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SPECIAL SUPPLEMENT



New South Wales

Environmental Planning and Assessment (Wagga Wagga City Council Planning Panel) Order 2007

under the

Environmental Planning and Assessment Act 1979

I, FRANK SARTOR, the Minister for Planning, in pursuance of sections 118 and 118AA of, and Schedule 5B to, the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 6th day of November 2007.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Order is to establish the Wagga Wagga City Council Planning Panel as a planning assessment panel and to confer on that panel certain functions of Wagga Wagga City Council relating to environmental planning instruments and development applications. The Order also sets out procedures for meetings of the panel (in addition to those contained in the *Environmental Planning and Assessment Act 1979*).

This Order is made under sections 118 and 118AA of, and Schedule 5B to, the *Environmental Planning and Assessment Act 1979*.

Clause 1 Environmental Planning and Assessment (Wagga Wagga City Council Planning Panel) Order 2007

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Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Environmental Planning and Assessment (Wagga Wagga City Council Planning Panel) Order 2007*.

2 Commencement

This Order commences on the date on which this Order is published in the Gazette.

3 Definitions

In this Order:

the Act means the *Environmental Planning and Assessment Act 1979*.

the Council means Wagga Wagga City Council.

the DCP means *Wagga Wagga Development Control Plan 2005*.

the Panel means the planning assessment panel established by section 118AA of the Act pursuant to the amendment, by clause 4 of this Order, of Part 1 of Schedule 5B to the Act.

standard instrument means a standard instrument prescribed under section 33A of the Act.

4 Amendment of Schedule 5B to the Act to establish the Panel

Part 1 of Schedule 5B to the Act is amended by inserting the following matter in alphabetical order:

Wagga Wagga City Council Planning Panel

5 Appointment of Panel to exercise the Council's planning functions

- (1) The Panel is appointed to exercise all functions of the Council:
 - (a) as a consent authority under Part 4 of the Act, but only in relation to development or a development application that, in the opinion of the Panel:
 - (i) is, at the time the development application is made or at any time before it is determined, inconsistent with the

Environmental Planning and Assessment (Wagga Wagga City Council
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Clause 6

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- Wagga Wagga Local Environmental Plan 1985 or the
Wagga Wagga Rural Local Environmental Plan 1991, or*
- (ii) is for a purpose involving a landuse that is identified in the Landuse Guide in Chapter 6 of the DCP as being a landuse that is generally not suitable in relation to the relevant subzone, or
 - (iii) exceeds any building height control, maximum floor space ratio or other maximum quantitative standard contained in the DCP by more than 10%, or
 - (iv) falls short of any minimum lot size, setback, landscaped area ratio or other minimum quantitative standard contained in the DCP by more than 10%, or
 - (v) is the subject of an unresolved objection by a body whose concurrence or approval is required in relation to the development application, or
 - (vi) is designated development, or
 - (vii) has a capital value of more than \$10,000,000, or
 - (viii) requires the variation of a development standard under the *State Environmental Planning Policy No 1—Development Standards* before development consent may be given, and
- (b) under sections 64 and 68 of the Act in relation to a draft local environmental plan in, or to the effect of, the form prescribed by a standard instrument.
- (2) The functions that the Panel may exercise as a consent authority under Part 4 of the Act extend to any development application made but not determined before the commencement of this Order.
 - (3) The functions that the Panel may exercise as a consent authority under Part 4 of the Act extend to a development application even if subclause (1) (a) no longer applies to the application because of a subsequent amendment to the DCP.
 - (4) The Panel is appointed for a period ending on the later of the following dates:
 - (a) 6 months from the date of the commencement of a local environmental plan, in or to the effect of the form prescribed by a standard instrument, applying to all land within the City of Wagga Wagga (but not later than 5 years from the date of the establishment of the Panel),
 - (b) 18 months from the date that the Panel holds its first meeting.

6 Provisions relating to procedure of the Panel

- (1) The chairperson of the Panel is to call meetings of the Panel.

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- (2) The first meeting of the Panel is to be held no later than 2 weeks after all Panel members have been appointed.
- (3) A meeting of the Panel must be held each fortnight, if necessary to transact business, and must be held at least once each month (unless there is no business for the Panel to transact).
- (4) Meetings of the Panel are, if practicable, to be held in Wagga Wagga.
- (5) Any meeting of the Panel must be conducted in public in order to allow applicants, objectors and councillors to make submissions to the Panel. However, the Panel may close a meeting to the public if any of the matters set out in section 10A (2) of the *Local Government Act 1993* are to be discussed or considered during the meeting.
- (6) The Panel is to make the agenda for each Panel meeting publicly available a reasonable time before each Panel meeting.
- (7) The Panel is to keep a record of the minutes of all meetings of the Panel (including a record of any decision made at a meeting) and the minutes must be made publicly available at the offices of the Council and on the Council's website.

Note. Schedule 5B to the Act makes provision in relation to the procedures of the Panel. The procedures set out in this clause are additional to those set out in Schedule 5B.