



New South Wales

# Wagga Wagga Local Environmental Plan 1985 (Amendment No 43)

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*. (Q00/00063/PC-1)

TONY KELLY, MLC  
Minister for Planning

## 2009 No 632

Clause 1 Wagga Wagga Local Environmental Plan 1985 (Amendment No 43)

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### **Wagga Wagga Local Environmental Plan 1985 (Amendment No 43)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of Plan**

This Plan is *Wagga Wagga Local Environmental Plan 1985 (Amendment No 43)*.

#### **2 Commencement**

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

#### **3 Aims of Plan**

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

- (a) to identify certain land to which this Plan applies as an urban release area (being Lloyd West urban release area), and
- (b) to rezone land to which this Plan applies from the Rural Zone to partly the Residential Zone, partly the Open Space Zone and partly the Environmental Protection Zone, and
- (c) to identify certain land to which this Plan applies to be acquired by the council for open space, and
- (d) to require satisfactory arrangements to be made for the provision of essential infrastructure, facilities and services before the subdivision of land within an urban release area, and
- (e) to ensure that development on land within an urban release area is staged and proceeds only after a site specific development control plan has been prepared for the land.

#### **4 Land to which Plan applies**

- (1) In respect of the aims referred to in clause 3 (a), (d) and (e), this Plan applies to the land shown edged heavy black on the map marked "Wagga Wagga Local Environmental Plan 1985 (Amendment No 43) Urban Release Area Map" deposited in the office of the Council of the City of Wagga Wagga.

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- (2) In respect of the aims referred to in clause 3 (b) and (c), this Plan applies to the land shown edged heavy black and lettered “2”, “6” and “7” and to the land shown edged heavy black and hatched, respectively, on the map marked “Wagga Wagga Local Environmental Plan 1985 (Amendment No 43)” deposited in the office of the Council of the City of Wagga Wagga.

## 2009 No 632

Wagga Wagga Local Environmental Plan 1985 (Amendment No 43)

Schedule 1 Amendment of Wagga Wagga Local Environmental Plan 1985

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### Schedule 1 Amendment of Wagga Wagga Local Environmental Plan 1985

#### [1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

***designated State public infrastructure*** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) land required for regional open space,
- (c) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

***public utility infrastructure***, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the supply of gas,
- (d) the disposal and management of sewage.

***urban release area*** means an area of land shown edged heavy black on the Urban Release Area Map.

***Urban Release Area Map*** means the maps marked as follows:

Wagga Wagga Local Environmental Plan 1985 (Amendment No 43) Urban Release Area Map

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

Insert in appropriate order:

Wagga Wagga Local Environmental Plan 1985 (Amendment No 43)

#### [3] Part 4

Insert after Part 3:

### Part 4 Urban release areas

#### 29 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State

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public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

- (2) Development consent must not be granted for the subdivision of land in an urban release area for the purposes of intensive urban development where the land has not previously been subdivided for those purposes unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.
- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (5) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

### **30 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

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### 31 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
  - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of passive and active recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding, salinity and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

- (4) Subclause (2) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

**32 Relationship between Part and remainder of plan**

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.