



New South Wales

Wagga Wagga Local Environmental Plan 1985 (Amendment No 54)

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*. (Q03/00085/PC)

DIANE BEAMER, M.P.,

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

2004 No 255

Clause 1 Wagga Wagga Local Environmental Plan 1985 (Amendment No 54)

Wagga Wagga Local Environmental Plan 1985 (Amendment No 54)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wagga Wagga Local Environmental Plan 1985 (Amendment No 54)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from partly the Industrial Zone and partly the Open Space Zone to the Residential Zone under *Wagga Wagga Local Environmental Plan 1985 (the 1985 plan)*, and
- (b) to insert a provision in the 1985 plan to provide that Wagga Wagga City Council must not grant consent to a development application to carry out development on land in the vicinity of a railway line unless it has made an assessment of the effect of rail-related noise and vibration on the development, and
- (c) to effect law revision in the 1985 plan and *Wagga Wagga Rural Local Environmental Plan 1991 (the 1991 plan)*.

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to land situated in the City of Wagga Wagga, being Lots 3–7, DP 252812, part Lot 1, DP 709972 and part Lot 1, DP 1036707, Fernleigh Road, Wagga Wagga, as shown edged heavy black and lettered “2” on the map marked “Wagga Wagga Local Environmental Plan 1985 (Amendment No 54)” deposited in the office of the Council of the City of Wagga Wagga.
- (2) To the extent that this plan relates to development in the vicinity of a railway line, it applies to all land in the City of Wagga Wagga under the provisions of the 1985 plan.

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- (3) To the extent that this plan effects law revision, it applies to all land in the City of Wagga Wagga under the provisions of the 1985 plan and the 1991 plan.

4 Amendment of Wagga Wagga Local Environmental Plan 1985

Wagga Wagga Local Environmental Plan 1985 is amended as set out in Schedule 1.

5 Amendment of Wagga Wagga Rural Local Environmental Plan 1991

Wagga Wagga Rural Local Environmental Plan 1991 is amended by inserting the words “measures to prevent” after the word “postponing” in clause 1 of Schedule 1.

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Wagga Wagga Local Environmental Plan 1985 (Amendment No 54)

Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Interpretation

Omit “Schedule 1” from the definition of *ecologically sustainable development* in clause 5 (1).

Insert instead “Schedule 2”.

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Wagga Wagga Local Environmental Plan 1985 (Amendment No 54)

[3] Clause 28

Insert after clause 27:

28 Development in the vicinity of railway lines

The council must not grant consent to a development application to carry out development on land in the vicinity of a railway line unless the council has made an assessment of the effect of rail-related noise and vibration on the development.

[4] Schedule 2 Principles of ecological sustainability

Insert “measures to prevent” after “postponing” in clause 1 of the Schedule.

BY AUTHORITY
