



New South Wales

Environmental Planning and Assessment Amendment (Lismore Flood Recovery) Regulation 2022

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2021* to—

- (a) require an application for a complying development certificate for house-raising development in the Lismore City local government area to be accompanied by—
 - (i) a certificate issued by the Northern Rivers Reconstruction Corporation or the NSW Reconstruction Authority certifying that the land on which the development will be carried out is suitable for the development, and
 - (ii) a certificate issued by a professional engineer certifying certain matters.
- (b) require Lismore City Council to constitute a single local planning panel for the local government area.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Lismore Flood Recovery) Regulation 2022*.

2 Commencement

This Regulation commences on 13 February 2023.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

[1] Section 127

Insert after section 126—

127 Complying development involving house-raising

- (1) An application for a complying development certificate for development specified in *Lismore Local Environmental Plan 2012*, Schedule 3, Part 1, matter relating to Raising of dwelling houses above flood planning level must be accompanied by—
 - (a) a certificate issued by either of the following certifying the dwelling house to which the development relates is suitable for the development—
 - (i) the Northern Rivers Reconstruction Corporation,
 - (ii) the NSW Reconstruction Authority, and
 - (b) a certificate issued by a registered professional engineer certifying the following—
 - (i) the top of the floor surface of each habitable room in the dwelling house will be above the flood planning level,
 - (ii) each part of the dwelling house erected at or below the flood planning level will be constructed of flood compatible material,
 - (iii) each part of the dwelling house erected as part of the development will be able to withstand the forces exerted by water, debris and buoyancy during a flood up to the flood planning level,
 - (iv) the flow of floodwater will not be restricted as a result of the development.
- (2) In this section—

flood compatible material has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

flood planning level has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

habitable room has the same meaning as in the *Building Code of Australia*.

Northern Rivers Reconstruction Corporation means the Northern Rivers Reconstruction Corporation constituted under the *Growth Centres (Development Corporations) Act 1974*, section 4.

NSW Reconstruction Authority means the NSW Reconstruction Authority established under the *NSW Reconstruction Authority Act 2022*, section 7.

registered professional engineer has the same meaning as in the *Design and Building Practitioners Act 2020*.

[2] Section 291 Councils required to constitute single local planning panel—the Act, s 2.17(2)(c)

Insert after section 291(b)—

- (c) Lismore City,