



New South Wales

# **Mudgee Local Environmental Plan 1998 (Amendment No 3)—Exempt and Complying Development**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the  
*Environmental Planning and Assessment Act 1979*. (S00/00426/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **2002 No 396**

Clause 1                   Mudgee Local Environmental Plan 1998 (Amendment No 3)—Exempt and Complying Development

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# **Mudgee Local Environmental Plan 1998 (Amendment No 3)—Exempt and Complying Development**

## **1 Name of plan**

This plan is *Mudgee Local Environmental Plan 1998 (Amendment No 3)—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 Mudgee, and
- (b) to except that local government area from the application of *State Environmental Planning Policy No 60—Exempt and Complying Development* while continuing its exception from clauses 6–10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development*.

## **3 Land to which this plan applies**

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

## **4 Amendment of other environmental planning instruments**

- (1) This plan amends *Mudgee Local Environmental Plan 1998* as set out in Schedule 1.
- (2) This plan amends *State Environmental Planning Policy No 60—Exempt and Complying Development* by deleting from Part 2 of Schedule 1 the following:

Mudgee

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## Schedule 1 Amendments

(Clause 4 (1))

### [1] Clause 6 Interpretation

Insert the following definition in alphabetical order in clause 6 (1):

*home child care* means the provision, in a dwelling, of care for up to seven children (who may include the care giver's own children) on the premises where the care giver resides.

### [2] Part 2 General restrictions on development

Omit “dwellings;” from item 2 of the matter relating to Zones Nos 1 (a), 1 (c1), 1 (c2), 2 (a) and 2 (c) in the Table to Part 2.

### [3] Part 2, Table

Omit “community markets;” from item 2 of the matter relating to Zone No 6 (a).

### [4] Clause 29A

Insert before clause 30:

#### 29A Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 18* as adopted by the Council on 6 May 2002 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 18* as adopted by the Council on 6 May 2002 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.

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Schedule 1      Amendments

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- (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 18* as adopted by the Council on 6 May 2002.
- (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 18* adopted by Council, as in force when the certificate is issued.

BY AUTHORITY