



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Wagga Wagga Local Environmental Plan 2010 (Amendment No 15)

Your ref: Crystal Golden
Our ref: AE e2015-189-d06

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to be 'D Colagiuri', written over a horizontal line.

(D COLAGIURI)
Parliamentary Counsel

10 August 2015



New South Wales

Wagga Wagga Local Environmental Plan 2010 (Amendment No 15)

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.

Minister for Planning


10/8/15

Phil Pinyon
General Manager
Signed under delegation
for Wagga Wagga City Council
As delegate for the Minister
for Planning

Wagga Wagga Local Environmental Plan 2010 (Amendment No 15)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wagga Wagga Local Environmental Plan 2010 (Amendment No 15)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Wagga Wagga Local Environmental Plan 2010* applies.

4 Maps

The maps adopted by *Wagga Wagga Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Wagga Wagga Local Environmental Plan 2010

[1] Clause 5.4 Controls relating to miscellaneous permissible uses

Omit “11” from clause 5.4 (4) (a). Insert instead “30”.

[2] Schedule 2 Exempt development

Omit all items in the Schedule other than the matter under the heading “**Signage—projecting wall signs**”.

Insert in alphabetical order:

Change of use—exhibition home to dwelling

- (1) Current use must be a lawful use and must not be an existing use within the meaning of section 106 of the Act.
- (2) New use must be permissible in the land use zone in which it is carried out.
- (3) Must not involve any building alterations or additions that are not a type of exempt development.
- (4) The size of the lot must not be less than the minimum size shown on the Lot Size Map in relation to that land.
- (5) Must have at least 1 off-street car parking space.

Emergency services facilities

- (1) Must be for the use of the NSW Rural Fire Service.
- (2) Must have obtained all required approvals.
- (3) Must not be constructed or installed on or in a heritage item, heritage conservation area, land on which an Aboriginal item is located or land at or below the flood planning level (within the meaning of clause 7.2).
- (4) Must be located on land in Zone RU1 Primary Production.
- (5) Must not have an area of more than 140m².
- (6) Must not exceed a height of 5m above ground level (existing).
- (7) Must be located at a distance of at least 20m from the primary road frontage and at least 10m from any other lot boundary.
- (8) Must not be constructed or installed within 50m of a dwelling.
- (9) Must be located at least 50m from any natural waterbody.
- (10) To the extent it is comprised of metal components—must be constructed of low reflective materials and designed and constructed in accordance with a professional engineer’s specifications.
- (11) If it is located on bush fire prone land—must be constructed in accordance with *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) prepared by the NSW Rural Fire Service in co-operation with the Department of Planning in 2006.

Temporary commercial, community or retail events or private functions

- (1) Must be located on Council-owned land or land for which the Council has care, control or management.

- (2) Must have obtained the written consent of Council.
- (3) Must have obtained all required approvals.
- (4) Must not involve the closure of any public roads.
- (5) Must not have a duration of more than 1 day in any 12-month period.
- (6) Total number of people attending the event must not exceed 1,000 at any time.
- (7) Must not involve the selling of liquor.
- (8) Must not involve any permanent physical change to any land.
- (9) Lighting must be provided to facilitate the safe movement of patrons, must not cause glare to adjoining properties and must comply with AS 4282—1997, *Control of the Obtrusive Effects of Outdoor Lighting*.
- (10) Event (including set up and pack down) must take place only during the following periods:
 - (a) 7.00 am to 10.00 pm on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday,
 - (b) 8.00 am to 10.00 pm on Sunday.
- (11) Toilet facilities must be available as follows:
 - (a) female facilities—at least 3 toilets and 1 hand basin,
 - (b) male facilities—at least 1 toilet, 1m length of urinal troughs and 1 hand basin.

Temporary promotional banners or flags

Note. Certain other temporary structures are specified as exempt development under Division 3 of Part 2 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

- (1) Must be located on Council-owned land or land for which the Council has care, control or management.
- (2) Must be for the purposes of promoting a civic or community event (including a public exhibition, a festival, a sporting event, a charity event or the like) to be held in the Council's local government area.
- (3) Must not include advertising of a commercial nature, other than the name of the event's sponsor.
- (4) Must have the written approval of the owner of the land.
- (5) Must not be illuminated or reflective.
- (6) Must be removed within 2 days after the event.
- (7) Must not relate to an event held on more than 3 consecutive days.
- (8) Must not be higher than 5m above ground level (existing).
- (9) Must not have a surface area of more than 6m².
- (10) Must not be located on or visible from a classified road.
- (11) Maximum 1 banner or flag on each site, not exceeding 4 banners or flags in total in the Council's local government area.
- (12) Must be wholly located within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall.

- (13) Must not obstruct or interfere with traffic signs.
- (14) Must not be permanently fixed to a building, fence or wall.
- (15) Must not be displayed earlier than:
 - (a) 14 days before the event, if banner or flag relates to an event held fewer than 3 times in any calendar year, or
 - (b) 1 day before the event, if banner or flag relates to an event held 3 or more times in any calendar year.

Wagga Wagga Local Environmental Plan 2010 (Amendment No 15)

WAGGA WAGGA CITY COUNCIL
243 Baylis Street
Wagga Wagga NSW 2650

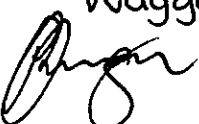
Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map	
LZN_003B	7750_COM_LZN_003B_020_20150310
LZN_003C	7750_COM_LZN_003C_020_20150310
LZN_003E	7750_COM_LZN_003E_020_20150310
LZN_004D	7750_COM_LZN_004D_020_20150310
LZN_004G	7750_COM_LZN_004G_020_20150310
Lot Size Map	
LSZ_003E	7750_COM_LSZ_003E_020_20150310
LSZ_004G	7750_COM_LSZ_004G_020_20150310
Land Reservation Acquisition Map	
LRA_003B	7750_COM_LRA_003B_020_20140319
Urban Release Area Map	
URA_003C	7750_COM_URA_003C_020_20100625

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map	
LZN_003B	7750_COM_LZN_003B_020_20150622
LZN_003C	7750_COM_LZN_003C_020_20150622
LZN_003E	7750_COM_LZN_003E_020_20150622
LZN_004D	7750_COM_LZN_004D_020_20150622
LZN_004G	7750_COM_LZN_004G_020_20150622
Lot Size Map	
LSZ_003E	7750_COM_LSZ_003E_020_20150622
LSZ_004G	7750_COM_LSZ_004G_020_20150622
Land Reservation Acquisition Map	
LRA_003B	7750_COM_LRA_003B_020_20150622
Urban Release Area Map	
URA_003C	7750_COM_URA_003C_020_20150622

Phil Pinyon
General Manager,
Signed under delegation for
Wagga Wagga City Council
 10/8/15

Certified

General Manager

[Date]

Minister for Planning

[Date]

As delegate for the
Minister for Planning