

# DCP 30

# Exempt Complying Development

within Kempsey Shire  
2007



Development Control Plan 30



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# DEVELOPMENT CONTROL PLAN NO 30

## EXEMPT AND COMPLYING DEVELOPMENT WITHIN KEMPSEY SHIRE

### **1.0 INTRODUCTION**

#### **1.1 Citation**

This plan may be referred to as "Development Control Plan No 30 : Exempt and Complying Development Within Kempsey Shire".

#### **1.2 Scope of This Plan**

This plan applies to all development within the Kempsey Shire Local Government Area described by this plan as being either "exempt development" or "complying development" as provided for under Kempsey Local Environmental Plan 1987 (KLEP 1987).

#### **1.3 Aims and Objectives**

- (a) To identify the terms under which development may be classified as either exempt or complying development for the purposes of clause 57 of KLEP 1987.
- (b) To specify conditions required to be attached to complying development certificates.

#### **1.4 Relationship to Other Environmental Planning Instruments**

This plan will prevail except where there is any inconsistency with KLEP 1987, North Coast REP 1988 or any State Environmental Planning Policy, applying before or after the date of commencement of this plan.

#### **1.5 Commencement of this Plan**

This plan shall become effective from 28 June 2005.

## 1.6 Terms Used in this Plan

A glossary of terms used in this plan is included in Schedule 6 to this plan. Terms which appear in the glossary are highlighted in *italics* and underlined as they appear in the text to this plan.

## 2.0 HOW THIS PLAN WORKS

### 2.1 Exempt Development

Where a proposed development is described under this plan as being **exempt development** and is in strict compliance with the "Development Type" and "Conditions" listed under Schedule 1 to this plan, that development is exempt from the need to obtain any approvals from Council.

All development of the types listed under Schedule 1 is to comply with the deemed-to-satisfy requirements of the Building Code of Australia.

Development is not exempt development if it: -

- a is on land identified as critical habitat (under the Threatened Species Conservation Act, 1995); or
- b is within a wilderness area (within the meaning of the Wilderness Act 1987); or
- c is on land on which an *item of environmental heritage* is situated or is within a *conservation area*; or
- d is within Zones
  - 7(a) (Wetlands Protection Zone)
  - 7(d) (Scenic Protection Zone)
  - 7(f1) (Coastal Lands Protection Zone)
  - 7(f2) (Coastal Lands Acquisition Zone)
  - 7(h) (Historic Lands Protection)
  - 8(b) (Proposed National Park Extension Zone)under KLEP 1987; or
- e is located over a water main, sewer main, stormwater line, other drainage systems or easement.
- f is on land to which State Environmental Planning Policy No 14 - Coastal Wetlands applies; or
- g is on land to which State Environmental Planning Policy No 26 - Littoral Rainforests applies; or
- h is an Aboriginal place (under the National Parks and Wildlife Act 1974); or
- i requires removal of any tree and an approval under Council's Tree Preservation Order has not been obtained or will result in a building being located within 5 metres of any tree which, prior to the

development occurring, would require approval under Council's Tree Preservation Order for removal; or

- j is subject to any order issued under Part 6, Division 2A of the Environmental Planning and Assessment Act 1979 or Part 2, Division 1 of the Local Government Act 1993.

**Note:** It is strongly recommended that persons consult with Council prior to commencing any development under the exempt development provisions of this plan.

## 2.2 Complying Development

Development is **complying development** if it meets the "Development Type" and "Development Standards" listed under Schedule 2 to this plan.

Development is not complying development if it:-

- a is on land identified as critical habitat (under the Threatened Species Conservation Act, 1995); or
- b is within a wilderness area (within the meaning of the Wilderness Act 1987); or
- c is on land on which an *item of environmental heritage* is situated or is within a *conservation area*; or
- d is within Zones
  - 7(a) (Wetlands Protection Zone)
  - 7(d) (Scenic Protection Zone)
  - 7(f1) (Coastal Lands Protection Zone)
  - 7(f2) (Coastal Lands Acquisition Zone)
  - 7(h) (Historic Lands Protection)
  - 8(b) (Proposed National Park Extension Zone)under KLEP 1987; or
- e is located over the water main, sewer main, stormwater line, other drainage systems or easement.
- f is on land to which State Environmental Planning Policy No 14 - Coastal Wetlands applies; or
- g is on land to which State Environmental Planning Policy No 26 - Littoral Rainforests applies; or
- h is an Aboriginal place (under the National Parks and Wildlife Act 1974).
- i requires removal of any tree and an approval under Council's Tree Preservation Order has not been obtained or will result in a building being located within 5 metres of any tree which, prior to the development occurring, would require approval under Council's Tree Preservation Order for removal, or
- j is on land classified as being within a floodway under councils flood risk management policy (except in relation to zones 3(a) General

Business,3(c)Special Business and 4(a) General Industrial within the township of Kempsey.

- k is subject to any order issued under Part 6, Division 2A of the Environmental Planning and Assessment Act 1979 or Part 2, Division 1 of the Local Government Act 1993.
- l is identified as being located in a Bushfire prone Area and does not comply with the requirements of Planning for Bushfire Protection, Part 3.7.4 of the Building Code of Australia and AS 3959 or is situated upon land identified as being contaminated
- m Does not comply with the provisions of the Development Control Plan No 22 Local Housing Strategy in addition to the requirements of this plan

Where involving the erection of a building, a Complying Development Certificate must indicate that, if carried out in accordance with the approved plans, the building will comply with the Deemed-to-Satisfy provisions of the Building Code of Australia, including the classification of the building.

Development listed as complying development may not be commenced until such time as a "complying development certificate" has been obtained from either Council or an accredited certifier and any relevant conditions complied with.

A complying development certificate can only be used to certify that a set of development plans meets the predetermined standards prescribed by this plan.

In order for a complying development certificate to be issued, plans and specifications must be complete. The Act provides that conditions cannot be imposed to ensure compliance with the predetermined standards.

### **2.2.1 Applying for a Complying Development Certificate**

- (a) An application for a complying development certificate may be made by any person with the consent of all owner(s) of the land on which the development is proposed.

A certificate cannot be issued unless the original signatures of all owner(s) is received.

A facsimile cannot be accepted, although applications transmitted electronically are acceptable.

Where land is owned by a company, the consent to lodge the application must be made under company seal.

- (b) The application must be on the form prescribed by the Regulation which may be obtained from Council or from an accredited certifier. All information required by the form must be provided with the application.

### **2.2.2 Complying Development Conditions**

Complying development certificates shall include conditions as listed under Schedule 3 to this plan.

### **2.2.3 Duration of a Complying Development Certificate**

A Complying Development Certificate is effective from the date endorsed on the Certificate.

A Complying Development Certificate lapses five (5) years after the date of endorsement, unless works in strict accordance with the certificate have physically commenced within the five (5) year period.

### **3.0 PUBLIC NOTIFICATION**

In accordance with Council's Public Notification Policy, exempt and complying developments do not require notification to neighbours; however, notification of the determination of applications for complying development certificates is required to be given pursuant to Section 101 of the Act and Clause 77B of the EPA Regulation 1994.

**SCHEDULE 1****EXEMPT DEVELOPMENT**

<b>Development Type</b>	<b>Conditions</b>
Access ramps for the disabled	<ul style="list-style-type: none"><li>• Maximum height 500mm above ground</li><li>• Maximum grade 1:14 and otherwise in compliance with AS 1428.1</li><li>• To an existing building</li><li>• Maximum length of 7 metres</li></ul>
Air conditioning units for dwellings and heat pump water systems (attached to external wall or ground mounted)	<ul style="list-style-type: none"><li>• Located a minimum of 3 metres from any property boundary</li><li>• Building work must not reduce the structural integrity of the building.</li><li>• Any opening created is to be adequately weatherproofed.</li></ul>
Agricultural buildings used for storage of Unprocessed rural produce and/or agricultural equipment and materials.	<ul style="list-style-type: none"><li>• Not exceeding 150m<sup>2</sup> in floor area and/or 5m in height (ridgeline).</li><li>• In Rural Zones 1(a1), 1(a3) and 1(g) under the Kempsey Local Environmental Plan 1987.</li><li>• Installation in accordance with manufacturer's directions. Buildings to be designed and constructed in a structurally sound manner.</li><li>• Behind the building line. (See Policy - Building Alignments).</li><li>• 20 metres from side or rear boundary.</li><li>• Strictly complies with Council's Flood Risk Management Policy</li><li>• Not to be used in conjunction with domestic, commercial or industrial premises.</li><li>• Not within any area affected by an Obstacle of Limitation Surface Plan.</li><li>• Only two (2) per property.</li></ul>
Awnings, canopies and storm blinds on dwellings	<ul style="list-style-type: none"><li>• Maximum area 20m<sup>2</sup>.</li><li>• Behind the building line.</li><li>• Located at least 900 mm from any property boundary (see Policy - Building Alignments)</li><li>• Maximum height 2.4 m</li><li>• Installed to manufacturer's specification.</li></ul>
Barbecues	<ul style="list-style-type: none"><li>• Maximum area 4m<sup>2</sup></li><li>• Maximum height 2.4 metres</li><li>• In the rear yard of the property in Town areas. Note: See definition Town areas under fences</li></ul>
Clothes line	<ul style="list-style-type: none"><li>• Installed to manufacturer's directions</li><li>• Behind the building line.</li><li>• Maximum erected height 2.4m above ground level.</li><li>• one unit per property</li></ul>
Cubby Houses & Playground equipment at ground level	<ul style="list-style-type: none"><li>• Maximum height 2.1m</li><li>• Maximum area 10m<sup>2</sup></li><li>• In the rear yard</li><li>• Not associated with commercial premises.</li></ul>

Decks unroofed and attached to dwelling.	<ul style="list-style-type: none"> <li>• Maximum area 20m<sup>2</sup></li> <li>• Width 1.5 m</li> <li>• Finished surface level not greater than 500 mm above existing ground level.</li> <li>• Located at least 900 mm from property boundary.</li> <li>• Not to be enclosed on sides.</li> <li>• No second hand materials used.</li> </ul>
Driveways & Pathways	<ul style="list-style-type: none"> <li>• Not over public land</li> <li>• To be structurally sound and of stable construction with adequate reinforcement. May not be elevated or suspended above natural ground level.</li> <li>• level. Rainwater not to be redirected onto adjoining property. An appropriate fall and grated drain is to be provided to prevent the entry of stormwater into the dwelling or garage.</li> <li>• Gradients to comply with AS 2890</li> </ul>
Earthworks/landfill	<ul style="list-style-type: none"> <li>• Maximum depth of 200mm of clean fill from natural ground level. Rainwater not to be impeded or directed into adjoining property.</li> </ul>
Environmental Protection Works	<ul style="list-style-type: none"> <li>• Undertaken by or on behalf of a public authority.</li> <li>• appropriate permits/consents from relevant state government agencies are in place prior to commencing works.</li> </ul>
Fences (other than fences covered by the Swimming Pool Act 1992 or situated upon land classified as being a floodway under Council's flood risk management policy)	
<ul style="list-style-type: none"> <li>• Town areas only boundary fences behind building line</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum height 1.8m</li> <li>• New Materials</li> </ul>
<ul style="list-style-type: none"> <li>• Front and side boundary fences (within building line)</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum height 1.2m</li> <li>• New materials</li> </ul>
<ul style="list-style-type: none"> <li>• General</li> </ul>	<ul style="list-style-type: none"> <li>• Brick fences over 600mm in height require Council approval. No barbed wire to be used.</li> <li>• No electric fences to be used.</li> <li>•</li> </ul>
<ul style="list-style-type: none"> <li>• Rural areas zone 1(a1), 1(a3), 1(g) and 1(c)</li> </ul>	<ul style="list-style-type: none"> <li>• All fences except brick &amp; masonry fences over 600mm in height.</li> <li>• Maximum height 1.8 m.</li> </ul>
Flagpoles	<ul style="list-style-type: none"> <li>• To be located a minimum of 2m from the property boundary.</li> <li>• Maximum height 6m.</li> </ul>

	<ul style="list-style-type: none"> <li>• Must be structurally adequate.</li> <li>• Installed to manufacturer's specification.</li> <li>• Only one (1) per property.</li> </ul>
Freestanding garden sheds, greenhouses, tool house, cycle shed, bird aviary, Cabana, Gazebo	<ul style="list-style-type: none"> <li>• Maximum floor area 10m<sup>2</sup></li> <li>• Maximum height 2.4 m.</li> <li>• Non-reflective materials</li> <li>• In rear yard</li> <li>• Minimum 600mm from side and rear boundaries</li> <li>• Free standing</li> <li>• One unit per property</li> <li>• Supporting posts should be securely fixed to concrete footings or slabs.</li> <li>• Unless the floor of a fowl house is paved with concrete, it shall be a minimum of 15.2 m from a dwelling, public hall or school. The minimum distance for fowls to be kept from a dwelling, school or public hall is 4.5m.</li> </ul>
Home Occupation	<ul style="list-style-type: none"> <li>• An occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve - <ul style="list-style-type: none"> <li>- the registration of the building under the Factories, Shops and Industries Act, 1962;</li> <li>- the employment of persons other than those residents;</li> <li>- interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;</li> <li>- the display of goods, whether in a window or otherwise;</li> <li>- the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident); or</li> <li>- the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail;</li> </ul> </li> </ul>
Letterbox	<ul style="list-style-type: none"> <li>• Maximum height of 1.2m above ground level.</li> <li>• Not on Road Reserve.</li> <li>• Structurally stable with adequate footings.</li> </ul>
Lighting (external) except for tennis courts and sports fields and external lighting over 4m above ground level.	<ul style="list-style-type: none"> <li>• All cases</li> </ul>
Minor internal alterations to domestic, single dwellings.	<p>Non-structural work only such as:</p> <ul style="list-style-type: none"> <li>• replacement of doors, wall, ceilings or floor linings, or deteriorated frame members with equivalent or improved quality materials.</li> <li>• renovations of bathrooms, kitchens inclusion of built-in fixtures such as vanities, cupboards and wardrobe.</li> </ul>

- Applies only to alterations or renovations to previously completed buildings.
- Work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.
- Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.

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Patio (at ground level)	<ul style="list-style-type: none"> <li>• Not to exceed an area of 20m<sup>2</sup></li> <li>• Rainwater not to be redirected onto adjoining property.</li> <li>• Sufficient step down is to be provided to prevent the entry of water into the dwelling. If in front setback, a maximum of 1/3 of the front setback is to be paved.</li> </ul>
Pergola (Open)	<ul style="list-style-type: none"> <li>• Maximum area 20m<sup>2</sup></li> <li>• Maximum height 2.4m</li> <li>• Maintain existing side boundary setbacks.</li> <li>• Behind front setback.</li> <li>• No second hand materials.</li> <li>• Not enclosed or roofed.</li> </ul>

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**Public Works**

Bridges and staircases installed in public parks and recreation spaces.

- Construction to be by or for the Council.
- Bridges to a maximum span of 5 metres.
- Designed, fabricated and installed in accordance with the *Building Code of Australia* (Section B) and AS 4100 (for steel structures) and AS 1720 (for timber structures) and AS 3600 for concrete structures.
- Australian National Parks and Wildlife Service Walking Track Management Manual Standards must be complied with.

Bus shelters

- Must be suitably designed and constructed by or for the Council.
- Must relate to character and amenity of the area.
- Structurally adequate construction.
- Not to obstruct the line of sight of vehicular traffic.
- A maximum height of 2.7 metres above the footpath.
- Area of less than 10m<sup>2</sup>.
- Non reflective surface finishes.

Goal posts, sight screens and similar ancillary sporting structures (excluding lighting)

- Construction by or for the Council and installed in accordance with relevant Australian Standards and/or Building Code of Australia.
- Located in public parks or recreation areas.
- Exemption specifically excludes buildings which accommodate people.

Park and street furniture

- Such as seats, bins, picnic tables, community notice boards and minor shelters not including bus shelters.
- Construction by or for the Council and designed, fabricated and installed in accordance with relevant Australian Standards and/or *Building Code of Australia*.
- Located on land under control of the Council.

Playground equipment on land classified as community land

- Construction by or for Council and designed, fabricated and installed in accordance with AS1924, AS2155 & DR94007 - DR94010.
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Re-cladding of roofs or walls excluding heritage buildings.	<ul style="list-style-type: none"> <li>• No structural alterations.</li> <li>• All work involving asbestos cement must comply with the Worksafe Code of Practice for Removal of Asbestos. Replace existing materials with similar materials. No changes to roof height, pitch or profile.</li> <li>• All stormwater is to be directed to a suitable system.</li> </ul>
Retaining Walls	<ul style="list-style-type: none"> <li>• Maximum height 600mm above natural ground level.</li> <li>• A retaining wall is to be constructed so that it does not prevent the natural flow of stormwater and with an effective drainage system to prevent backfill becoming saturated causing a build-up of water pressure behind the wall.</li> </ul>
Satellite Dishes No exemption for heritage buildings.	<ul style="list-style-type: none"> <li>• Maximum Diameter 1m.</li> <li>• Maximum Height 1.8m.</li> <li>• Rear yard mounted or not above roof line.</li> <li>• Only one for each lot</li> <li>• Installed to manufacturer's specifications.</li> </ul>
Scaffolding	<ul style="list-style-type: none"> <li>• Installed to manufacturer's specifications.</li> <li>• To meet with all of the WorkCover Authority's requirements.</li> <li>• Not to encroach onto footpath or public thoroughfare.</li> <li>• To have sufficient structural strength to withstand and be impenetrable to the impact of falling rubble.</li> <li>• Must enclose the work area.</li> <li>• Must comply with AS 1576.</li> <li>• Must be removed immediately after the purpose for which it was initially provided has concluded and no safety problem will result due to removal.</li> </ul>
Signs	
<ul style="list-style-type: none"> <li>• Advertising structures used for display of the following matters.</li> </ul>	
<ul style="list-style-type: none"> <li>• Identification, interpretative, directional and advance warning signs.</li> </ul>	<ul style="list-style-type: none"> <li>• Constructed and installed by or on behalf of the Council or the Roads and Traffic Authority.</li> </ul>
<ul style="list-style-type: none"> <li>• Signs on motor vehicles</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicle is able to be driven with the sign displayed and the vehicle is used principally for the conveyance of passengers and/or goods.</li> </ul>
<ul style="list-style-type: none"> <li>• Signs not visible from a public place.</li> </ul>	
<ul style="list-style-type: none"> <li>• Business identification signs in residential, rural, open space or environment protection zones under the provisions of the</li> </ul>	<ul style="list-style-type: none"> <li>• one per premises</li> <li>• signs not exceeding 0.75m<sup>2</sup> in area entirely within the property.</li> <li>• overall height not exceed 3m.</li> <li>• complies with CI 48(1)(b) of the Kempsey Local Environmental Plan 1987.</li> </ul>

Kempsey Local Environmental Plan.

- Real Estate signs (advertising premises/land for sale or rent) by private treaty in residential and rural zones under the provisions of Kempsey Local Environmental Plan 1987.
    - - One sign only per premises;
    - The maximum area of the sign is as follows: -
      - a) One dwelling houses is 2.5m<sup>2</sup>
      - b) Multi dwelling development of less than 10 dwellings is 5m<sup>2</sup>.
      - c) Multi dwelling development of 10 or more dwellings is 10m<sup>2</sup>.
      - d) Rural property is 10m<sup>2</sup>.
      - e) A subdivision of less than 20 lots is 10m<sup>2</sup>.
      - f) A subdivision of between 20 and 50 lots is 15m<sup>2</sup>.
      - g) A subdivision of more than 50 lots is 20m<sup>2</sup>.
    - Signs must not be erected until development approval has been issued.
    - Signs must be removed within 10 days of the sale of the property or in the case of subdivisions, when 90% of lots are sold.
    - - The sign must be located on the property that they are advertising.
    - For signs greater than 15m<sup>2</sup>, signs must be sited at least 6m from the nearest road alignment.
    - Not to be animated, illuminated or distracting to passing traffic.
    - Maximum height of signs is 8m.
    - - More than 1 sign only is permissible where the site has frontage to two roads and the signs are placed such that they are not visible together in the one field of view.
  
  - Real Estate signs (advertising premises/land for sale or rent by Auction in residential and rural zones under the provisions of Kempsey Local Environmental Plan.

One sign per premises and not exceed 1.83m in length and 1.20m in height; has returns not exceeding 180mm; contains only the word "auction" on the surfaces of its return;  
The sign is to be removed within 10 days of the sale or letting.
  
  - Real Estate signs (advertising premises/land for sale or rent) by private treaty or auction in commercial and industrial zones under the provisions of the Local Environmental Plan.
    - One sign only per premises.
    - The maximum area of the sign is as follows: -
      - a) Commercial or industrial building is 5m<sup>2</sup>.
      - b) Commercial or industrial property is 10m<sup>2</sup>.
      - c) A subdivision of less than 20 lots is 10m<sup>2</sup>.
      - d) A subdivision of between 20 and 50 lots is 15m<sup>2</sup>.
      - e) A subdivision of more than 50 lots is 20m<sup>2</sup>.
    - Signs must not be erected until development approval (if required) has been issued.
    - Signs must be removed within 14 days of the sale of the property or in the case of subdivision, when 90% of the lots are sold, or within 5 years, whichever is lesser.
    - The sign must be located on the property that they are advertising.
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- For signs greater than 15m<sup>2</sup>, signs must be sited at least 6m from the nearest road alignment.
- Not to be animated, illuminated or distracting to passing traffic.
- Maximum height of signs is 8m.
- More than 1 sign only is permissible where the site has frontage to two roads and the signs are placed such that they are not visible together in the one field of view.

Silos in Rural Zones 1(a1), 1(a3) and 1(g)	<ul style="list-style-type: none"> <li>• Maximum size (by capacity mass) of 120 tonnes.</li> <li>• Constructed of pre-fabricated metal.</li> <li>• Freestanding and not relying on other structures for support.</li> <li>• Erected in accordance with the manufacturer's specification and/or engineer's certification.</li> <li>• Clear of easements and power lines.</li> <li>• Not within 18m of the street boundary and equivalent to the height of the silo plus 1m from another property boundary.</li> <li>• Not on flood prone land.</li> <li>• Not within any area affected by an Obstacle of Limitations Surface Plan.</li> </ul>
Skylight roof windows (including solartube or similar type installations)	<ul style="list-style-type: none"> <li>• Maximum area of skylight not to exceed 1m<sup>2</sup>.</li> <li>• Located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings.</li> <li>• The building work must not reduce the structural integrity of the building or involve structural alterations.</li> <li>• Any opening created by the installation to be adequately weatherproofed.</li> <li>• Installation to manufacturer's instructions.</li> </ul>
Solar Water heaters	<ul style="list-style-type: none"> <li>• Installed to manufacturer's specifications and requirements.</li> <li>• Installed by a licensed person.</li> <li>• The building work must not reduce the structural integrity of the building or involve structural alterations.</li> <li>• Any opening created by the installation to be adequately weatherproofed.</li> </ul>
Stockyards in Rural Zones 1(a1), 1(a3) and 1(g)	<ul style="list-style-type: none"> <li>• Maximum yard area of 1,000m<sup>2</sup></li> <li>• Maximum height of any shelter 2.4m. Constructed of Timber or Metal.</li> <li>• Access to loading ramps, not to involve reversing from the road reserve.</li> <li>• Not within 50m of a watercourse, a dwelling on adjoining property.</li> <li>• Not to be used as a feedlot.</li> </ul>
Street signs comprising name plates, directional signs and advance traffic warning signs.	<ul style="list-style-type: none"> <li>• Construction by or for Council. Must be structurally sound. To be designed, fabricated and installed in accordance with relevant SAA standards.</li> </ul>
Subdivision	<ul style="list-style-type: none"> <li>• Consolidation of existing allotments into a single allotment.</li> <li>• Creation of a public reserve by or on behalf of a public authority.</li> </ul>

	<ul style="list-style-type: none"> <li>• Rectifies an encroachment of a building so as to comply with the deemed-to-satisfy provisions of the Building Code of Australia and is not contrary to any other requirements KLEP 1987.</li> <li>• Widening of a public road by or on behalf of a public authority.</li> <li>• In conjunction with an approved development.</li> </ul>
Television antennae/ Microwave antennae	<ul style="list-style-type: none"> <li>• Domestic premises only.</li> <li>• To be a maximum height of 1.5 metres above the roof line.</li> <li>• Microwave reflector element not to exceed 650mm<sup>2</sup>.</li> </ul>
Temporary structures and temporary buildings: - Builder's sheds - Portaloos	<ul style="list-style-type: none"> <li>• Removal must occur after construction of associated development or 5 months whichever is the lesser.</li> <li>• Located within property boundaries.</li> </ul>
Use of land	
Change of use (not involving a change of class of building as defined in the <i>Building Code of Australia</i> ):	<ul style="list-style-type: none"> <li>• Use must be an existing legal use.</li> <li>• No extension to hours outside of existing hours of operation.</li> </ul>
- From shop to another shop. From office to another office.	<ul style="list-style-type: none"> <li>• Excludes premises used for the purposes of preparation, storage or sale of food.</li> </ul>
- Light Industry to another Light Industry	<ul style="list-style-type: none"> <li>• Building not located within 500 metres of a residential zone or any dwelling not associated with the use.</li> </ul>
Water heaters (excluding solar systems)	<ul style="list-style-type: none"> <li>• Replacement or new installations.</li> <li>• The work must not reduce the structural integrity of the building or involve structural alterations.</li> <li>• Installation to be carried out by a licensed person.</li> </ul>
Water Tanks (Exemption does not apply to tanks below ground or on land that requires excavations)	<ul style="list-style-type: none"> <li>• All areas</li> <li>• Less than 5,000 litre in capacity with a maximum overall height 2.7 metres above ground level (including any stand).</li> <li>• Located behind or at the side of the building.</li> <li>• At least 900 mm from other property boundaries.</li> <li>• Overflow to suitable stormwater system.</li> </ul> <p style="text-align: center;"><b>In Rural Zones 1(a1), 1(a3), 1(g)(1c)</b></p> <p>Up to 25,000 litres <u>not</u> on a stand with a maximum height of 3 metres above ground level.</p> <ul style="list-style-type: none"> <li>• On a stand maximum overall height 2.7 metres.</li> <li>• Located behind the building line and at least 900 mm from other property boundaries.</li> </ul>
Windows, glazed areas and external doors (excluding windows in heritage buildings as	<ul style="list-style-type: none"> <li>• Replacement in residential premises with materials that comply with: <ul style="list-style-type: none"> <li>a AS 1288 Glass in buildings - Selection and installation:</li> </ul> </li> </ul>

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defined in S142 of  
Local Government Act  
1993).

and

- b AS 2208 Safety Materials for Use in Buildings (Human Impact Considerations).

No **increase or** reduction in the area provided for light and ventilation is permitted and structural support members in the wall concerned cannot be removed.

*You are advised to consult a structural engineer, architect or building surveyor to ensure alterations will comply with the BCA and structural support will not be affected. You should particularly consult one of those professionals or a recognised glazier to ensure the appropriate quality of glazing is selected for the window or doorway concerned, especially as to whether safety glass is required and installed.*

*Any works involving asbestos cement must comply with the Workcover Authority's "Guidelines for Practices Involving Asbestos in Buildings".*

*Any work involving lead paint removal must not cause lead contamination of air or ground.*

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Windmill (for pumping water and not for power generation)  
Rural Zone 1(a1),  
1(a3), 1(g)

- Freestanding and not relying on other structures for support.
  - Located wholly within the property and not to encroach on any easement.
  - Erected in accordance with Engineer's Certification for the Structure and footings.
  - Not within any area affected by an Obstacle of Limitation Surface Plan.
-

**SCHEDULE 2****COMPLYING DEVELOPMENT**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<i>Development Type</i>	<i>Development Standards</i>
<p><b><u>Dwelling House and Dwelling House Extensions within Zone 2(a), 2(b1), 2(v)</u></b></p> <p>a Detached single storey <i>dwelling</i>s</p> <p>b Single storey alterations and additions to detached single storey <i>dwelling</i>s.</p> <p>c Outbuildings including garages, carports storage sheds and the like associated with detached single storey <i>dwelling</i>s.</p>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>• On lots over 500m<sup>2</sup> and will be the only dwelling on the allotment</li> <li>• Is not within an area affected by any buffer identified by DCP 12 - Conflicting Land Uses.</li> <li>• Is not an existing building relocated from other property</li> <li>• Comply with any relevant contributions plan applying to the Land</li> </ul> <p><b>Effluent Disposal</b></p> <ul style="list-style-type: none"> <li>• Any new or existing <i>dwelling</i> must have prior approval granted for mains sewer connection or an on site waste system under(s) 68 of the Local Government Act 1993 prior to the issue of a complying development certificate.</li> </ul> <p>Any part of a building:</p> <ul style="list-style-type: none"> <li>• Comprising carport and garage facing a public road or accessway is no more than 6 metres wide.</li> <li>• Is set back from all boundaries in compliance with Section 4.2 of DCP 22 - Local Housing Strategy</li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li>▪ The ground floor level of the structure of any point is no more than 1.0 metres – above or below <i>natural ground level</i>.</li> <li>▪ The distance between floor level and the underside of the eaves is not more than 3.4 metres.</li> <li>▪ In respect to outbuildings, the maximum height of a wall is 2.7 metres and the setback to the side and rear boundary is 600mm in compliance with Section 4.2 of DCP 22 - Local Housing Strategy</li> <li>▪ Roof pitch maximum 35° and the maximum height of the ridge is not more than 5.1 metres above the “natural ground level” .</li> <li>▪ Roof openings are to be flush with roof pitch.</li> <li>▪ External walls adjacent to boundaries shall be limited to 20 metres in length in compliance with Section 4.2.3 of DCP 22 - Local Housing Strategy</li> <li>▪ Site coverage is not to exceed 2/3 site area of the land, except at South West Rocks where the maximum site coverage must comply with Section 11.4 of DCP 22 - Local Housing Strategy</li> <li>▪ In South West Rocks outbuildings are not to be larger than 18m<sup>2</sup></li> <li>▪ No outbuilding shall exceed 40 square metres in floor area</li> </ul>

### ***Bushfire Protection***

New dwellings and dwelling additions to be constructed within the area indicated as bushfire prone upon the bushfire risk management plan map for the Kempsey Shire Local Government area shall have the category for bushfire attack for the site determined in accordance with Planning for Bushfire Protection, Appendix 3 "Site Assessment for Bushfire Attack" and a report submitted to Council. The report shall indicate the proposed level of construction required by AS 3959 and the Part 3.7.4 of the Building Code Of Australia.

### ***Solar Access***

- The private space and any habitable rooms in any adjoining property, are not in shadow between 10 am and 3 pm on 21 June as a result of the development in non-compliance with Section 4.7.1 of DCP 22 – Local Housing Strategy

### ***Energy Rating***

Building has been assessed and complies with the requirements of BASIX Building Sustainability Index

### ***Stormwater Disposal***

- Stormwater is to be disposed of in accordance with DCP 36 – Engineering Guidelines for Subdivision and Development

### ***Carparking***

- One covered carparking space is provided behind the building line, except for any alterations or additions to existing dwellings in compliance with Section 4.3.1 of DCP 22 - Local Housing Strategy

### ***Site Access***

Works within the road reserve requiring consent under Section 138 of the Roads Act shall be approved by council prior to the issue of a complying development certificate.

### ***Privacy and Security***

- Windows in a room or in a garage or outbuilding that allows an outlook to a window to a room in any adjoining dwelling and are within 2 metres: -
  - are offset from the edge of one window to the edge of the other by a distance of 0.5 metres; or
  - have sill heights of 1.5 metres above floor level, or
  - have fixed obscure glazing in any part of the window below 1.5 metres above floor level.
- Doors providing access to any internal living room that face the side boundary and are within 2 metres of a window to a room in any adjoining dwelling: -

- are offset from the edge of one window to the edge of **the other by a distance of 0.5 metres; or**
- **have sill heights of 1.5 metres above floor level, or**
- **have fixed obscure glazing in any part of the window below 1.5 metres above floor level.**

- Where any terraces, decks are setback less than 1.5 metres from the boundary provision must be made for a 1.5 metre high privacy screen above the level of the terrace, deck and the like.
- The screen must be provided for the full length of the structure adjacent to the boundary provided such screen does not overshadow any adjoining property in non-compliance with Section 4.7.1 of DCP 22 – Local Housing Strategy.

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

- A maximum 15% of the site (excluding any buildings) is to be a hard surface of which no more than 1/3 of the front setback is to be paved or sealed.

#### ***Cut and Fill***

- Except on flood prone land, the maximum depth/height of any cut or fill shall be limited to 1.0 metre above or below natural ground level.
- No fill shall be required to be placed within 900mm of any boundary.

#### ***External Cladding***

- Any metal external cladding shall be precoloured.
- In respect to dwellings, any metal external cladding shall be not more than 30% of the area of any wall in the same elevation.

#### ***Flooding***

- The development is in strict compliance with Council's Flood Plain Management Risk Policy, including compliance with the following requirements:
  - Land is not within any designated floodway under Council's Flood Risk Management Policy
  - A flood statement has been provided by a Registered Surveyor indicating the natural surface, as defined by the policy, and indicating that any new dwelling is to be located on the highest practical location on the land
  - Inundation of the development site is not to exceed 2.5 metres during the designated I in 100 year flood having regard to the anticipated 1 in 100 year flood level as provided by Council
  - For new dwellings, all habitable rooms, as defined under the policy, shall have a floor level not less than 500mm

	<p>above the peak flood level</p> <ul style="list-style-type: none"> <li>▪ No filling of the land by more than 200mm is proposed</li> <li>▪ Where inundation by the peak flood level is more than 800mm, a Structural Engineers Certificate has been provided certifying that the structure has been designed to withstand the forces created by floodwaters during the designated 1 in 100 year event</li> <li>▪ Additions to the ground floor of any existing dwellings will not increase the floor area by more than 10% or 20 m<sup>2</sup>, whichever is the greater</li> </ul> <p><b>Acid Sulphate Soils</b></p> <ul style="list-style-type: none"> <li>▪ If the land is identified on Council's Acid Sulphate Soils Map as being subject to acid sulphate risk, a Complying Development Certificate shall not be issued unless a preliminary soil assessment has been undertaken by a suitably qualified person to determine that no acid sulphate soils exist, the results of which must accompany the application for a Complying Development Certificate or Council has agreed that acid sulphate soils will not be disturbed by the development.</li> </ul>
<p><b>One and two storey <u>Dwellings House</u> and <u>Dwelling House</u> alterations and additions in <b>Zone 1(c) and 1(g)</b></b></p> <p>a detached single and two storey</p> <p>b Alterations and additions to single and two storey <u>dwellings</u></p> <p>c Outbuildings including garages, carports, storage sheds and the like associated with detached dwellings.</p>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>• Written confirmation has been obtained from Council that any existing <u>dwelling</u> has been lawfully erected.</li> <li>• In respect to new <u>dwellings</u>, an approval under Section 68 of the Local Government Act for an on-site sewage system has been issued by Council</li> <li>• In respect to any alterations or additions involving any additional <u>bedrooms</u>, an approval under Section 68 of the Local Government Act has been issued by Council for the anticipated increased effluent loading</li> <li>• Access to the property must be via a dedicated, constructed and Council maintained public road or by means of right of carriageway.</li> <li>• The proposal does not result in more than one <u>dwelling</u> or occupancy on the property as defined by Kempsey Local Environmental Plan 1987</li> <li>• Is not within an area affected by any buffer identified by DCP 12 - Conflicting Land Uses.</li> <li>• <b>In respect to a 2 storey dwelling, is not located within a "sensitive coastal location" under SEPP 71.</b></li> <li>• Is not an existing building relocated from other property</li> <li>• Comply with any relevant contributions plan applying to the land.</li> </ul> <p><b>Streetscape</b></p> <p>Any part of the structure:</p> <ul style="list-style-type: none"> <li>• Complies with a building line as provided in Council's Building Alignments Policy for rural sites or</li> <li>• Is set back at least 18 metres from any road or an average of the setbacks of the like structures on the land either side of the subject property, whichever is the greater.</li> <li>• Any structure other than a garage or shed greater than</li> </ul>

100m<sup>2</sup> in floor area shall stand a minimum of 20 metres from a side or rear boundary.

- Any structure being a shed or garage greater than 100m<sup>2</sup> but less than 150m<sup>2</sup> in floor space shall stand a minimum of 20 metres from a side or rear boundary.
- Any structure behind a shed or garage of less than 100m<sup>2</sup> in floor area shall stand a minimum distance of 10 metres from a side or rear boundary.

#### ***Bushfire Protection***

New dwellings and dwelling additions to be constructed within the area indicated as bushfire prone upon the bushfire risk management plan map for the Kempsey Shire Local Government area shall have the category for bushfire attack for the site determined in accordance with Planning for Bushfire Protection ,Appendix 3 "Site Assessment for Bushfire Attack" and a report submitted to Council. The report shall indicate the proposed level of construction required by AS 3959 and the Part 3.7.4 of the Building Code Of Australia.

#### ***Energy Rating***

Building has been assessed and complies with the requirements of BASIX Building Sustainability Index

#### ***Bulk and Scale***

- The building is not to exceed two (2) storeys in height as defined by SEPP 6 - Number of Storeys in a Building.
- The top of the "top plate" from natural ground is not greater than 6.2 metres and the height of top plate to the ridge is not greater than 1.7 metres.
- Roof pitch maximum 35° and the maximum height of the ridge is not more than 7.9 metres above the "natural ground level"

#### ***Effluent Disposal***

Any new or existing dwelling must have prior approval granted for mains sewer connection or an on site waste system under(s) 68 of the Local Government Act 1993 prior to the issue of a complying development certificate.

#### ***Roof Cladding***

- Metal roofing shall have low reflective qualities.

#### ***Site Access***

Works within the road reserve requiring consent under Section 138 of the Roads Act shall be approved by council prior to the issue of a complying development certificate.

#### ***Flooding***

- The development is in strict compliance with Council's Flood

Plain Management Risk Policy, including compliance with the following requirements:

- Land is not within any designated floodway under Council's Flood Risk Management Policy
- A flood statement has been provided by a Registered Surveyor indicating the natural surface, as defined by the policy, and indicating that any new dwelling is to be located on the highest practical location on the land
- Inundation of the development site is not to exceed 2.5 metres during the designated 1 in 100 year flood having regard to the anticipated 1 in 100 year flood level as provided by Council
- For new dwellings, all habitable rooms, as defined under the policy, shall have a floor level not less than 500mm above the peak flood level
- No filling of the land by more than 200mm is proposed
- Where inundation by the peak flood level is more than 800mm, a Structural Engineers Certificate has been provided certifying that the structure has been designed to withstand the forces created by floodwaters during the designated 1 in 100 year event
- Additions to the ground floor of any existing dwellings will not increase the floor area by more than 10% or 20 m<sup>2</sup> , whichever is the greater

***Acid Sulphate Soils***

- If the land is identified on Council's Acid Sulphate Soils Map as being subject to acid sulphate risk, a Complying Development Certificate shall not be issued unless a preliminary soil assessment has been undertaken by a suitably qualified person to determine that no acid sulphate soils exist, the results of which must accompany the application for a Complying Development Certificate or Council has agreed that acid sulphate soils will not be disturbed by the development.

Dwelling House

alterations and additions within zones 1(a1) and 1(a3)  
Alterations and additions to single and two storey dwellings only  
Outbuildings including garages, carports, storage sheds and the like associated with detached dwellings.

**General**

- Written confirmation has been obtained from Council that any existing dwelling has been lawfully erected.
- In respect to any alterations or additions involving any additional bedrooms, an approval under Section 68 of the Local Government Act has been issued by Council for the anticipated increased effluent loading
- The proposal does not result in more than one dwelling or occupancy on the property as defined by Kempsey Local Environmental Plan 1987
- Is not within an area affected by any buffer identified by DCP 12 - Conflicting Land Uses.
- Complying with any relevant contributions plan applying to the land.

**Streetscape**

Any part of the structure:

- Complies with a building line as provided in Council's Building Alignments Policy for rural sites or
- Is set back at least 18 metres from any road or an average of the setbacks of the like structures on the land either side of the subject property, whichever is the greater.
- Any structure other than a garage or shed greater than 100m<sup>2</sup> in floor area shall stand a minimum of 20 metres from a side or rear boundary.
- Any structure being a shed or garage greater than 100m<sup>2</sup> but less than 150m<sup>2</sup> in floor space shall stand a minimum of 20 metres from a side or rear boundary.
- Any structure being a shed or garage of less than 100m<sup>2</sup> in floor area shall stand a minimum distance of 10 metres from a side or rear boundary.

**Bushfire Protection**

Dwelling additions to be constructed within the area indicated as bushfire prone upon the bushfire risk management plan map for the Kempsey Shire Local Government area shall have the category for bushfire attack for the site determined in accordance with Planning for Bushfire Protection Appendix 3 "Site Assessment for Bushfire Attack" and a report submitted to Council. The report shall indicate the proposed level of construction required by AS 3959 and the Part 3.7.4 of the Building Code Of Australia.

**Energy Rating**

Building has been assessed and complies with the requirements of BASIX Building Sustainability Index.

**Bulk and Scale**

- The building is not to exceed two (2) storeys in height as defined by SEPP 6 - Number of Storeys in a Building.

- The top of the “top plate” from natural ground is not greater than 6.2 metres and the height of top plate to the ridge is not greater than 1.7 metres.
- Roof pitch maximum 35° and the maximum height of the ridge is not more than 7.9 metres above the “natural ground level”

#### ***Roof Cladding***

- Metal roofing shall have low reflective qualities.

#### ***Site Access***

Works within the road reserve requiring consent under Section 138 of the Roads Act shall be approved by council prior to the issue of a complying development certificate.

#### ***Flooding***

- The development is in strict compliance with Council’s Flood Plain Management Risk Policy, including compliance with the following requirements:
  - Land is not within any designated floodway under Council’s Flood Risk Management Policy
  - A flood statement has been provided by a Registered Surveyor indicating the natural surface, as defined by the policy, and indicating that any new dwelling is to be located on the highest practical location on the land
  - Inundation of the development site is not to exceed 2.5 metres during the designated 1 in 100 year flood having regard to the anticipated 1 in 100 year flood level as provided by Council
  - For new dwellings, all habitable rooms, as defined under the policy, shall have a floor level not less than 500mm above the peak flood level
  - No filling of the land by more than 200mm is proposed
  - Where inundation by the peak flood level is more than 800mm, a Structural Engineers Certificate has been provided certifying that the structure has been designed to withstand the forces created by floodwaters during the designated 1 in 100 year event
  - Additions to the ground floor of any existing dwellings will not increase the floor area by more than 10% or 20 m<sup>2</sup> , whichever is the greater

#### ***Acid Sulphate Soils***

- If the land is identified on Council’s Acid Sulphate Soils Map as being subject to acid sulphate risk, a Complying Development Certificate shall not be issued unless a preliminary soil assessment has been undertaken by a suitably qualified person to determine that no acid sulphate soils exist, the results of which must accompany the application for a Complying Development Certificate or Council has agreed that

<p><b>Swimming Pools</b></p> <p>Ancillary to an existing approved dwelling for private use only.</p>	<p>acid sulphate soils will not be disturbed by the development</p> <p><b>General</b></p> <ul style="list-style-type: none"> <li>• Written confirmation has been obtained from Council indicating that the existing <i>dwelling</i> has been approved.</li> <li>• On lots over 500m<sup>2</sup>.</li> </ul> <p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li>• In Residential 2(a), 2(b1), 2(b2), 2(c), 2(d) and 2(v) zones, the pool is not to be located between the existing dwelling and the <i>primary street frontage</i> or on a corner allotment is not within the <i>secondary street frontage</i></li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li>• All coping or decking around the pool is not more than 500mm above the natural ground level.</li> <li>• The pool is at least 1.5 metres from the nearest side or rear boundary (measured from the edge of the water).</li> </ul> <p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• The noise level of any filtration equipment or pumps does not exceed 5dBA above the ambient background level measured at the boundary and a manufacturer's specification has been obtained.</li> </ul> <p><b>Privacy and Security</b></p> <ul style="list-style-type: none"> <li>▪ Where a terraces, deck or the like is incorporated with the pool and is greater than 1.0 metre above the ground and setback less than 1.5 metres from the boundary must include a 1.5 metre high privacy screen above the level of the terrace, deck and the like</li> <li>▪ The screen must be provided for the full length of the structure adjacent to the boundary provided such screen does not overshadow any adjoining property in non-compliance with Section 4.7.1 of DCP 22 – Local Housing Strategy</li> </ul> <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• A minimum of 20 percent of the area behind the rear alignment of the dwelling is to be landscaped and not contain any hard surfaces.</li> </ul> <p><b>Swimming Pools Act 1992</b></p> <ul style="list-style-type: none"> <li>• All aspects of the structure must comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 1998 and Australian Standard 1926.</li> </ul> <p><b>Wastewater Disposal</b></p> <ul style="list-style-type: none"> <li>• All backwash waters are to be disposed of to the sewer or to a suitably approved wastewater disposal system for which</li> </ul>
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	<p>written approval has been obtained from Council.</p> <ul style="list-style-type: none"> <li>All overspill water is to be disposed of to a suitable disposal system for which prior written approval has been obtained from Council.</li> </ul>
<p><b>Commercial Development</b></p> <ul style="list-style-type: none"> <li>Internal alterations to existing shops, offices or commercial premises which does not increase the total commercial floor area of the building.</li> </ul>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Must relate to an existing approved use.</li> <li>Does not apply to premises used for the sale or preparation of food.</li> <li>The works will not alter the structural stability of the building to withstand flooding.</li> </ul> <p><b>Alterations</b></p> <ul style="list-style-type: none"> <li>Do not affect any area required to provide flood storage or require the provision of any additional flood storage in compliance with Council's Flood Risk Management Policy.</li> </ul>
<p><b>Bed and Breakfast Accommodation</b></p>	<ul style="list-style-type: none"> <li>Within existing <u>dwelling</u>s approved by Council with permanent residents.</li> <li>A maximum of 2 <u>bedrooms</u> are to be used for accommodation.</li> <li>Not more than 12 persons, including permanent residents are to be accommodated in the building.</li> <li>The building in which accommodation is proposed is not more than 300m<sup>2</sup> in area</li> <li>Written advice has been obtained from Council that arrangements have been made to ensure compliance with the requirements of the Food Act 1989 and Food (General) Regulation 1992.</li> <li>No self contained accommodation is provided.</li> <li>Complies with any prescribed standards listed in DCP 29 - Bed and Breakfast Accommodation.</li> <li>No extension or enlargement of any building is proposed.</li> <li>Written advice has been obtained from Council that the existing dwelling has been approved by Council.</li> <li>Where not connected to a reticulated sewerage system, an approval to operate the on-site sewerage system has been obtained from Council.</li> </ul>
<p><b>Industrial</b></p> <ul style="list-style-type: none"> <li>Internal alterations, new industrial buildings, additions to existing approved industrial buildings and changes of use</li> </ul>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Existing use must be approved by Council.</li> <li>Does not relate to premises used for the preparation or storage of food.</li> <li>Alterations will not alter the structural stability of the building to withstand flooding.</li> <li>Alterations do not affect any area required to provide flood storage or require the provision of any additional flood storage in compliance with Council's Flood Risk Management Policy.</li> <li>New industrial buildings intended to be used for <u>light industrial purposes</u> as defined by Kempsey Local Environmental Plan 1987 <ul style="list-style-type: none"> <li>Use does not include any <u>car repair station</u> as defined under Kempsey Local Environmental Plan 1987</li> <li>The building will comply with the Deemed-to-Satisfy provisions of the Building Code of Australia</li> <li>A Trade Waste Agreement has been entered into with Council</li> </ul> </li> </ul>

	<p>for disposal of any commercial or industrial wastes into Council's sewer</p> <p><b>Access and Carparking</b></p> <ul style="list-style-type: none"> <li>▪ Parking is provided at the rate of 1 space per 100m<sup>2</sup> of <u>gross floor area</u> as defined by Kempsey Local Environmental Plan 1987</li> <li>▪ Parking spaces shall be located not less than 3 metres from any street frontage</li> <li>▪ Parking spaces and associated turning areas shall comply with AS2890-Off Street Parking Facilities</li> <li>▪ Internal driveways shall provide for access to buildings by an eleven(11) metre rigid truck in compliance with AS2890-Off Street Parking Facilities, sufficient to allow such trucks to enter an exit the site in a forward direction</li> <li>▪ Space shall be provided to permit loading and unloading of an eleven (11) metre rigid truck wholly within the site for each occupancy proposed</li> <li>▪ Driveways, internal accessways and parking areas are designed and constructed in accordance with <i>DCP 36 – Engineering Guidelines for Subdivision and Development</i></li> </ul> <p><b>Setbacks</b></p> <ul style="list-style-type: none"> <li>▪ The setback to the <u>primary street frontage</u> shall be not less than 6 metres, except as follows: <ul style="list-style-type: none"> <li>▪ South Street – 15 metres</li> <li>▪ Woolford Crescent – 4 metres</li> <li>▪ Nance Road - 12 metres</li> <li>▪ Sandstock Road – 12 metres</li> </ul> </li> <li>▪ On corner allotments, the setback to the <u>secondary street frontage</u> shall be not less than 3 metres</li> <li>▪ A garbage storage area is provided behind the setback to any street frontages and a screen is provided so as to ensure that garbage and garbage receptacles will not be visible from any public place</li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li>▪ The overall height of the building, inclusive of the roof, is not more than 9.0 metres above the <u>natural ground level</u></li> <li>▪ The <u>floor space ratio</u> does not exceed 0.5: 1</li> </ul> <p><b>Stormwater Disposal</b></p> <ul style="list-style-type: none"> <li>▪ All stormwater from buildings and hardstand areas is to be collected and disposed of into Council's stormwater drainage system</li> <li>▪ A gross pollutant trap is to be provided wholly within the site prior to discharge to Council's drainage system</li> </ul>
<p><b>Subdivision</b></p> <ul style="list-style-type: none"> <li>• Boundary Adjustments not involving creation of</li> </ul>	<ul style="list-style-type: none"> <li>• Each existing allotment is above the minimum allotment size applying to the zone.</li> <li>• All of each existing allotment is within the same zone.</li> <li>• Each proposed allotment is above the minimum allotment size</li> </ul>

<p>any additional allotments.</p>	<p>applying to the zone.</p> <ul style="list-style-type: none"> <li>• The area of each allotment is not changed by more than 5%.</li> <li>• No water, sewerage or stormwater infrastructure will be required to be relocated.</li> <li>• Both resultant allotments have dedicated public road access.</li> <li>• Will not alter the setbacks to any existing building, so as to result in non-compliance with the deemed-to satisfy provisions of the BCA.</li> <li>• Does not relate to land defined as an "existing holding" under Clause 17 of KLEP 1987.</li> <li>• All public services are contained within appropriate easements in accordance with Council's Engineering Guidelines for Subdivision and Development.</li> </ul>
<p><b>Subdivision</b></p> <ul style="list-style-type: none"> <li>• Pursuant to Clause 16A(2) of Kempsey Local Environmental Plan 1987</li> </ul>	<ul style="list-style-type: none"> <li>• An Occupation Certificate(s) has been obtained in respect to all buildings within the subdivision.</li> </ul>

**A CONDITIONS APPLYING TO ALL COMPLYING DEVELOPMENT**

- 1 The development being completed in accordance with the application and approved plan, and in accordance with the conditions of this consent.
- 2 All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia.
- 3 Building work must in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
- 4 **Signage**

A sign must be placed on a development site showing the name, address and telephone number and the details of the Principal Certifying Authority and Principal Contractor.

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

  - (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (b) showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating the unauthorised entry to the site is prohibited.
- 5 Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 6 Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (a) in the case of work for which a Principal Contractor is required to be appointed:
    - (i) the name and licence number of the Principal Contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and

- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

## 7 **Excavations and Backfilling**

- (a) All excavations and backfilling must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

## 8 **Retaining Walls**

If the soil conditions require it:

- (a) Retaining walls or other approved methods of preventing movement of the soil must be provided; and
- (b) Adequate provision must be made for drainage.

## 9 **Support for Neighbouring Buildings**

If an excavation extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the affected building from damage, and
- (b) if necessary, must underpin and support the affected building in an approved manner, and
- (c) must, at least 7 days before commencing an excavation capable of affecting the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

## 10 **Protection of Public Places**

If:

- i. the erection or demolition will cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- ii. the erection or demolition of a building involves the enclosure of a public place,

a hoarding or fence must be erected between the building premises and the public place prior to commencement of any building or demolition work, and removed immediately when no longer required.

- (a) If necessary, a sufficient awning is to be erected to prevent any substance from, or in connection with the work, falling into the public place, prior to commencement of any building or demolition work.

- (b) The site of the building is to be provided with adequate lighting between sunset and sunrise if it is likely to be a source of danger to persons using the public place prior to commencement of work.

## 11 Temporary Closets

- (a) Closet accommodation is to be provided at the work site at all times at the rate of one closet for every 20 persons or part of 20 persons employed at the site.
- (b) If the requirements of sub-clause (1) are met by means of provision of temporary closet accommodation, each temporary closet must comply with the following requirements:
  - i. it must be at least 1050 mm wide, 1350 mm long and 2100 mm high, measured internally,
  - ii. it must have a hinged door capable of being fastened from both the inside and outside.
  - iii. it must have sufficient walls and a roof to ensure privacy, each constructed of material that is weatherproof,
  - iv. it must have a floor constructed of a material that is rigid and impervious,
  - v. it must be provided with a suitable receptacle for, and an adequate supply of, deodorizing or fly-repelling fluid,
  - vi. it must comply with any relevant requirements of the Building Code of Australia.

## 12 Site Management

- (a) Run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment onto surrounding land shall be installed prior to commencement of any works as follows:
  - i. To divert uncontaminated run-off around cleared or disturbed areas;
  - ii. By the erection of a silt fence to prevent debris escaping into drainage systems or waterways.
  - iii. By the prevention of tracking of sediment by vehicles onto roads;
  - iv. By the stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site.
- (b) Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the approved building area.

## 13 Hours of works

Any site works, demolition or building work must be carried out between 7.00 am and 6.00 pm, Monday to Friday and 8.00 am and 5.00 pm Saturdays, excluding public holidays. No site works, demolition or building works are permitted on Sundays.

**14 Fire Safety**

The fire safety measures in the fire safety schedule attached to the complying development certificate are to be installed in the building the subject of the complying development certificate. (This condition does not apply to Class 1 and Class 10 buildings).

Smoke alarms must be installed in Class 1a and 1b buildings in accordance with Part 3.7.2.2 3.7.2.3 and 3.7.2.4 of the Building Code of Australia Housing Provisions Part 2 and the Australian Standard 3786 OR

Detection systems are to be installed in accordance with the manufacturers specification recommendations and must be connected to consumer mains power where consumer mains power is supplied to buildings. The detector must be installed on or near the ceiling and located between each part of the dwelling containing bedrooms and the remainder of the dwelling and where bedrooms are serviced by a hallway, in that hallway, and in every other storey not containing bedrooms.

**15 Site Access**

(a) Where kerb and gutter is provided:

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

(b) Where kerb and gutter is not provided:

- i A gravel vehicular entrance incorporating a 375mm diameter stormwater pipe and concrete headwalls, or a 6m x 6m concrete slab dish drain shall be constructed to provide access to the property.

(c) Driveways are to be a minimum of 6 metres from the corner of the allotment.

(d) Driveways are to be constructed in accordance with Australian Standard 2890, with appropriate transition zones and Kempsey Shire Council standard in Council's Engineering Guidelines for Subdivision and Development.

**B CONDITIONS APPLYING TO SWIMMING POOLS**

**1 Installation and Construction**

The installation and construction of the pool complies where relevant with;

(a) AS/NZS 1838:1994 - Swimming Pools - Premoulded fibre - reinforced plastics - Design and Fabrication, and AS/NZS 1839: 1994 - Swimming Pools - Premoulded fibre and reinforced plastics - Installation, or

(b) The Pool and Surrounding Structures

The pool and surround structures comply with AS 1926.2-1995 - Swimming pool safety - Location of fencing for private swimming pools.

Notice must be displayed in the immediate vicinity of the swimming pool in accordance with the requirement of swimming pool regulation. The notice must bear the words " Young children should be supervised when using the swimming pool " and include instructional details on resuscitation technique.

The swimming pool pump equipment shall not create noise greater than 5dB(A) above the background noise level when measured at any point of the property boundary.

### **C CONDITIONS APPLYING TO BED AND BREAKFAST ACCOMMODATION**

1 A smoke detection system that complies with AS 3786 - 1993 - Smoke Alarms, and AS 3000 - 1991 - Electrical Installation for Buildings, Structures and Premises (the SAA wiring rules) is to be provided, prior to commencement of the proposed use.

Lighting to assist evacuation shall be installed in accordance with Part 3.7.2.5 of the Building Code Of Australia.

2 A fire extinguisher that complies with AS 2444 - Portable fire extinguishers - Selection and location, and a fire blanket are to be installed in the kitchen prior to commencement of the proposed use.

3 Separate approval will be required from Kempsey Shire Council to erect any sign on the land greater than 0.75m<sup>2</sup> or 3 metres in height.

**PUBLIC NOTIFICATION**

In accordance with Council's Public Notification Policy, exempt and complying developments do not require notification to neighbours, however, notification of the determination of applications for complying development certificates is required to be given pursuant to Section 101 of the Act and Clause 77B of the EPA Regulation 1994

## SCHEDULE 5

### KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987 (AMENDMENT No. -) EXEMPT AND COMPLYING DEVELOPMENT

under the  
Environmental Planning and Assessment Act 1979  
(G99/00098)

Minister for Urban Affairs and Planning

Sydney, 1999

1 Name of plan

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No. -) - Exempt and Complying Development*.

2 Aim of plan

The aim of this plan is to provide for exempt and complying development in the local government area of Kempsey.

3 Land to which plan applies

This plan applies to all land within the local government area of Kempsey.

4 Amendment of other environmental planning instruments

(1) This plan amends *Kempsey Local Environmental Plan 1987* as set out in Schedule 1.

(2) This plan amends *State Environmental Planning Policy No 4 - Development Without Consent* by inserting the following words in alphabetical order in Schedule 2 (Land excepted from clauses 6-10):

Kempsey Local Government Area

## Schedule 1 Amendment

Clauses 57 and 58

### 57 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No. 30 : Exempt and Complying Development Within Kempsey Shire* adopted by the Council on \*- is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No. 30 : Exempt and Complying Development Within Kempsey Shire* adopted by the Council on \*- is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No. 30 : Exempt and Complying Development Within Kempsey Shire* adopted by the Council on \*-
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No. 30 : Exempt and Complying Development Within Kempsey Shire* adopted by the Council, as in force when the certificate is issued.

### 58 Dwelling-houses and additions to dwelling-houses

- (1) This clause applies to land within Zone No. 1(c), 1(g), 2(a), 2(b1), 2(b2), 2(c), 2(d) or 2(v).
- (2) Despite any other provision of this plan, development for the purpose of dwelling-houses or additions to dwelling-houses may only be carried out on land to which this clause applies with development consent.

**"Advertisement"** - means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work;

**"Bedroom"** - means a room which is designated, used, or Council considers is capable of being used or adapted for sleeping in whether or not building alterations are involved or it is the current owners intention to do so.

**"Building"** - includes part of a building and any structure or part of a structure, but does not include a moveable dwelling or associated structure or part of a moveable dwelling or associated structure.

**"Bushfire Prone Land"** – means land that has been identified on Council’s Bushfire Prone Lands Map as bushfire prone.

**"Conservation Area"** - means the land shown hatched black and marked "Conservation Area" on the Kempsey Local Environmental Plan 1987 map or any land so defined under North Coast Regional Environmental Plan 1988.

**"Council"** - means the Council of the Shire of Kempsey.

**"Demolition"** - in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

**"Dwelling House"** – means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate dwelling.

**"Environmental Protection Works"** – means works associated with the rehabilitation of land towards its natural state or any works to protect land from environmental degradation and includes bush regeneration works, wetland protection works, dune restoration works and the like.

**"Erection"** - in relation to building, includes any structural work, and any alteration, addition or rebuilding.

**"Flood Prone Land"** - means any land identified by Council as being subject to inundation by flooding.

**"Floor space ratio"** – means the ratio of the gross floor area of a building or buildings situated on an allotment of land to the area of that allotment.

**"Gross floor area"** – means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400mm above each floor level excluding: -

- columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall;
- lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- carparking needed to meet any requirements of the Council and any internal access thereto;
- space for the loading and unloading of goods.

**"Item of Environmental Heritage"** - means those buildings, works, relics or places of historic, scientific, cultural, social, architectural, archaeological, natural or aesthetic significance to the Shire of Kempsey described in Schedule 1 to KLEP 1987 or so defined under North Coast Regional Environmental Plan 1988.

**"Natural Ground Level"** - means the existing natural ground level of the land before commencement of any site filling, excavation, or building work either prior to or as a result of the proposed development.

**"Primary Street Frontage"** - on corner allotments, refers to the narrowest street frontage. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the greater traffic volume.

**"Real Estate Sign"** - means an advertisement in respect of a place or premises to which it is affixed which contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting and:

- a in the case of an advertisement in respect of residential or rural premises relating to letting or sale by private treaty - does not exceed 1.22 metres in length and 0.915 metres in height; or
- b in the case of an advertisement in respect of residential or rural premises relating to sale by auction:
  - (i) does not exceed 1.83 metres in length and 1.22 metres in height; and
  - (ii) has returns not exceeding 180 mm; and
  - (iii) contains only the word "auction" on the surfaces of its returns; or
- c in the case of an advertisement in respect of commercial and industrial premises - does not exceed 2.44 metres in length and 1.83 metres in height;

**"Secondary Street Frontage"** - on corner allotments, refers to the longest or widest street frontage. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the lesser traffic volume.

**"Site Coverage"** - means the area of all Class 1 and Class 10 buildings occupying the site of any development.

