundary. The structure is to be located clear of any sewer main or stormwater main, by a minimum distance of 1.5m, or the equivalent of the invert depth of the main, whichever is the greater. Not to encroach onto any registered easement.</p>	<p>Roofing of decks and patios requires Council approval.</p> <p>Timber should be treated or of a durability Class 1 or 2.</p>

<p><b>DEMOLITION</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas identified in Schedule 1 and 2 of the Lismore Local Environmental Plan 1992.</b></p> <p><b>Excluding Category 1 buildings and sites under SEPP N° 55.</b></p>	<p>Approval is not required where Council has consented to demolition as a condition of subdivision or development consent, or an order to demolish has been issued by Council under Section 121 of the Environmental Planning and Assessment Act 1979.</p> <p>Approval is not required for demolition of any building (other than a retaining wall) in a category under this DCP for which approval to erect that building would not be necessary (whether erected before or after this DCP took effect).</p> <p>Demolition to be carried out to AS 2601 - 1991 "Demolition Code".</p>	<p>Care should be taken in work involving the removal of lead paint to avoid lead contamination of the air and soil.</p> <p>The Workcover "Guidelines for Practices Involving Asbestos Cement" should be referred to for any work involving asbestos cement.</p> <p>Disposal of asbestos at Council Wyrallah Road Refuse Disposal Facility to be in consultation with Council's Waste Supervisor.</p> <p>The disconnection of water and sewer services to the lot to be carried out to the requirements of Council's Water and Wastewater Department.</p>
<p><b>DOMESTIC OIL OR SOLID FUEL HEATING APPLIANCES.</b></p>	<p><b>Installation:</b> To be in accordance with AS 1691 Domestic oil-fired appliances, or AS 2918 'Domestic solid fuel burning appliances, or AS 1200 Boiler and pressure vessels. The installation is also to be in accordance with the manufacturer's recommendations and Volume 2 of the Building Code of Australia.</p>	<p>A separate approval may be required from Council under the Local Government Act 1993 for a place of public entertainment</p>
<p><b>EXCAVATION OF LAND - Within a Zone N° 2(a), 2(f) and 2(v) under a Lismore Environmental Planning Instrument. In conjunction with an existing development consent, excluding subdivisions.</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Construction:</b> Maximum of one metre deep. Excavations must not be closer to an allotment boundary and any building on the subject lot, than the depth of the excavation. Erosion protection must be maintained until the excavation is stabilised and/or revegetated. The excavation must not occur over easements or sewer mains.</p> <p><b>Drainage:</b> The flow of surface water must not be obstructed or diverted onto adjoining properties.</p>	<p>Retaining walls greater than 600 mm high require development consent.</p>
<p><b>EXTERNAL EQUIPMENT SHELTER and Ancillary Works.</b></p> <p><b>For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</b></p> <p><b>Within land zoned Residential 2(a), 2(f), 2(v) under a Lismore Environmental Planning Instrument</b></p>	<p><b>Size:</b> Maximum 2.1m. high Maximum base area of 7.5m<sup>2</sup></p> <p><b>Construction:</b> Colour to match the background or to be of a colour agreed to in writing between the carrier and Council.</p> <p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes, must not exceed the maximum emission criteria for a site.</p>

<p><b>EXTERNAL EQUIPMENT SHELTER and Ancillary Works.</b> For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p> <p>Within land zoned Industrial 4, Rural 1(a), 1(b), Business 3(a), 3(b), 3(f), or Special Use 5 under a Lismore Environmental Planning Instrument</p>	<p><b>Size:</b> Maximum 3m. high Maximum base area of 7.5m<sup>2</sup></p> <p><b>Construction:</b> Colour to match the background or to be of a colour agreed to in writing between the carrier and Council.</p> <p><b>Construction:</b> Complies with relevant Australian Standard</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes, must not exceed the maximum emission criteria for a site.</p>
<p><b>FARM SHEDS AND ADDITIONS TO FARM SHEDS - Within a Rural 1(a), 1(b), 1(d) or 1(r) zone under a Lismore Environmental Planning Instrument.</b></p>	<p><b>Size:</b> Maximum 60m<sup>2</sup>. In area. Height: Maximum of 3.6m to top of columns.</p> <p><b>Siting:</b> A minimum of 10 metres from any boundary. Not to be sited on or near any ridgeline visible from any public road. Not to be erected within the building line setback. Located clear of any registered easement.</p> <p><b>Construction:</b> To be designed and constructed to withstand wind loadings likely to be imposed on the structure. The building to be founded on original ground, clear of any slip area, fill or unstable ground. Wall and roof sheeting are not to be zincalume and are to be compatible with the landscape</p> <p><b>Use:</b> The building is only to be used to store or repair agricultural machinery or equipment and the garaging of private motor vehicles used in conjunction with the particular land, or to store agricultural produce grown or used on the particular land. The building must be used as a rural outbuilding only, ancillary to the agricultural use of the land and must not be used for residential, commercial or industrial purposes without the prior consent of Council. A toilet, shower or sink is not to be installed.</p>	<p style="color: red; font-size: 2em; opacity: 0.5; transform: rotate(-45deg); position: absolute; top: 50%; left: 50%; pointer-events: none;">Not in use. W/CD/EP 2012 applies</p>
<p><b>FENCES -Within a Zone 2(a), 2(r), and 2(v) under a Lismore Environmental Plan.</b></p> <p><b>Other than those fences covered by the Swimming Pools Act 1998.</b></p>	<p><b>Fronting a Public Road &amp; Within the Building Line Setback:</b> Maximum height 1m. Located within the property boundaries.</p> <p><b>Adjoining a Public Reserve:</b> Maximum height 1.5m. Located within the property boundaries.</p> <p><b>Between Adjoining Properties:</b> Maximum height 1.8m.</p>	<p>These requirements do not set aside the provisions of the Dividing Fences Act 1991.</p> <p>You are advised to talk to your neighbours at an early stage and to consult a copy of the Act.</p> <p>The location of sewer mains,</p>

<p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas identified in Schedule 1 and 2 of the Lismore Local Environmental Plan 1992</b></p>	<p>Located on the boundary between allotments.</p> <p><b>Construction:</b> The natural flow of surface water is not to be obstructed. Constructed of lightweight materials. No second hand materials. Electric or barb wire fences excluded.</p>	<p>drainage lines and services, such as water, telephone and electricity should be ascertained to ensure that there is no damage to these facilities during construction.</p> <p>Masonry fences over 600mm high require Council approval.</p>
<p><b>FENCES -Within a Zone 1(a), 1(b), 1(c), 1(d) 1(f), and 1(r) under a Lismore Environmental Plan.</b></p> <p><b>Other than those fences covered by the Swimming Pools Act 1998.</b></p>	<p><b>Construction:</b> Post and rail fencing and wire strand fencing to 1500mm high.</p>	
<p><b>FERN HOUSES See Garden Sheds</b></p>		
<p><b>FILLING OF LAND - Within a Zone N° 2(a), or 2(v) under a Lismore Environmental Planning Instrument</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Size:</b> Maximum depth of 300 mm.</p> <p><b>Siting:</b> The fill to be no closer to a property boundary than the depth of the fill. Filling must not occur over easements or sewer mains.</p> <p><b>Drainage:</b> Surface water must not be directed onto adjoining property, or the flow of surface water obstructed. Erosion protection must be maintained until the fill is stabilised and/or revegetated.</p> <p><b>Fill material:</b> Filling to be clean soil and not to contain any waste materials or putrescible matter.</p>	<p>Retaining walls greater than 600 mm high require development consent.</p>
<p><b>FISH PONDS See Wading Pools</b></p>		
<p><b>FLAG POLES</b></p>	<p><b>Size:</b> Maximum height 6m above ground level.</p> <p><b>Siting:</b> Clear of power lines in accordance with Energy Authority guidelines. The structure is to be clear of services, such as power, water, telephone and drainage lines.</p> <p><b>Construction:</b> To be designed and constructed to withstand wind loads imposed on the structure. Free standing.</p>	<p>If flag poles are to project over a public road they must:</p> <ol style="list-style-type: none"> <li>Be 3.6m clear over the footpath level.</li> <li>Not project over the carriageway of the road.</li> <li>Not interfere with any public services.</li> </ol> <p>Etiquette relating to flags should be observed.</p> <p>Metal poles have a potential noise risk and attenuation measures may be required.</p>
<p><b>FOWL PENS - Within a Residential 2(a), Village 2(v) and Rural Residential 1(c) zone under a Lismore Environmental Planning Instrument.</b></p> <p><b>In conjunction with an existing approved residential use of land.</b></p> <p><b>Excluding Heritage Items</b></p>	<p><b>Size:</b> Maximum 10m<sup>2</sup> roost area. Maximum 2.1m high.</p> <p><b>Siting:</b> Wholly within the allotment boundaries. Not to be erected between a dwelling and a frontage to a Public Road. A minimum of 10 metres from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.</p>	<p>Drainage from fowl pens should not be directed towards neighbouring property and should not cause a nuisance.</p> <p>Fowl pens require regular cleaning to reduce odour nuisances.</p> <p>Poultry yards must be enclosed to prevent the</p>

<p><b>and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Construction:</b> Concrete or paved area to be provided beneath roost.</p> <p><b>Capacity:</b> A maximum of ten birds is permitted.</p>	<p>escape of poultry onto adjoining land.</p> <p>The keeping of roosters is not considered appropriate in residential areas.</p> <p>Poultry to be kept in accordance with Council's Orders Policy - 'Keeping of Animals'.</p>
<p><b>FOWL PENS - Non commercial use -Within a Rural 1(a), 1(b), 1(d), 1(c) or 1(r) zone and an Environmental Protection zone 7(a) or 7(b) under a Lismore Environmental Planning Instrument.</b></p>	<p>All cases.</p>	<p>To be selectively located so as not to cause any nuisance to adjoining properties as a result of stormwater runoff or visual intrusion.</p> <p>Poultry to be kept in accordance with Council's Orders Policy - 'Keeping of Animals'.</p>
<p><b>FUEL STORAGE - Within a Rural 1(a), 1(b), 1(d), 1(r) or an Industrial 4(a) zone under a Lismore Environmental Planning Instrument.</b></p>	<p><b>Size:</b> Maximum 2500 litres.</p> <p><b>Construction:</b> Above ground.</p> <p><b>Siting:</b> Not to be erected between a building and the front boundary.</p>	<p>Siting and construction to be in accordance with AS 1940 - "The storage and handling of flammable and combustible liquids".</p>
<p><b>GARDEN SHEDS -GREEN HOUSES -Excluding commercial or industrial use.</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Size:</b> Maximum floor area 10m<sup>2</sup>. Maximum height 2.4m.</p> <p><b>Siting:</b> Not to be erected between a dwelling and a public road. The structure to be located clear of any sewer main, by a minimum of 1.5m or the equivalent of the invert depth of the main, whichever is the greater.</p>	<p>To be selectively located so as not to cause any nuisance to adjoining properties as a result of odour, noise or drainage runoff or visual intrusion.</p>
<p><b>GAS STORAGE TANKS Within a Rural 1(a), 1(b), 1(d), 1(c) or 1(r) zone and an Industrial zone 4(a) or 7(b) under a Lismore Environmental Planning Instrument.</b></p>	<p><b>Size:</b> Maximum 1000 litres</p> <p><b>Siting:</b> Not to be erected between a building and the front boundary.</p>	<p>Installation to comply with AS 1596-1989" LP Gas - Storage and Handling".</p>
<p><b>GAZEBO</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Size:</b> Maximum 10m<sup>2</sup> x 3m high.</p> <p><b>Siting:</b> Not to be erected between a dwelling and a frontage to a public road. The structure to be located clear of any sewer main, by a minimum of 1.5m or the equivalent of the invert depth of the main, whichever is the greater. Not to encroach over any registered easement.</p>	

<p><b>GOAL POSTS and similar ancillary sporting structures on sporting fields. Excluding grandstands, amenities dressing sheds, kiosks, lighting poles and similar structures.</b></p>	<p><b>Siting:</b> Location on sporting or playing fields for use in the playing or performance of sporting events.</p> <p><b>Construction:</b> Construction by or for Council or sporting organisations. Construction to be in accordance with the relevant SAA standards and/or the Building Code of Australia.</p>	
<p><b>HOARDINGS</b></p>	<p><b>Siting:</b> Not to encroach onto a public footway, road or thoroughfare. The minimum distance between the structure to be demolished or erected and a boundary with a public place, is to be a minimum of the height of the structure. With a maximum height of the building being erected or demolished, of 8 metres.</p> <p><b>Construction:</b> Any hoarding must comply with any Workcover Authority requirements. Any necessary measures must be made to protect the health and safety of the general public. A hoarding is to be constructed of solid materials to a minimum height of 1.8m above the level of the footpath, road or thoroughfare. The hoarding is to be structurally adequate. Appropriate signage is to be provided in accordance with AS 1319 'Safety Signs for the Occupational Environment'.</p>	<p>Where the building to be erected or demolished is situated a distance of twice the height of the structure from any boundary or public place. A non-solid barrier may be provided, subject to appropriate signage being provided and provision made to minimise dust escaping from the site.</p>
<p><b>HOME OCCUPATION</b></p>	<p>Compliance with the 'home occupation' definition under a Lismore Environmental Planning Instrument</p>	
<p><b>INDUSTRY AND LIGHT INDUSTRY</b></p> <p>Excluding light industry requiring more than 500m<sup>2</sup> floor space.</p> <p>Excluding a building which does not have rear service access or access to off-street loading facilities.</p>	<p>Where a building has been used, or has been lawfully constructed to be used, for the purpose of an industry other than a light industry, the building may be used for the purposes of a light industry upon sufficient written notice being given to the Council.</p> <p>Where a building has been used, or has been lawfully constructed to be used, for the purpose of a light industry of a particular kind, the building may be used for the purposes of another kind of light industry upon sufficient written notice being given to the Council.</p>	<p>The curtilage of the building shall not be used for storage or display purposes. The hours of operation shall not extend outside the hours of the previous industry or extend outside the hours between 6 am and 6 pm. Consent conditions imposed on the previous industry relating to the maintenance of landscaping, the parking of vehicles or space for loading and unloading of vehicles, will apply to the new light industry.</p>

<p><b>INTERNAL RENOVATIONS</b> - Minor alterations to dwellings.</p>	<p>Applies only to alterations or renovations to previously approved and completed dwellings.</p> <p>Non-structural work, such as:</p> <ul style="list-style-type: none"> <li>• replacement of doors; wall, ceiling or floor linings; or deteriorated frame members with equivalent or improved quality materials.</li> <li>• renovation of bathroom, kitchen or built-in fixtures, such as cupboards and wardrobes.</li> <li>• Work is not to include structural changes to the configuration of any room, whether by the removal of existing walls, partition or by other means.</li> <li>• Work is not to cause reduced window arrangements for light and ventilation needs, reduced doorway widths for egress purposes or involve the enclosure of open spaces.</li> </ul> <p>There is to be no alteration to plumbing and drainage except for minor relocation of fixtures and fittings. Any alteration to plumbing and drainage is to be carried out by a licensed plumber and drainer.</p>	<p>The alteration should not effect the structural strength and stability of the building. You are advised to consult a structural engineer, architect or building surveyor before commencing the alterations; to ensure the work will comply with the Building Code of Australia.</p> <p>Any work involving asbestos cement should comply with the Workcover guidelines. The disposal of asbestos cement is to be done in consultation with Council's Waste Supervisor.</p> <p>Any work involving lead paint removal must not cause lead contamination of the air or soil.</p> <p>The work must not create separate occupancies of an existing single dwelling.</p>
<p><b>LATTICE OR BATTEN ENCLOSURE</b> - Existing approved verandah, sub-floor area, deck, pergola, patio, carport or the like.</p> <p>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</p>	<p><b>Siting:</b> A minimum of 900mm from the allotment boundary.</p>	<p>The gap between battens or lattice must be a minimum of 25mm.</p>
<p><b>LETTER BOXES</b></p>	<p><b>Siting:</b> To be erected within the allotment boundaries. The structure must not be erected over any service main.</p> <p><b>Multi-Dwelling Sites.</b></p> <ul style="list-style-type: none"> <li>• The letter boxes must be located on common property.</li> <li>• The letter boxes must be contained in one structure, sufficient in number to provide one box for each occupancy.</li> <li>• Provision to be made for a letter box for the Body Corporate mail.</li> </ul>	<p>Australia Post advises that letterboxes should be accessible so that the delivery officer does not have to leave the footpath or dismount from a bicycle or motorcycle.</p> <p>The delivery aperture should be between 900-1200mm above the ground.</p> <p>The street number should be displayed on the letterbox.</p>

<p><b>NATURAL THERAPIES SOLE PRACTITIONER</b>  <b>Excluding acupuncture and any other natural therapy requiring skin penetration.</b></p> <p><b>Including naturopathy, massage, herbal medicine, counselling, homeopathy, etc</b></p>	<ul style="list-style-type: none"> <li>(a) one car parking space is available for clients (in addition to the parking space/s for the residents);</li> <li>(b) the business does not employ anyone other than the residents of the house;</li> <li>(c) the business does not interfere with the amenity of the neighbourhood;</li> <li>(d) the business does not entail the display of goods or advertising material (other than a notice on the dwelling to indicate the name and occupation of the resident);</li> <li>(e) the business does not involve the sale of items other than those used in the natural therapy practiced; and</li> <li>(f) acupuncture or other skin penetration activities are not carried out.</li> </ul>	
<p><b>NOXIOUS WEEDS REMOVAL</b></p>	<ul style="list-style-type: none"> <li>• Must be authorised under the Noxious Weeds Act 1993.</li> <li>• Must be carried out by means not detrimental to the native ecosystem.</li> <li>•</li> </ul>	
<p><b>PARK FURNITURE - Including seats, bins, picnic tables minor shelters and the like less than 20m<sup>2</sup> on land classified as Community Land.</b></p>	<p><b>Construction:</b> Constructed by or for Council and designed, fabricated and installed in accordance with the relevant SAA Standard and/or the Building Code of Australia.</p> <p><b>Siting:</b> Located on land under the control of Council.  Work must be in accordance with any Plan of Management for the particular reserve.</p>	<p>“Community Land” is defined under the Local Government Act 1993.</p>
<p><b>PATIO OR PAVING - Erected at natural ground level abutting a dwelling.</b></p> <p><b>Excluding Items excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Size:</b> Maximum 20m<sup>2</sup>.</p> <p><b>Siting:</b> Wholly within the allotment boundaries.  Not to be erected between a dwelling and a frontage to a Public Road.  Not to be erected over sewer main or drainage easements.</p> <p><b>Drainage:</b> Stormwater from the paved surface is not to be directed onto adjoining property.</p> <p><b>Construction:</b> Sufficient step-down is to be provided to prevent the entry of water into the dwelling.</p>	
<p><b>PERGOLA OR TRELLIS</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Size:</b> Maximum 20m<sup>2</sup> and 2.7 high.</p> <p><b>Construction:</b> Cladding - shade cloth and timber battens or lattice with a minimum gap of 25mm.  The structure must be compatible in design and finish with other buildings on the allotment.</p> <p><b>Siting:</b> The structure is to be wholly within the allotment boundaries.  Not to be erected between a dwelling and the frontage to a public road.  The structure to be located clear of any sewer main, by a minimum of 1.5m or the equivalent of the invert depth of the main, whichever is the greater.</p>	<p>Pergolas or trellises roofed or enclosed with materials other than shade cloth, battens or lattice, require approval.</p>

<p><b>PLAYGROUND EQUIPMENT - on land classified as Community Land and on land owned by the NSW Department of Education used for the purposes of a school.</b></p>	<p>Construction by or for Council or NSW Department of Education and designed, fabricated and installed in accordance with AS 1924 - 'Playground equipment for parks, schools and domestic use', AS 4422 'Playground surfacing' and AS 4486 'Playgrounds and playground equipment'.</p>	<p>"Community Land" is defined under the Local Government Act 1993.</p>
<p><b>PUBLIC ENTERTAINMENT LICENCE - Temporary - Change of Use of an Existing Building Where the Use is Not Consistent With the Current Classification</b></p>	<p>The building does not exceed 25 metres in height. Where required, any necessary consent required under the Environmental Planning and Assessment Act 1979 for the use of the building has been given.</p> <p>The use of the building for public entertainment conforms with the provisions of the Act or any environmental planning instrument applying to the land.</p> <p>The duration of the new use does not exceed 24 hours</p>	<p>A separate approval may be required from Council under the Local Government Act 1993 for a place of public entertainment.</p>
<p><b>PUBLIC MEETINGS - In Class 9b Buildings</b></p>	<p>All circumstances where the building is the subject of current classification as a Class 9b building under the Building Code of Australia and meets the requirements of the Environmental Planning and Assessment Act.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note: A separate approval may be required from Council under the Local Government Act 1993 for a place of public entertainment.</p> </div>	
<p><b>RECLADDING of an existing dwelling</b> <i>(see window, glazed areas and external glazed doors in this chapter).</i></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedule 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Walls:</b> Accredited lightweight product, not concrete or masonry. No alteration to services. No alteration to the size or shape of existing building. New windows to be the same size as existing windows. Low reflective finish.</p> <p><b>Roof:</b> Accredited material of similar or less weight than exiting cladding. Fixed in accordance with the manufacturer's recommendation and relevant Standards. Roofwater to be connected to the street watertable or a drainage easement. Roof sheeting to be other than zincalume.</p>	<p>Brick veneering of existing buildings requires Council prior approval.</p> <p>Galvanised iron is permitted; however reflective surfaces, such as zincalume require Council consent.</p> <p>Underfloor ventilation is to be maintained with wall recladding, in accordance with the Building Code of Australia.</p> <p>The work is to be carried out by licensed trades' persons and the required insurance premiums are to be paid to the Department of Consumer affairs.</p> <p>The Workcover Authority's 'Guidelines for Practices Involving Asbestos Cement' must be referred to for any work involving asbestos cement removal.</p>

<p><b>RESTUMPING AN EXISTING DWELLING</b></p>	<p>The height of stumps is not to exceed 900mm at any point.          Termite barriers are to be maintained or provided.          Timber stumps to be in accordance with AS 1684 -1992 'National Timber Framing Code'.          The general floor height is to remain unaltered.          There is to be no alteration to existing plumbing and draining.          Any repairs to defective plumbing and draining to be carried out by a licensed plumber and drainer.</p> <p>In the case of a building listed as a Heritage Item or included in a Heritage Conservation area under a Lismore Environmental Planning Instrument, the same materials as the existing stumps, bracing and infill are to be used.</p>	
<p><b>RETAINING WALLS</b></p> <p><b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p><b>Size:</b> Maximum height 600mm</p> <p><b>Construction:</b> Masonry walls to comply with:          AS 3700 - Masonry Code          AS 3600 - Concrete Structures          AS 1170 - Loading Code          Timber walls to comply with:          AS 1720 - Timber Structures          AS 1170 - Loading Code</p> <p><b>Drainage:</b> All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/ run off or direct the flow of surface water onto adjoining property.</p> <p><b>Siting:</b> The structure to be located clear of any sewer main, by a minimum of 1.5m or the equivalent of the invert depth of the main, whichever is the greater.          Not to encroach onto any registered easement.          Not to result in additional fill over a sewer main or drainage easement.</p> <p>Any retaining wall must be no closer to an existing or proposed building, or to a lot boundary, than the height of the retaining wall.</p>	<p>Maximum depth of fill permitted without development consent is 300mm.</p>
<p><b>ROADWORKS - As defined under the Roads Act 1993.</b></p>	<p>The maintenance, reconstruction and repair of existing roads within the existing alignment- including the repair and replacement of bridges, causeways and drainage systems etc associated with the road design.</p> <p>The sealing of existing gravel roads or the conversion of sealed road surfaces to gravel surfaces.</p>	<p>Roads under the care and control of Council</p>

Not in use WSEP 2017 applies

<p><b>SCAFFOLDING</b></p>	<p><b>Siting:</b> Not to encroach onto the footpath or public thoroughfare.</p> <p><b>Construction:</b> To have sufficient structural strength to withstand any imposed load and be impenetrable to the impact of falling materials. Must adequately enclose the work area. Must comply with AS 1576.3 'Prefabricated and Tube-and-coupler Scaffolding' or 1576.4 'Suspended Scaffolding'. Must be removed immediately after the purpose for which it was initially provided has concluded and no safety issues will result due to removal.</p>	<p>All scaffolding shall meet relevant Workcover Authority requirements</p>
<p><b>SCHOOL SITES OR BUILDINGS: Use outside school hours for a public meeting or for community purposes</b></p>	<p>The premises are to comply with the relevant provisions of the BCA and the Environmental Planning &amp; Assessment Act.</p> <p>The activity does not involve the operation or use of a loudspeaker or sound amplifying device after midnight unless it is within a building or place licensed as a place of public entertainment.</p>	
<p><b>SECURITY FENCING</b></p>	<p>Chain wire type fencing around Council owned compounds and depots.</p>	<p>Landscaping to be provided to reduce the visual impact at street frontages.</p>
<p><b>SHOP FITOUT</b></p>	<p>The shop is not to be used as a food premises.</p> <p>The fittings are not structural or effect the building structure.</p> <p>Applies only to previously approved and completed buildings.</p> <p>Egress widths are not to be reduced or egress travel distances lengthened.</p> <p>No change in classification under the Building Code of Australia is required.</p>	<p>Components and fittings below the 1 in 100 year flood level must be flood compatible.</p>

Not in use where LEP 2012 applies

<p><b>SHOPS AND COMMERCIAL PREMISES</b></p> <p><b>Excluding:</b>  a shop or commercial premises in which restricted publications (within the meaning of the Indecent Articles &amp; Classified Publications Act 1975) are shown, exhibited, displayed, sold or otherwise made accessible to the public; or</p> <p>a business to which Section 10 of the above Act applies is conducted; or</p> <p>a business is conducted that is primarily concerned with sexual behaviour, but is not printed matter.</p>	<p>Where a building is lawfully used, or has been lawfully constructed to be used, for the purposes of a shop of a particular kind, the building may be used for the purposes of a shop of another kind upon sufficient written notice being given to the Council.</p> <p>Where a building is lawfully used, or has been lawfully constructed to be used, for the purposes of commercial premises of a particular kind, the building may be used for the purposes of commercial premises of another kind upon sufficient written notice being given to the Council.</p>	<p>The curtilage of the building shall not be used for storage or display purposes. The hours of operation shall not extend outside the hours of the previous shop or commercial premises. Consent conditions imposed on the previous shop or commercial premises relating to the maintenance of landscaping, the parking of vehicles or space for loading and unloading of vehicles, will apply to the new shop or commercial premises.</p> <p>Advice from Council's Environmental Health Section is required prior to a food shop fitout. Registration as food premises is also required.</p>
<p><b>SKYLIGHTS, VENTILATION SHAFTS AND ROOF WINDOWS</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedule 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Siting:</b> In non-habitable roof spaces must be a minimum of 900mm from any boundary or 'separating wall'.</p> <p><b>Construction:</b> Must be installed by a licensed contractor in accordance with the manufacturer's recommendations. The opening must be adequately weatherproofed.</p> <p>The building work must not reduce the structural integrity of the building or involve structural alterations.</p>	
<p><b>SOLAR PANELS AND SOLAR HOT WATER UNITS</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedule 1 and 2 of the Lismore Local Environmental Plan, where the unit is visible from a public street.</b></p>	<p>Installation to be carried out by a licensed person in accordance with the manufacturer's recommendations.</p> <p>The roof upon which the system is installed is structurally adequate to support the additional load.</p> <p>Any opening created by the installation to be adequately weatherproofed.</p>	<p>You are advised to consult a structural engineer, architect or building surveyor before commencing the installation, to ensure the structural integrity of the building is not affected.</p>

<p><b>STOCKYARDS</b></p> <p>Within an area Zoned Rural 1(a), 1(b), 1(d), 1(r) or Environmental Protection 7(a) and 7(b) under a Lismore Environmental Planning Instrument.</p>	<p><b>Size:</b> Maximum 500m<sup>2</sup></p> <p><b>Siting:</b> To be erected within the boundaries of the allotment. Not to be within 50m of any dwelling and 40m from an intermittent watercourse, 100m from a permanent watercourse and 250m from a groundwater bore, spring or well. Not to encroach onto any registered easement.</p> <p><b>Drainage:</b> Surface water drainage is not to cause a nuisance to adjoining premises or be directed to the street watertable or a natural watercourse.</p>	
<p><b>STREET FURNITURE - Comprising seats, bins tables and the like - Excluding Bus Shelters.</b></p>	<p>Constructed and erected by or for Council. Must be structurally sound and installed in accordance with the relevant SAA standards.</p>	
<p><b>STREET SIGNS - Comprising name plates, directional signs, tourist signs, advanced warning signs, traffic signs and the like.</b></p>	<p>Constructed and erected by or for Council. Must be structurally sound and installed in accordance with the relevant SAA standards.</p>	
<p><b>SUBDIVISION for the purposes of:</b></p> <p>Widening a public road</p> <p>Rectifying an encroachment on an allotment</p> <p>Creating a public reserve</p> <p>Consolidating allotments</p> <p>Excising an allotment for the public purposes of drainage, rural fire brigade or other rescue service, or public conveniences</p>	<p>In rural zones the resulting lot is to contain only one dwelling and its associated infrastructure</p>	<p>Subdivision Certificate must be obtained from Council for all forms of subdivision without consent</p>
<p><b>SUNSHADE SAILS</b></p> <p>Within an area Zoned Residential 2(a), 2(f), or 2(v) and Rural 1(a), 1(b), 1(c), 1(d), 1(f), 1(r) and Special Uses Education (5) under a Lismore Environmental Planning Instrument.</p> <p>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</p>	<p><b>Size:</b> Maximum 10m<sup>2</sup> and 3m high.</p> <p><b>Construction:</b> Erected in accordance with the manufacturer's recommendation and the relevant Australian Standard. Stormwater not to cause a nuisance to adjoining property.</p> <p><b>Siting:</b> Not to be erected between a dwelling and frontage to a public road. A minimum of 900mm from any rear or side boundary.</p>	

<p><b>SUNSHADE SAILS</b></p> <p>Within an area zoned 3(a), 3(b), 3(f), and 4(a) under a Lismore Environmental Planning Instrument.</p>	<p><b>Size:</b> Maximum 30m<sup>2</sup> and 3m high.</p> <p><b>Construction:</b> Erected in accordance with the manufacturer's recommendation and the relevant Australian Standard. Stormwater not to cause a nuisance to adjoining property. Colours to be compatible with the existing buildings.</p> <p><b>Siting:</b> To be erected wholly within the subject site.</p>	
<p><b>TELECOMMUNICATIONS FACILITIES</b></p> <p><b>AERIALS, ANTENNAE, MICROWAVE ANTENNAE (Not including satellite dishes - see below).</b></p>	<p><b>Use:</b> For domestic use only.</p> <p><b>Construction:</b> To project a maximum of 3m above the ridge height. To be supported off an existing building. Microwave reflector element not to exceed 700mm<sup>2</sup> or 0.7m<sup>2</sup>.</p>	<p>Clearance from power lines</p> <p>to be in accordance with the requirements of the Electrical Supply Authority.</p>
<p><b>DIRECTIONAL ANTENNA AND INSTALLATIONS</b> For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p> <p>Within land zoned Industrial 4, Rural 1(a), 1(b) Business 3(a), 3(b), 3(f) or Special Use 5 under a Lismore Environmental Planning Instrument</p>	<p><b>Location:</b> To service roads, tunnels, railway terminals and railway stations.</p> <p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes must not exceed the maximum emission criteria for a site.</p>
<p><b>EXTENSION TO AN EXISTING APPROVED TOWER.</b> For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p> <p>Within land zoned Industrial 4, Rural 1(a), 1(b), Business 3(a), 3(b), 3(f) or Special Use 5 under a Lismore Environmental Planning Instrument</p>	<p><b>Size:</b> Maximum height of extension 7m.</p> <p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes, must not exceed the maximum emission criteria for a site.</p>

<p><b>MICROCELLS</b> For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p> <p>Within land zoned Industrial 4, Rural 1(a), 1(b), Business 3(a), 3(b), 3(f) or Special Use 5 under a Lismore Environmental Planning Instrument</p>	<p><b>Size:</b> Maximum cabinet size one cubic metre. Maximum antenna length 1.2m</p> <p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes must not exceed the maximum emission criteria for a site.</p>
<p><b>OMNIDIRECTIONAL AND DIRECTIONAL ANTENNA</b> For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p> <p>Within land zoned Industrial 4, Rural 1(a), 1(b) Business 3(a), 3(b), 3(f) or Special Use 5 under a Lismore Environmental Planning Instrument</p>	<p><b>Size:</b> Maximum 4.5m long. An antenna attached to an existing structure may not extend vertically more than 6.5m above the existing approved structure or horizontally a maximum of 3m from the external face of the structure.</p> <p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes must not exceed the maximum emission criteria for a site.</p>
<p><b>PANEL ANTENNA attached to an approved structure.</b> For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p> <p>Within land zoned Industrial 4, Rural, 1(a), 1(b) Business 3(a), 3(b) 3(f), or Special Use 5 under a Lismore Environmental Planning Instrument</p>	<p><b>Size:</b> Maximum antenna length 2.8m The panel is not to extend horizontally more than 3m from the structure. The top of the antenna must not extend more than 5m above the structure at the point at which it is attached or extend more than 3m above the highest point of the structure.</p> <p><b>Construction:</b> The colour of the panel is to match the background colour of the structure to which it is attached, or be of a colour agreed to in writing between the carrier and Council.</p> <p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes must not exceed the maximum emission criteria for a site.</p>
<p><b>RADIO ANTENNA OR DISH</b> for the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p> <p>Within land zoned Industrial 4(a), Rural 1(a), 1(b) Business 3(a),3(b), 3(f), or Special Use 5 under a Lismore Environmental</p>	<p><b>Size:</b> Maximum 1.8m diameter. Maximum 4m at any point of the dish or antenna above the roof of the building upon which it is mounted.</p> <p><b>Siting:</b> The antenna or dish is to be located on the roof of an existing building. Where the antenna or dish is not flush mounted and it is more than 3m. above the roof, it shall be set back a minimum of 2m from the outermost wall of the building.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes, must not exceed the maximum emission criteria for a site.</p>

<p><b>Planning Instrument</b></p>	<p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	
<p><b>SATELLITE DISHES - Domestic</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedule 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Use:</b> For domestic use only.</p> <p><b>Size:</b> Dishes not to exceed 900mm diameter. If free-standing to be a maximum of 1.8m in height.</p> <p><b>Siting:</b> Dish installation not to project above ridgeline of building or to be mounted on the facade or roof having a frontage to a road boundary.</p>	<p>The dish is to be matt finish and where possible to match the roof colour of the dwelling</p>
<p><b>SATELLITE DISHES – Commercial</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedule 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Use:</b> For commercial use only.</p> <p><b>Size:</b> Dishes not to exceed 2m diameter. If free-standing to be a maximum of 1.8m in height.</p> <p><b>Siting:</b> Dish installation not to project above ridgeline of building or to be mounted on the façade or roof having a frontage to a road boundary. Not to be visible from a public place or public road. Situated a minimum of 900mm from a boundary if the adjoining property is residential. To be located wholly within the property boundary One installation per building and property. The installation to be clear of sewer mains, easements, and services. Access to services and building components is not to be obstructed.</p> <p><b>Construction:</b> Suitably coloured to blend in with the existing building and to have a non reflective matt finish. To be structurally stable and if supported off a building it must not affect the structural integrity or the waterproofing of the building. The installation is to be designed by a structural engineer and installed in accordance with any recommendation.</p>	<p>The dish is to be matt finish and where possible to match the roof colour of the dwelling</p>
<p><b>TOWER, MAST OR POLE.</b> <b>For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</b></p> <p><b>Within land zoned Industrial 4, Rural 1(a), 1(b), Business 3(a), 3(b), (3f), or Special Use 5 under a Lismore Environmental Planning Instrument</b></p>	<p><b>Size:</b> Maximum 12m above the natural ground level. Must not extend outside the property boundary.</p> <p><b>Construction:</b> Complies with the Australian Communications Authority recognised regulatory standards.</p>	<p>The cumulative radiation emissions created by the installation of additional aerials, antennae or dishes must not exceed the maximum emission criteria for a site.</p>

<p><b>UNDERGROUND CONDUIT OR CABLE DEPLOYED BY NARROW TRENCH OR DIRECT BURIAL.</b> For the purpose of a carriage service provider as defined under the Telecommunications Act 1997.</p>	<p><b>Size:</b> Maximum 500m long. Trenching maximum 450mm wide.</p> <p><b>Construction:</b> Complies with relevant Australian Standard</p>	<p>All surfaces to be made good and any damaged, or destroyed landscaping to be replaced.</p>
<p><b>Within land zoned Industrial 4, Rural 1(a), 1(b), Business 3(a), 3(b), 3(f), or Special Use 5 under a Lismore Environmental Planning Instrument</b></p>		
<p><b>TEMPORARY EVENTS/USES</b></p>	<p>The event or use does not:</p> <p>Involve the operation or use of a loudspeaker or sound amplifying device after 12pm midnight, unless it is within a building or place that is licensed as a place of public entertainment;</p> <p>Require the erection of a temporary or permanent structure greater than 60m<sup>2</sup></p> <p>Involve the provision of overnight camping or accommodation;</p> <p>Have, in Council's opinion as determined after the applicant has conferred with Council, a significant impact on traffic, parking or the management of waste;</p> <p>Be opened to the general public.</p>	<p>Approval under S68 of the Local Government Act must be obtained.</p>
<p><b>TEMPORARY STRUCTURES AS A PLACE OF PUBLIC ENTERTAINMENT</b></p>	<p>The land on which the temporary structure is to be erected is the subject of current approval for such use.</p> <p>The temporary structure is accredited under the provisions of the Environmental Planning and Assessment Act, 1979. Any conditions applicable to the accreditation are complied with while the temporary structure is being used as a place of public entertainment.</p> <p>The provisions of Schedule 2 of the Local Government (Approvals) Regulations, 1993 are complied with at all times while the temporary structure is being used as a place of public entertainment.</p>	

<p><b>TEMPORARY TRANSPORTABLE CLASSROOMS and other portable school buildings.</b></p>	<p><b>Siting:</b> Must be located within school grounds in accordance with any prior Development Consent.</p> <p><b>Construction:</b> Must be structurally adequate. Installation must accord with a design by a suitably qualified engineer. Must comply with the Building Code of Australia. Stormwater must be connected to a stormwater drainage system. Must be serviced by a sewerage system, where human waste facilities are to be provided. Adequate public utility services are to be provided.</p>	<p>These buildings are of a temporary nature and installation under this exemption is only permitted for a maximum of 5 years.</p> <p>Council must receive written notification of the date on which the building(s) are to be placed on site.</p>
<p><b>TENTS</b> <b>Private Functions - Not for Public Entertainment or habitable purposes</b></p>	<p><b>Size:</b> Maximum size 160m<sup>2</sup></p> <p><b>Construction:</b> To be erected in accordance with recommendations of the manufacturer and supplier. To be erected for a maximum of seven days.</p>	<p>Siting should take into consideration any noise nuisance that may arise from the use of the tent.</p>
<p><b>WADING POOLS AND FISHPONDS - Fishponds not to be used for commercial breeding.</b></p>	<p><b>Size:</b> Maximum depth of water 300mm</p> <p><b>Siting:</b> To be erected within the boundaries of the allotment. The structure to be located clear of any sewer main, by a minimum of 1.5m or the equivalent of the invert depth of the main, whichever is the greater. Not to encroach onto any registered easement.</p>	
<p><b>WATER HEATERS</b> Excluding solar systems</p>	<p>All cases. To be installed by licensed person in accordance with the manufacturer's recommendations.</p>	
<p><b>WATER STORAGE TANKS</b> <b>Within a Zone Residential 2(a), 2(f) or Village 2(v) under a Lismore Environmental Planning Instrument.</b></p> <p><b>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedule 1 and 2 of the Lismore Local Environmental Plan.</b></p>	<p><b>Size:</b> Maximum capacity of 22,500 litres. Maximum height of 2.4 m above natural ground level.</p> <p><b>Construction:</b> Installation to manufacturer's recommendations. Prefabricated or installed by an established manufacturer and finished in a colour compatible with other buildings on the allotment.</p> <p><b>Siting:</b> Located wholly within the allotment boundaries. A minimum of 900mm from a side or rear boundary. Not located between a dwelling and a road boundary. The structure to be located clear of any sewer main, by a minimum of 1.5m or the equivalent of the invert depth of the main, whichever is the greater. Not to encroach onto any easement.</p>	<p>Interconnection of the tank with a Public Water supply requires a Section 68 approval under the Local Government Act and a plumbing permit from Council.</p> <p>The tank inlet and overflow pipes are to be screened to prevent the entry of animal and foreign matter and to prevent the breeding of mosquitoes.</p> <p>A 'first flush' system should be provided to reduce the chance of contamination of the water.</p>

	<p><b>Drainage:</b> The overflow is to be controlled by piping to:</p> <p>(a) the street gutter</p> <p>(b) a drainage easement.</p>	Note the connection of a tank to a roof surface flashed with lead may constitute a health hazard.
<p><b>WATER STORAGE TANKS</b>  <b>Within a Zone Rural 1(a),1(b), 1(d), 1(r) and Rural Residential 1(c) under a Lismore Environmental Planning Instrument.</b></p>	<p><b>Construction:</b> Installation to manufacturer's recommendations.</p> <p><b>Siting:</b> Not to be located between the building line setback and a road boundary. Located clear of any registered easements.</p> <p><b>Drainage:</b> Overflow to be directed down hill, 3 metres clear of any building and not to be directed onto any adjoining property.</p>	<p>Interconnection of the tank with a Public Water supply requires a Section 68 approval under the Local Government Act and a plumbing permit from Council.</p> <p>The tank inlet and overflow pipes are to be screened to prevent the entry of animal and foreign matter and to prevent the breeding of mosquitoes.</p> <p>A 'first flush' system should be provided to reduce the chance of contamination of the water.</p> <p>Note the connection of a tank to a roof surface flashed with lead may constitute a health hazard.</p>
<p><b>WEED REMOVAL</b>  <b>Environmental Weeds as listed in DCP 17 Vegetation Management Order</b>  <b>Noxious Weeds</b></p>	<ul style="list-style-type: none"> <li>• Must be authorised under the Noxious Weeds Act 1993</li> <li>• Must be carried out by means not detrimental to the native ecosystem</li> </ul>	
<p><b>WINDMILL PUMPS</b>  <b>Within a Zone Rural 1(a), 1(b),1(d), 1(f), 1(r) and Rural Residential 1(c) under a Lismore Environmental Planning Instrument.</b></p>	<p><b>Siting:</b> To be erected wholly within the allotment boundaries.  Not to encroach onto any registered easement.</p>	
<p><b>WINDOWS, GLAZED AREAS AND EXTERNAL GLAZED DOORS.</b>  <b>Excluding Heritage Items and Heritage Conservation Areas as identified in Schedules 1 and 2 of the Lismore Environmental Plan.</b></p>	<p>Replacement in dwellings with materials that comply with AS 1288 - "Glass in Buildings - Selection and Installation" and AS 2208 - "Safety Glazing materials- for use in buildings (Human Impact Consideration)".</p> <p>No reduction in the area of glazing provided for light and ventilation is permitted.</p> <p>Structural support members in the wall concerned cannot be removed.</p> <p>No material alteration in the size of the existing window is permitted.</p>	<p>Consult a structural engineer, architect or building surveyor to ensure the proposed windows comply with the Building Code of Australia and that structural support will not be reduced.</p> <p>Consult one of the above professions or a recognised glazier to ensure the appropriate quality of glazing is selected, especially as to safety glass requirements and the wind loading for your area.</p>

<p><b>WINDOW AWNINGS AND WINDOW HOODS</b></p> <p>Excluding Items of Environmental Heritage and Heritage Conservation Areas as identified in Schedule 1 and 2 of the Lismore Local Environmental Plan.</p>	<p><b>Size:</b> Maximum 6m<sup>2</sup>.</p> <p><b>Siting:</b> Located wholly within the allotment.</p> <p><b>Construction:</b> Compatible in design and colour with the existing dwelling. Not to be enclosed. To be supported by brackets off the dwelling.</p>	
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Updated: 26/2/08

Not in use where LEP 2012 applies