



New South Wales

Wagga Wagga Local Environmental Plan 2010 (Amendment No 37)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**PETER THOMPSON, GENERAL MANAGER
WAGGA WAGGA CITY COUNCIL**
As delegate for the local plan-making authority

Wagga Wagga Local Environmental Plan 2010 (Amendment No 37)

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1 Name of Plan

This Plan is *Wagga Wagga Local Environmental Plan 2010 (Amendment No 37)*.

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 land under *Wagga Wagga Local Environmental Plan 2010* in Zone RU1 Primary Production, Zone RU2 Rural Landscape and Zone RU4 Primary Production Small Lots.

Schedule 1 Amendment of Wagga Wagga Local Environmental Plan 2010

[1] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and environmental protection zones

Insert after clause 4.2A(3)(d)—

- (e) a lot created by a boundary adjustment in accordance with clause 4.6A and on which the erection of a dwelling house would have been permissible before the adjustment of the boundary.

[2] Clause 4.6A

Insert after clause 4.6—

4.6A Boundary changes between lots in certain rural and environment protection zones

- (1) The objective of this clause is to permit the boundary between 2 lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots.
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots if the subdivision will not result in any of the following—
 - (a) an increase in the number of lots,
 - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots,
 - (c) a lot created by a boundary adjustment in Zone RU1 Primary Production or Zone RU2 Rural Landscape having an area of less than 5 hectares,
 - (d) a lot created by a boundary adjustment in Zone RU4 Primary Production Small Lots having an area of less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether the subdivision is likely to be incompatible with a use on land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),

- (f) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether the subdivision is likely to have an adverse impact on the environmental values, heritage vistas or landscapes or agricultural viability of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
 - (b) if the subdivision would create a lot that could be subdivided in accordance with clause 4.1.