



New South Wales

Wagga Wagga Local Environmental Plan 1985 (Amendment No 65)

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*. (QUE0000313/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 71

Clause 1 Wagga Wagga Local Environmental Plan 1985 (Amendment No 65)

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Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wagga Wagga Local Environmental Plan 1985 (Amendment No 65)*.

2 Aims of plan

The aims of this plan are to amend *Wagga Wagga Local Environmental Plan 1985*:

- (a) to provide that the Council of the City of Wagga Wagga (*the council*) must not grant consent to the carrying out of development unless it is of the opinion that the carrying out of the development is consistent with one or more of the objectives of the zone within which the development is proposed to be carried out, and
- (b) to extend the application of clause 18 of that plan (which permits the council to consent to the use of a building that is part of the environmental heritage in certain circumstances) if conservation of part of the building (rather than conservation of the whole building) depends on the council granting such consent and to clarify the meaning of land in that clause, and
- (c) to update certain references to development control plans.

3 Land to which plan applies

This plan applies to all land to which *Wagga Wagga Local Environmental Plan 1985* applies.

4 Amendment of Wagga Wagga Local Environmental Plan 1985

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

Schedule 1 Amendments

(Clause 4)

- [1] **Clause 9 Zone objectives and development control table**
Insert “one or more of” after “consistent with” in clause 9 (3).
- [2] **Clause 18 Development incentive relating to heritage items**
Insert “, or part of the building,” after “building” in clause 18 (d).
- [3] **Clause 18 (2)**
Insert at the end of the clause:
(2) In this clause:
land on which a building is erected includes any land around the building, the use of which is necessary for the conservation of the building.
- [4] **Clause 27 What is exempt and complying development?**
Omit “*Wagga Wagga Development Control Plan No 8* as adopted by Council on 22 November 1999” from clause 27 (1).
Insert instead “Wagga Wagga Development Control Plan”.
- [5] **Clause 27 (2)**
Omit “*Wagga Wagga Development Control Plan No 10* as adopted by Council on 22 November 1999”.
Insert instead “Wagga Wagga Development Control Plan”.
- [6] **Clause 27 (3)**
Omit “*Wagga Wagga Development Control Plan No 8* as adopted by the Council on 22 November 1999”.
Insert instead “Wagga Wagga Development Control Plan”.
- [7] **Clause 27 (4)**
Omit “*Wagga Wagga Development Control Plan No 10* as adopted by the Council on 22 November 1999”.
Insert instead “Wagga Wagga Development Control Plan”.

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Schedule 1 Amendments

[8] Clause 27 (5)

Omit “*Wagga Wagga Development Control Plan No 10* as adopted by Council, as in force when the certificate is issued”.

Insert instead “Wagga Wagga Development Control Plan”.

[9] Clause 27 (6)

Insert after clause 27 (5):

(6) In this clause:

Wagga Wagga Development Control Plan means *Wagga Wagga Development Control Plan 2005* as in force on the commencement of *Wagga Wagga Local Environmental Plan 1985 (Amendment No 65)*.

BY AUTHORITY
