



Armidale Local Environmental Plan 1988 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/00786/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 533

Clause 1 Armidale Local Environmental Plan 1988 (Amendment No 26)

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Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Armidale Local Environmental Plan 1988 (Amendment No 26)*.

2 Aims of plan

This plan aims:

- (a) to update in *Armidale Local Environmental Plan 1988* the references to the development control plan relating to exempt and complying development as a consequence of amendments made to that plan, and
- (b) to effect a change in the name of the local government area (as a result of an amalgamation) in *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*.

3 Land to which plan applies

This plan applies to all land in the local government area of Armidale Dumaresq to which *Armidale Local Environmental Plan 1988* applies.

4 Amendment of Armidale Local Environmental Plan 1988

Armidale Local Environmental Plan 1988 is amended as set out in Schedule 1.

**5 Amendment of State Environmental Planning Policy No 4—
Development Without Consent and Miscellaneous Exempt and
Complying Development**

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development is amended by omitting from Schedule 2 the words “Armidale City local government area” and “Dumaresq local government area” and by inserting in alphabetical order the words “Armidale Dumaresq local government area”.

2004 No 533

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

the relevant complying development DCP provisions means the provisions of Part 2 of Volume A of the document titled *Local Approvals Policy/Development Control Plan 1999*, as adopted by the council on 23 August 1999 and renamed on 25 September 2000, as those provisions have been amended on the following dates:

15 December 2003

the relevant exempt development DCP provisions means the provisions of Part 1 of Volume A of the document titled *Local Approvals Policy/Development Control Plan 1999*, as adopted by the council on 23 August 1999 and renamed on 25 September 2000, as those provisions have been amended on the following dates:

15 December 2003

[2] Clause 10A

Omit the clause. Insert instead:

10A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in the relevant exempt development DCP provisions is *exempt development*, despite any other provisions of this plan.
- (2) Development listed as complying development in the relevant complying development DCP provisions 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 the relevant exempt development DCP provisions or the relevant complying development DCP provisions, as the case requires.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the relevant complying development DCP provisions adopted by the council, as in force when the certificate is issued.