



New South Wales

Pristine Waters Local Environmental Plan 2001—Exempt and Complying Development

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(G98/00204/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

2001 No 544

Clause 1 Pristine Waters Local Environmental Plan 2001—Exempt and Complying Development

Pristine Waters Local Environmental Plan 2001—Exempt and Complying Development

1 Name of plan

This plan is *Pristine Waters Local Environmental Plan 2001—Exempt and Complying Development*.

2 Aims of plan

The aims of this plan are:

- (a) to provide for exempt and complying development in the local government area of Pristine Waters, and
- (b) to require development consent to be obtained for the carrying out of development for the purposes of dwelling-houses on land in that local government area.

3 Land to which plan applies

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

4 Amendment of other environmental planning instruments

- (1) This plan amends *Nymboida Local Environmental Plan 1986* as set out in Schedule 1.
- (2) This plan amends *Ulmarra Local Environmental Plan 1992* as set out in Schedule 2.
- (3) This plan amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development*:
 - (a) by omitting the following words from Schedule 2 (Land excepted from clauses 6–10):
 - Nymboida local government area
 - Ulmarra local government area

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- (b) by inserting the following words in alphabetical order in Schedule 2:

Pristine Waters local government area

- (4) This plan amends *State Environmental Planning Policy No 60—Exempt and Complying Development* by omitting the following words from Part 2 of Schedule 1 (Where does this Policy apply?):

Nymboida

Ulmarra

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Schedule 1

Amendment of Nymboida Local Environmental Plan 1986

Schedule 1 Amendment of Nymboida Local Environmental Plan 1986

(Clause 4 (1))

[1] Clause 5 Interpretation

Omit the definition of *Council* from clause 5 (1). Insert instead:

Council means the Council of Pristine Waters.

[2] Clause 9 Zone objectives and development control table

Omit “; dwelling houses” wherever occurring in the matter under the heading “**Without development consent**” in relation to the following zones in the Table to clause 9:

- 1 (a) (Special Rural)
- 1 (b) (General Rural)
- 1 (c) (Small Holdings)
- 1 (d) (Small Holdings)
- 1 (e) (Small Holdings)

[3] Clause 9, Table

Omit the matter under the heading “**Without development consent**” in relation to Zone No 2 (a) (Villages and Townships).

Insert instead “Public utility undertakings.”.

[4] Clause 9, Table

Insert “; dwelling houses” in alphabetical order in the matter under the heading “**Only with development consent**” in relation to the following zones:

- 1 (a) (Special Rural)
- 1 (b) (General Rural)
- 1 (c) (Small Holdings)

- 1 (d) (Small Holdings)
- 1 (e) (Small Holdings)
- 2 (a) (Villages and Townships)

[5] Clause 47

Insert after clause 46:

47 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001, is **exempt development** despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001, 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 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001.
- (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 3: Exempt and Complying Development*, as in force when the certificate is issued.

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Schedule 2 Amendment of Ulmarra Local Environmental Plan 1992

Schedule 2 Amendment of Ulmarra Local Environmental Plan 1992

(Clause 4 (2))

[1] Clause 5 Definitions

Omit the definition of *Council* from clause 5 (1). Insert instead:

Council means the Council of Pristine Waters.

[2] Clause 9 Zone objectives and development control table

Omit “; dwelling houses” wherever occurring in the matter under the heading “**Without development consent**” in relation to the following zones in the Table to clause 9:

- 1 (a) (General Rural Zone)
- 1 (d) (Rural “D” (Smallholdings) Zone)
- 2 (Village Zone)

[3] Clause 36

Insert after clause 35:

36 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001, is **exempt development** despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001, 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 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001.
- (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 3: Exempt and Complying Development*, as in force when the certificate is issued.