

Lismore City Council

Lismore Development Control Plan



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Introduction

Name of Plan

This Plan is called the Lismore Development Control Plan.

Structure of the Plan

The Lismore Development Control Plan is comprised of two parts – Part A and Part B.

Part A contains controls that apply to particular forms or aspects of development generally throughout Lismore. Part B contains more specific controls that are applicable to specific areas. Both Part A and Part B may be applicable to a development and are to be read in conjunction with each other.

Land to which the Plan Applies

This Plan applies to land where Lismore Local Environmental Plan 2012 applies. Part A of this Plan applies to development on land throughout Lismore City. Part B applies to development within specific areas as identified in the individual chapters of that Part.

Aims of this Plan

The aim of this Plan is to provide controls and guidelines for new development that will assist in achieving the aims and objectives of the Lismore Local Environmental Plan 2012.

Specific aims for the various aspects of development or the specific areas identified in this Plan are included in the relevant Chapter.

Adoption of Plan

This Plan has been prepared in accordance with Section 74C of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and Clause 16 of the *Environmental Planning and Assessment Regulation 2000*. This Plan was originally adopted by Lismore City Council at its Meeting of June 12, 2007 and came into effect on June 28, 2007. A list of amendments is provided in Table 1 (located at the end of the Introduction).

Relationship to other Plans

This plan should be read in conjunction with the Lismore Local Environmental Plan 2012. Other relevant plans and guidelines include:

Lismore On-site Sewage and Wastewater Management Strategy
Lismore Stormwater Management Plan
Landscape Guidelines
Sediment and Erosion Control Guidelines

How to Use this Plan

In assessing a Development Application, Council must have regard to the matters listed in Section 79C of the EP&A Act 1979.

Under Section 79C(1)(a)(iii), Council is required to consider any development control plan that applies to the land to which the Development Application relates. This Plan is the Development Control Plan that applies to the City of Lismore. It covers a range of matters that are addressed as individual Chapters in the Plan. When preparing a Development Application, an applicant must have regard for all the relevant matters in this DCP that may be applicable to the proposal.

Variations to the Plan

Compliance with the provisions of this Plan does not necessarily imply that Council will grant consent to a Development Application. Council is required, in relation to all development

applications, to take into consideration those matters listed within section 79C of the EP&A Act 1979 (as amended) and all other statutory documents.

Council may refuse consent to development which does not comply with this Plan, or may modify by conditions, the development so that it does comply.

Council may approve development that does not strictly comply with this Plan. This will only be considered where the variation is considered to be minor, or where it can be demonstrated that compliance is physically impossible or impractical, or where the alternative proposed is substantiated as a better design solution.

Variations to this Plan will not be supported where the purpose of the variation is to erode either the objectives or minimum standards, or simply to save development costs.

Table 1 – Amendments to Lismore Development Control Plan

Amendment No.	Amendment summary	Area	Date of adoption	Date plan came into effect
Development Control Plan (applying to land to which LEP 2000 applies)				
1	Amendments to Part A including: <ul style="list-style-type: none"> Chapter 3 – Industrial Development, clause 3.1 Design standards; Chapter 5 – Urban Subdivision, clause 5.1.5 public lighting; and clause 5.1.7 building envelopes; Chapter 10 – Notification and Advertising of DAs, clause 10.9 notification procedure for amending development consent. 	Lismore LGA	12/2/2008	
2	Insert new Chapter 21 in Part A - Public Art.	Lismore LGA	11/3/2008	
3	Amendments to Part A including: <ul style="list-style-type: none"> Chapter 6 – Urban Subdivision, energy efficient lighting; and on-site effluent disposal; Chapter 16 – Rural Landsharing Communities, access requirements. 	Lismore LGA	10/6/2008	
4	Amendments to Part A, Chapter 14 – Tree Preservation Order including: <ul style="list-style-type: none"> New exemptions from TPO – trees within 2m of a dwelling; and tree removal in accordance with Electricity Supply Act 1995; Amend title of clause 14.11 and include additional criteria for tree removal. 	Lismore LGA	12/8/2008	
5	Amendments to Part A, Chapter 7 – Off Street Carparking including: <ul style="list-style-type: none"> Redefine boundaries of Lismore CBD for purposes of Chapter 7; Single rate carparking in CBD for non-residential uses of 3.3 spaces/100m²; 25% reduction in non-residential carparking rates with Lismore CBD. 	Lismore CBD	12/8/2008	
7	Amendments to Part A, Chapter 7 – Off Street Carparking, Schedule 1 including changing the requirement for loading bays and manoeuvring areas for self-storage units and bulky goods premises.	Lismore LGA	10/3/2009	19/3/2009

Amendment No.	Amendment summary	Area	Date of adoption	Date plan came into effect
8	Revise Part B, Chapter 3 – Lismore Cultural Precinct.	Lismore Cultural Precinct	Not adopted	
9	Insert new Chapter 22 – Water Sensitive Design in Part A.	Lismore LGA	14/12/2010	27/1/2011
10	Revisions to Part A, Chapter 7 – Off-Street Carparking and Chapter 9 – Outdoor Advertising Structures including: <ul style="list-style-type: none"> • Carparking concessions for outdoor dining and additions to existing commercial premises (maximum 40m²) in the Lismore CBD; • Weighted portable footpath signs (refer to Council's Outdoor Dining Policy for detail) are now permissible with development consent in association with outdoor dining. 	Lismore CBD	12/4/2011	28/4/2011
12	Revision of Part A Chapter 10 – Notification and Advertising of Development Applications in order to provide consistency with standard zones and definitions of LEP 2012. In addition, changes to the notification and advertising processes applying to development applications to achieve: <ul style="list-style-type: none"> a) greater flexibility relative to the risk associated with the type of development proposed; and b) greater certainty regarding development applications that do not require notification. 	Lismore LGA	11/12/2012	2/1/2013
Development Control Plan (applying to land to which LEP 2012 applies)				
13	Update entire DCP to reflect the provisions, maps and terminology used in LEP 2012. The amendments also include: <ul style="list-style-type: none"> • The inclusion of all previous adopted amendments; • Minor formatting and correction of typographical errors; • Update references to superseded legislation, publications, Government departments, organisations, Australian Standards, Council's organisational structure, web sites; • Update DCP provisions to reflect legislative changes; • Update on-site wastewater management provisions for consistency with Council's On-Site Sewage and Wastewater Management Strategy; • Revised list of Koala food trees, consistent with current scientific research; • Changes to chapter headings including chapters 6, 9 and 14; • Revised expanded dwelling definition used in Chapter 1; • New definition for 'attached' regarding 	Lismore LGA	12/2/2013	21/2/2013

Amendment No.	Amendment summary	Area	Date of adoption	Date plan came into effect
	<p>dual occupancy (attached) in RU1 and RU2 zones used in Chapter 1;</p> <ul style="list-style-type: none"> • Deletion of rezoning provisions (part section 3.4) in Chapter 3; • Incorporate Battle Axe Handle Subdivision provisions of Council Policy 1.8.2 in Chapters 5 and 6; • Addition of explanatory Note in Chapter 7 Car parking schedule for land uses not listed in the table; • Include LEP 2000 controls regarding 'advertisement on trailers and motor vehicles on public land' in Chapter 9; • Clarification of ancillary Macadamia dehusking plants in Chapter 11; • The addition of buffer distance variation provisions in Chapter 11; • The deletion of 5m planted buffer requirement from grazing land in Chapter 11; • Deletion of 100m buffer distance from STP's for industrial development in Chapter 11; • Addition of a Note in Chapter 13 regarding CPTED requirements for developments not specified within the chapter; • Update definition and references for environmental weeds in Chapter 14; • Delete requirements for landscaping bonds on private land in Chapter 16; • Deletion of the bibliography for Chapter 17; • Include annexure for Rehabilitation and Environmental Management Guidelines for Extractive Industries in Chapter 18. 			
11	<p>Revision of Part A Chapter 15 to include:</p> <ul style="list-style-type: none"> • Revised layout of the contents of the chapter; • Refined templates for Waste Management Plans; • Evidence such invoices for waste disposal retained on site; • Post completion waste management to be included in the Waste Management Plan. 	Lismore LGA	11/12/2012	21/2/2013
6	Insert new chapter in Part B - North Lismore Industrial Estate.	North Lismore Industrial Estate	13/8/2013	22/8/2013
14	<p>Amendments to Part A, Chapter 9 – Signage including:</p> <ul style="list-style-type: none"> • Minor amendments to signage provisions to more accurately reflect LEP 2012 signage provisions; • Update graphics. 	Lismore LGA	10/12/2013	7/1/2014
15	Insert new chapter in Part B, Chapter 10 – North Lismore Plateau Urban Release	North Lismore	10/12/2013	7/1/2014

Amendment No.	Amendment summary	Area	Date of adoption	Date plan came into effect
	Area.	Plateau		
16	General amendments involving various chapters in Part A: <ul style="list-style-type: none"> Chapter 9 <i>Signage</i> – modifications to provide consistency with changes made to SEPP (Exempt and Complying Development Codes) 2008 and LEP 2012; Chapter 11 <i>Buffer Areas</i> – clarification of the application of buffers for the mitigation of rural land use conflicts; Chapter 7 <i>Off Street Carparking</i> – removal of the compulsory requirement for the provision of carparking spaces for shop top housing in the CBD; Chapter 6 <i>Subdivision and Infrastructure</i> – <i>village, large lot residential and rural subdivision</i> – modifications to provide consistency with LEP 2012 minimum lot size development standards; Chapter 10 <i>Notification and Advertising of Development Applications</i> – removal of the requirement for an advertising site sign for dual occupancy development. 	Lismore LGA	14/7/2015	5/8/2015
17	DCP Part A Chapter 5 <i>Subdivision and Infrastructure - Urban Subdivision</i> is replaced with Chapter 5A and Chapter 5B. Amended urban residential subdivision controls are located in Chapter 5A <i>Urban Residential Subdivision</i> . The remainder of the current Chapter 5 commercial and industrial subdivision controls are relocated, unaltered (except for updated numbering, cross referencing and minor formatting changes) into a renamed Chapter 5B – <i>Commercial and Industrial Subdivision</i> .	Lismore LGA	13/10/2015	28/10/2015
18	Repeal of the existing DCP Chapter 4 <i>Subdivision and Infrastructure General Requirements</i> .	Lismore LGA	9/2/2016	5/3/2016
19	Amendments to Part A, Chapter 5A – Residential Subdivision. Insertion of a structure plan for 87 Pineapple Road, Goonellabah and other minor consequential modifications.	Pineapple Road, Goonellabah	8/11/2016	23/11/2016
20	Amendments to Part A, Chapter 1 Residential Development and Chapter 2 Commercial Development – Urban Design in the CBD. Substitute the existing Chapter 1 for a new Chapter 1. Amend the existing Chapter 2 to include controls for land in Brewster Street within Zone B3 Commercial Core, part of the Health Precinct.	Lismore LGA and Zone B3 in the CBD and Brewster St, Lismore	12/7/2016	4/8/2016
21	Amendments to Part A, Chapter 1 Residential Development. Substitute the existing Chapter 1 for a new Chapter 1.	Lismore LGA	14/11/17	6/12/17
22	Amendment to Part A, Chapter 6 Village, Large Lot Residential and Rural Subdivision. Substitute the existing Chapter 6 for a new Chapter 6.	Lismore LGA	13/2/18	28/2/18

Amendment No.	Amendment summary	Area	Date of adoption	Date plan came into effect
23	Amendment to Part A, Chapter 16 Rural Landsharing Communities. Substitute the existing Chapter 16 for a new Chapter 16.	Lismore LGA	12/6/18	4/7/18
24	Amendment to Part B, Chapter 3 Lismore Cultural Precinct. Revised controls consistent with Council's plans for the development of the precinct based on the design outcomes of the 'Serviced Apartments Charrette' of October 2017.	Lismore Cultural Precinct	14/8/18	29/8/18
25	Amendment to Part A, Chapter 6 Village, Large Lot Residential and Rural Subdivision to include a Structure Plan for land at Bexhill Village and associated clauses relevant to stormwater management, on-site wastewater management and biodiversity conservation.	Lismore LGA	14/5/19	5/6/19
26	Introduction of Chapter 4 – Rural Tourist Accommodation to ensure rural tourist accommodation is small scale and low impact and does not adversely impact agricultural production and scenic / environmental values of the land.	Lismore LGA	16/7/19	14/8/19
27	Amendments to Part A, Chapter 6 Village, Large Lot Residential and Rural Subdivision to include a Structure Plan and associated clauses relevant to biodiversity conservation for the subdivision of land at 379A & 407 Richmond Hill Road, Richmond Hill.	Lismore LGA	10/12/19	29/1/20
28	Repeal of Part B DCPs; Chapter 1 Lismore Urban Area Chapter 2 Land at West Goonellabah Chapter 7 Dunoon Village Chapter 8 Clunes Village	Lismore LGA	14/7/20	29/7/20
29	Adoption of a new Part A Chapter 14 Vegetation Protection and repeal of the old Chapter 14 Preservations of Trees or Vegetation. Simultaneous cross-referencing amendments were made to Chapter 6 Village, Large Lot Residential and Rural Subdivision and also Chapter 5A Urban Residential Subdivision to ensure consistency across the DCP in regards to subdivisions and biodiversity protection.	Lismore LGA	26/10/20	18/11/20
30	Amendment to Development Control Plan Chapter 5A – Urban Residential Subdivision to include a Structure Plan for 1A & 1B Northcott Drive, Goonellabah	Lismore LGA	9/2/21	17/2/21
31	Amendment to Part A Chapter 11 – Buffer Areas. Substitute the existing Chapter 11 for the new Chapter 11.	Lismore LGA	11/5/21	26/5/21
32	Amendment to Part A Chapter 6 – Village, Large Lot Residential and Rural Subdivision to include Structure Plan for 528 Caniaba Road, Caniaba.	Lismore LGA	9/11/21	24/11/21
33	Amendment to Part B Chapter 6 – Nimbin Village.	Nimbin Village	9/11/21	24/11/21
34	Amendment to Part A DCPs: Chapter 1 Residential Development	Lismore LGA	07/11/22	04/01/23

Amendment No.	Amendment summary	Area	Date of adoption	Date plan came into effect
	Chapter 2 Commercial Development – urban design in the CBD and Brewster Street commercial core zone (Health Precinct) Chapter 5A Urban Residential Development Chapter 6 Subdivision and Infrastructure (Village, large lot residential and rural) Chapter 7 Off street parking			
35	Major revision of Chapter 4 Rural Tourist Accommodation to become Rural and Nature-Based Tourism Development, following State Government agritourism reforms. Covers all rural and nature-based tourism development, including farm gate premises, farm experience premises and farm stay accommodation.	Lismore LGA	20/6/23	17/7/23
36	Housekeeping amendments to Part A Chapters 1, 3, 4, 5A, 6, 11 and 18,	Lismore LGA	13/05/25	28/05/25