



New South Wales

Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 2)—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*.
(W99/00214/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

2002 No 8

Clause 1 Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 2)—Exempt and Complying Development

Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 2)—Exempt and Complying Development

1 Name of plan

This plan is *Eurobodalla Urban Local Environmental Plan 1999 (Amendment No 2)—Exempt and Complying Development*.

2 Aims of plan

This plan aims to provide for exempt and complying development in the local government area of Eurobodalla.

3 Land to which plan applies

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

4 Relationship to other environmental planning instruments

This plan:

- (a) amends *Eurobodalla Urban Local Environmental Plan 1999* in the manner set out in Schedule 1, and
- (b) amends *Eurobodalla Rural Local Environmental Plan 1987* in the manner set out in Schedule 2, and
- (c) amends *State Environmental Planning Policy No 60—Exempt and Complying Development* by omitting the name “Eurobodalla” from Part 2 of Schedule 1.

Schedule 1 Amendment of Eurobodalla Urban Local Environmental Plan 1999

(Clause 4 (a))

[1] Clauses 13, 15 and 17

Omit wherever occurring in clauses 13 (1), 15 (1) and 17 (1):

- dwelling-houses,
- home businesses complying with clause 18,

[2] Clauses 13 (2), 15 (2) and 17 (2)

Insert in alphabetical order in each subclause:

- dwelling-houses,

[3] Clauses 13 (2), 15 (2) and 17 (2)

Omit from each subclause “other than those included in subclause (1)” wherever occurring after “home businesses”.

[4] Clause 18 What development can be carried out without consent in residential zones if it meets specified conditions?

Omit the clause and the Table to the clause.

[5] Clause 48A

Insert before clause 49:

48A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001, is exempt development, despite any other provisions of this plan.

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Schedule 1

Amendment of Eurobodalla Urban Local Environmental Plan 1999

- (2) Development listed as complying development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 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—Exempt and Complying Development*, as adopted by the Council on 27 March 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—Exempt and Complying Development*, as in force when the certificate is issued.

[6] Clause 54 What controls apply to outdoor advertising?

Omit clause 54 (2).

Re-number clause 54 (3) and 54 (4) as clause 54 (2) and 54 (3), respectively.

[7] Clause 54 (2) (as renumbered)

Omit “not listed in subclause (2) or prohibited by subclause (4)”.

Insert instead “(other than an advertisement identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001, or an advertisement prohibited by subclause (3))”.

[8] Clause 54 (2) (b) (as renumbered)

Omit “allowed without consent by subclause (2)”.

Insert instead “identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001”.

[9] Clause 54 (3) (a) (i) (as renumbered)

Omit “allowed without consent by subclause (2)”.

Insert instead “identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001”.

[10] Clause 54 (3) (a) (ii) (as renumbered)

Omit “(3)”. Insert instead “(2)”.

[11] Clause 61 When do roads not require development consent?

Omit “roadside furniture, bus shelters, landscaping, drainage and the like” from clause 61 (1).

Insert instead “landscaping and drainage”.

[12] Dictionary

Omit paragraph (c) of the definition of *Public utility undertaking*.

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Schedule 2

Amendment of Eurobodalla Rural Local Environmental Plan 1987

Schedule 2 Amendment of Eurobodalla Rural Local Environmental Plan 1987

(Clause 4 (b))

[1] Clause 7 Adoption of Environmental Planning and Assessment Model Provisions 1980

Insert in alphabetical order “*agriculture*,” “*home industry*,” and “*home occupations*,”.

[2] Clause 9 Interpretation

Insert in alphabetical order in clause 9 (1):

agriculture means:

- (a) cultivating fruit, vegetable or other food, fibre or flower crops for commercial purposes, or
- (b) keeping or breeding livestock, bees or poultry or other birds for commercial food or leather production, or
- (c) cultivating plants in a wholesale nursery for commercial purposes,

but does not include aquaculture.

aquaculture means the commercial cultivation of the resources of the sea, estuarine or fresh waters for the propagation or rearing of marine, estuarine or freshwater fish or plants or other organisms.

home business means a business (other than a bed and breakfast establishment) carried out in a dwelling or dwelling-house or in an ancillary building on the same lot, but only if:

- (a) the business is undertaken by the permanent residents of the dwelling or dwelling-house, and
- (b) not more than one non-resident employee is employed on the premises at any one time, and
- (c) only goods or products manufactured on the premises are sold on the premises directly to the public, and

- (d) the use does not interfere with the amenity of adjoining properties or the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

[3] Clause 11 Zone objectives and development control table

Insert “building structures ancillary to agriculture,” after “other than animal boarding, breeding or training establishments,” wherever occurring in each item 2 of the matter relating to Zones Nos 1 (a), 1 (a1), 1 (c), 7 (f1), 7 (f2) and 10 in the Table to clause 11.

[4] Clause 11, table

Omit “; home occupations” wherever occurring in each item 2 of the matter relating to Zones Nos 1 (a), 1 (c), 7 (f1) and 10.

[5] Clause 11, table

Omit “home occupations;” from item 2 of the matter relating to Zone No 1 (a1).

[6] Clause 11, table

Omit “; dwelling-house or dual occupancy not exceeding two storeys on a lot created by a subdivision approved by the Council after the appointed day and on which not more than one dwelling is already erected” wherever occurring in each item 2 of the matter relating to Zones Nos 1 (c) and 10.

[7] Clause 11, table

Omit “; home industries” from item 4 of the matter relating to Zone No 1 (c).

[8] Clause 11, table

Omit “home industries;” from item 3 of the matter relating to Zone No 7 (f1).

[9] Clause 11, table

Omit “home industry;” from item 3 of the matter relating to Zone No 7 (f2).

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Schedule 2

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[10] Clause 11, table

Insert “home businesses;” in alphabetical order in each item 3 of the matter relating to Zones Nos 1 (a), 1 (a1), 7 (f1) and 7 (f2).

[11] Clause 11A

Insert before clause 12:

11A Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001, is exempt development, despite any other provisions of this plan.
- (2) Development listed as complying development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 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—Exempt and Complying Development*, as adopted by the Council on 27 March 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—Exempt and Complying Development*, as in force when the certificate is issued.

[12] Clause 14A Alteration etc of dwelling-houses—Zones Nos 1 (a), 1 (a1), 1 (c) and 10

Omit “without development consent”.

Insert instead “with development consent”.

[13] Clause 36 Outdoor advertising

Omit clause 36 (2).

Re-number clause 36 (3) and 36 (4) as clause 36 (2) and 36 (3), respectively.

[14] Clause 36 (2) (as renumbered)

Omit “not listed in subclause (2) or prohibited by subclause (4)”.

Insert instead “(other than an advertisement identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001, or an advertisement prohibited by subclause (3))”.

[15] Clause 36 (2) (b) (as renumbered)

Omit “allowed without consent by subclause (2)”.

Insert instead “identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001”.

[16] Clause 36 (3) (a) (i) (as renumbered)

Omit “allowed without consent by subclause (2)”.

Insert instead “identified as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 27 March 2001”.

[17] Clause 36 (3) (a) (ii) (as renumbered)

Omit “(3)”. Insert instead “(2)”.