



New South Wales

State Environmental Planning Policy (Major Development) Amendment (Wagga Wagga and Western Region Regional Panels) 2009

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

KRISTINA KENEALLY, MP
Minister for Planning

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Development) Amendment (Wagga Wagga and Western Region Regional Panels) 2009*.

2 Commencement

This Policy commences on 1 September 2009 and is required to be published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 **Amendment of State Environmental Planning Policy (Major Development) 2005**

[1] **Clause 13D**

Omit clauses 13D and 13E. Insert instead:

13D Development within Wagga Wagga City area

- (1) This Part applies to the following development, if carried out in the area of Wagga Wagga City:
 - (a) development that is, at the time a development application is made or at any time before it is determined, inconsistent with the *Wagga Wagga Local Environmental Plan 1985* or the *Wagga Wagga Rural Local Environmental Plan 1991*,
 - (b) development that is for a purpose involving a landuse that is identified in a Landuse Guide in Chapter 6 of the *Wagga Wagga Development Control Plan 2005* as being a landuse that is generally not suitable in relation to the relevant subzone,
 - (c) development that exceeds any building height control, maximum floor space ratio or other maximum quantitative standard contained in the *Wagga Wagga Development Control Plan 2005* by more than 10%,
 - (d) development that falls short of any minimum lot size, setback, landscaped area ratio or other minimum quantitative standard contained in the *Wagga Wagga Development Control Plan 2005* by more than 10%,
 - (e) development that is the subject of an unresolved objection by a body whose concurrence or approval is required in relation to a development application for the development,
 - (f) development that requires the variation of a development standard under the *State Environmental Planning Policy No 1—Development Standards* before development consent may be given.
- (2) This Part applies to development referred to in subclause (1) (b), (c) or (d) even if the relevant paragraph ceases to apply to the development because of a subsequent amendment to the *Wagga Wagga Development Control Plan 2005*.

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Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

- (3) This Part does not apply to an application for the modification of a development consent granted in respect of development referred to in subclause (1) (whether or not the development consent was granted by a regional panel).

[2] Clause 13G Staged development functions

Insert after clause 13G (2):

- (3) This clause does not apply in respect of development to which clause 13D applies.

[3] Clause 16 Savings and transitional provisions

Insert after clause 16 (2C):

- (2D) The amendments made by *State Environmental Planning Policy (Major Development) Amendment (Wagga Wagga and Western Region Regional Panels) 2009* apply to a development application made under Part 4 of the Act, but not finally determined before the commencement of those amendments, if the development application relates to proposed development in the area of Wagga Wagga City.
- (2E) Except as provided by subclause (2D), the amendments made by *State Environmental Planning Policy (Major Development) Amendment (Wagga Wagga and Western Region Regional Panels) 2009* do not apply to a development application made under Part 4 of the Act, but not finally determined, before the commencement of those amendments.