



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*.

**PHIL PINYON, GENERAL MANAGER, WAGGA WAGGA CITY COUNCIL**  
As delegate for the Minister for Planning

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### **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 140m<sup>2</sup>.
- (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 6m<sup>2</sup>.
- (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.