

PART A

Section 1 General

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Preamble

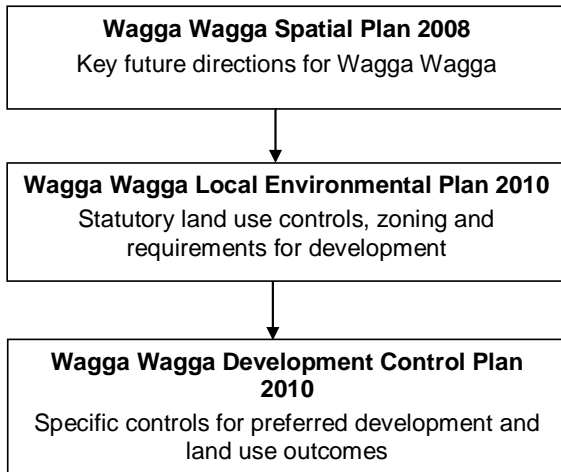
Wagga Wagga is the largest inland city in NSW located within the heart of Wiradjuri Country and the regional centre of the Riverina.

Wagga Wagga is the regional focus for major commercial, retail and business activities and is home to significant defence, health and educational facilities and it also has many secondary and service industries that support primary industry and enjoys strong activity in the transport, sport, visual and performing arts sectors, as well as value-added agricultural industry and research.

The **Wagga Wagga Spatial Plan 2008** maps out key directions for the future of Wagga Wagga and its surrounding villages and rural areas. It contains Guiding Principles and a structure plan that form the foundation for strategic planning of the local government area. The **Wagga Wagga Spatial Plan 2008** is the background document to the **Wagga Wagga Local Environmental Plan 2010**.

The **Wagga Wagga Local Environmental Plan 2010** contains the statutory zoning and land use controls that apply to development within the City of Wagga Wagga and determines whether a proposal is permissible.

The **Wagga Wagga Development Control Plan 2010** supports the **Wagga Wagga Local Environmental Plan 2010** by providing additional objectives and controls. The **Wagga Wagga Development Control Plan 2010** is a Council policy document. Whilst amendments may be made, over time, the **Wagga Wagga Development Control Plan 2010** must be consistent with the **Wagga Wagga Local Environmental Plan 2010**.



1.1 Name of development control plan

The plan is known as the Wagga Wagga Development Control Plan 2010.

Explanatory Note(s):

1.2 Where the Wagga Wagga Development Control Plan 2010 applies

The Wagga Wagga Development Control Plan 2010 applies to all land within the local government area of Wagga Wagga.

1.3 Commencement date

The Wagga Wagga Development Control Plan 2010 (the DCP) was approved by Council on 27 May 2010 and will become effective on the making of the Wagga Wagga Local Environmental Plan 2010.

1.4 Purpose of the Wagga Wagga Development Control Plan 2010

The purpose of the DCP is to provide more detailed provisions and to support the Wagga Wagga Local Environmental Plan 2010 (the LEP).

1.5 Guiding Principles

The Guiding Principles (GP) within the DCP are set out below. Those principles underpin the DCP and inform the assessments and decision made on an application.

GP1 Sustainability, climate change management, and efficient use of resources

- i. To protect and enhance the viability of natural systems
- ii. To achieve good environmental outcomes
- iii. To manage incremental change to retain sustainable outcomes
- iv. To support waste minimisation strategies
- v. To protect the indigenous, European and natural heritage
- vi. To avoid use of rainforest and old growth timbers

GP2 Site responsive development

- i. To design for compatibility with topography, physical characteristics and setting
- ii. To achieve a positive contribution to the streetscape and/or natural environment

GP3 Design quality

- i. To achieve quality sustainable development
- ii. To respond to site conditions

GP4 Quality public domain

- i. To achieve vibrant and attractive public spaces
- ii. To enhance opportunities for community connection
- iii. To design for crime prevention and public safety

1.6 Relationship to other plans

The DCP supplements the provisions of the LEP by providing

Explanatory Note(s):

additional detail. The DCP should be read in conjunction with the LEP.

A Development Application must conform to the requirements of the LEP, including the zones that are prescribed and uses that can be undertaken in those zones. The LEP will prevail where there is an inconsistency with the DCP.

The DCP and the LEP are in addition to the provisions and requirement of any State Environmental Planning Policy (SEPP), Regional Strategies, contributions plans and other local environmental strategies.

Despite any other provision of this plan, the provisions of Wagga Wagga Development Control Plan 2005, as in force immediately prior to 16 July 2010, are incorporated by reference in this plan and apply to the land from time to time referred to in clause 1.3A (1A) of Wagga Wagga Local Environmental Plan 2010, to the exclusion of all other provisions of this plan.

The following provisions of Wagga Wagga Development Control Plan 2005, as in force immediately prior to 16 July 2010, are incorporated by reference in this plan and apply to the land to which this plan applies (other than that from time to time referred to in clause 1.3A (1A) of Wagga Wagga Local Environmental Plan 2010) in addition to the other provisions of this plan as follows:

- a. All provisions - [Chapter 26 Lake Albert Catchment](#)
- b. Controls relating to the layout and details of subdivision -
[Chapter 30 Mitchell Road](#)
[Chapter 31 South Tatton](#)
[Chapter 36 Bakers Lane](#)
[Chapter 38 Bourkelands](#)
[Chapter 39 Hilltop](#)
[Chapter 41 Boorooma \(Proposed Subdivision Plan\)](#)
[Chapter 42 Forest Hill](#)
[Chapter 44 Estella \(Proposed Zone Layout\)](#)
- c. Appendices [21](#), [22](#), [23](#), [24](#), [27](#), [29](#), and [30](#) as they relate aspects of development that are not covered by Wagga Wagga Development Control Plan 2010, being matters that are intended to be incorporated into future Council policies.
- d. Where there is an inconsistency between the controls in the applied part of Chapters 30, 31, 36, 38, 39, 41, 42 or 44 and the provisions of Section 9, the applied provisions shall prevail to the extent of the inconsistency.

Deferred area

This plan does not apply to any land identified as “deferred area” on the relevant Wagga Wagga Local Environmental Plan 2010 *Land Application Map* and *Land Zoning Map*. Rezoning of the “deferred area” will be completed by the end of 2013.

1.6A Savings and transitional provisions

This plan does not apply to: any development application; any application to modify development consent under section 96 of the *Environmental Planning and Assessment Act 1979*; or any

Explanatory Note(s):

Refer to appendix 5 for relevant provisions of the Wagga Wagga Development Control Plan 2005

application for a review of determination under section 82A of the *Environmental Planning and Assessment Act 1979*, which was lodged with Council, but not finally determined before the commencement of this plan. Any application lodged before the commencement of this plan will be assessed in accordance with any previous development control plan, technical policy or other Council policy which applied to the site at the time of application lodgement.

For any amendments to the DCP, a transitional period of 6 weeks will occur between Council adoption and the commencement of any amendments to the DCP. Notification of any adopted amendments will include a commencement date that is 6 weeks after the Council adoption date.

1.7 Structure of the Wagga Wagga Development Control Plan 2010

The DCP is multi-layered. It is important to read all parts of the DCP as applications must respond to all relevant sections of the DCP:

Part A

Section 1 – General

Section 2 – Controls that apply to all Developments

Part B

Section 3 – Heritage Conservation

Section 4 – Environmental Hazards and Management

Section 5 – Natural Resource and Landscape Management

Part C

Section 6 - Village

Part D

Section 7 – Subdivision

Section 8 – Rural Development

Section 9 – Residential Development

Section 10 – Business Development

Section 11 – Industrial Development

Section 12 – Specific Uses and Development

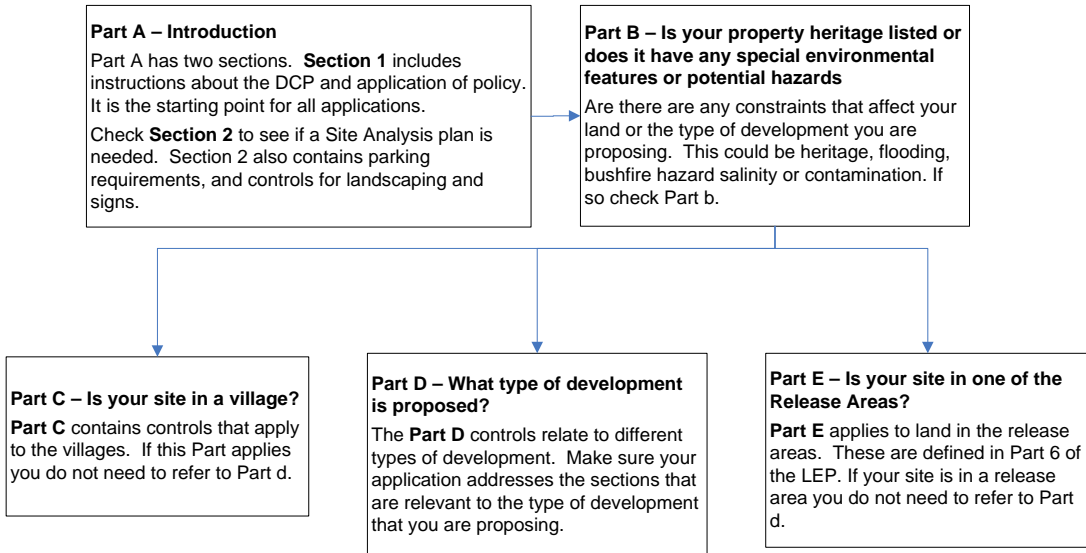
Part E

Urban Release Areas

The diagram below is a general guide to navigating between the Parts of the DCP.

Explanatory Note(s):

All Urban Release Area sections will be incorporated into this DCP progressively after its commencement.



1.8 Using the Wagga Wagga Development Control Plan 2010

Guiding Principles

The **Guiding Principles** at Section 1.5 underpin all aspects of the DCP. All development applications and decisions are to be consistent with the Guiding Principles.

Sections of the DCP

Each section begins with an introduction that gives the rationale and context for that Section. This is followed by **Design Principles**, an expression of Council's expectations in relation to the section. Development Application is to be consistent with those principles that apply to the application.

Explanatory Note(s):

About Section 6

There are nine villages across the rural areas of Wagga Wagga. All are zoned RU5 Village under the LEP.

This section contains the controls that apply within the villages for all development applications. Most of the villages have a relaxed, non-urban character. They are different from the suburbs and often have wide streets and low scale buildings in garden settings. The controls of this section acknowledge and seek to reinforce these established patterns.

Village Design Principles

- P1 The villages are non-urban places. New developments should promote sustainable outcomes and not seek to recreate typical urban experiences.
- P2 Each village has particular features that are part of the unique character or sense of place of the village. Design and locate new work to respect those characteristics.
- P3 The public domain should reflect the character, context and likely demand of each place through landscaping, street trees and furniture, signs and entries and engineering standards.

Introductory text explains the rationale and context

Design Principles set out the expectations for development

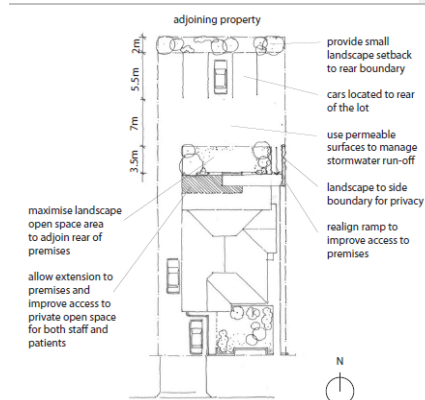
Objectives and Controls

Objectives (O) and **controls (C)** are the detailed layer of the DCP. A Development Application is to be consistent with the objectives and controls that are relevant to the proposal. Objectives and controls are clearly numbered for easy identification.

Some controls specify numerical standards, others indicate what is expected or set out the criteria that should be satisfied.

Preferred Solution is a diagram that shows a particular design response that will satisfy the control. Alternate solutions that achieve the objective will also be considered.

Explanatory Note is provided in the right hand column to assist interpretation of the control. Links to other State government and relevant council documents are also included.



Example of Preferred Solution – Health Consulting Rooms

1.9 Lodging a Development Application

Pre-lodgement meetings

Applicants are encouraged to seek advice from Council prior to lodging a Development Application by contacting the Council customer service centre to arrange a pre-lodgement meeting.

Standard submission requirements

The *Environmental Planning and Assessment Act 1979* (the Act) and associated regulations specify documentation required with all development applications. These are required by law. Missing or incomplete documentation can delay processing development application.

Development Application Guide

The Development Application Preparation and Lodgement Guide (the Guide) and checklists are available from the Council customer service centre. The Guide sets out all the information required to be provided in relation to a Development Application.

1.10 Notification of a Development Application

Public participation is an important component of the development assessment process to ensure that public participation occurs in an orderly, consistent and transparent manner.

Objectives

- O1 Provide a framework for the notification and advertisement of development applications, applications to modify development consents and the review of development determinations.
- O2 Provide an opportunity for public participation in the development application process.
- O3 Establish a clear process whereby public views are considered in the development application process.
- O4 Specify circumstances where notification and advertising of applications is not required.
- O5 Identify development applications that will be notified and/or advertised and the persons who will be notified.
- O6 Facilitate the efficient processing of applications without unreasonably compromising the opportunity for public participation.

Minimum Standard

These provisions set the **minimum level** for neighbour and stakeholder notification. There may be occasions when these minimum provisions are increased at the discretion of the Council, taking into account the possible impact of an application.

Explanatory Note(s):

For more information regarding the DA process refer to the Council's Development Application Preparation & Lodgement Guide available at the Council's Administration Building or from Council's website: www.wagga.nsw.gov.au

There are some works and forms of development that do not require a development application. These Exempt and Complying developments are not addressed in this DCP, but separately in State Environmental Planning Policies (SEPP) available on the website: www.legislation.nsw.gov.au

Development not requiring notification

Some forms of residential development are of natures which do not warrant notification by virtue of their the low environmental, that may be associated with such forms of development and demonstrated compliance with Council's LEP and DCP related provisions.

Development that will not be notified is:

1. Single storey residential dwellings (excluding transportable) and alterations and additions to dwellings on residentially zoned land that complies with the controls of the LEP and DCP.
2. Outbuildings in association with existing dwellings on residentially zoned land where the lot is not flood prone and not greater (with the exception of the CBD protected by the levee) and not in the conservation area or containing a listed heritage item
3. Outbuildings/farm buildings on rural zoned land where the lot is not flood prone and does not contain a listed heritage item. The proposed building must be located at least 50m from the road and 10m from any other boundary
4. Minor temporary events (to be determined by Council Officers)
5. Minor signage (to be determined by Council Officers)

NOTE: Applications of the type referred to above that do not meet the requirements will be notified (Type A) for a period of 7 days.

Advertising and Notification Periods

The time period(s) for advertising and notification are set by the Act, as follows:

Development category	Advertising and notification period
Designated Development (1)	30 days
Remediation Requiring Consent (1)	30 days
Nominated Integrated Development (1)	30 days
Other advertised development (2)	14 days, as indicated below

1 Public participation requirements for designated development, remediation requiring consent and nominated integrated development are set by legislation and therefore time periods may be subject to change if the legislation changes.

2 The notification of other forms of integrated development will only be required where triggered by the tables below

Wagga Wagga Notification Type A and B

Notification types A and B are the categories for minimum notification requirements. The extent of notification may be increased where the

Explanatory Note(s):

Explanatory Note(s):

Council is of the opinion that additional notification is required taking into consideration the potential impact of the proposal. The criteria to determine if additional notification is warranted include:

✓

Notification Type A:

Immediately adjoining lots at the side and rear of the lot/s on which development is proposed. Plus properties directly opposite the frontage of the development site in the street or rear lane.

Notification Type B:

Three lots either side of the lot on which development is proposed and three immediately adjoining at the rear plus three directly opposite the frontage of the development site in the street or rear lane.

Determination of notification/Advertisement requirement

Development notification/advertising requirements will be in accordance with the tables below. The tables are to be read in order, should your proposal fall within both tables then table 1 becomes the relevant table.

NOTE: Whether a proposal is 'major' or 'minor' is to be determined by Council.

NOTE: Should a development not be listed the notification/advertisement requirements will be determined by Council Officers.

NOTE: If the development proposal falls within table 2 and is listed under a group heading and an individual land use the individual land use takes precedent.

Table 1

Development	Notification/advertisement requirements
Heritage sites and Conservation area	
Minor works to heritage item	Type A, 7 Days
Major works to heritage item	Advertised, Type B, 14 Days
Demolition of a building (major)	Advertised, Type B, 14 Days
Prohibited Developments (excluding existing use rights)	Advertised, Type B, 14 Days
Existing uses	To be determined by Council
Alterations and additions	
Alterations and additions (minor)	Type A, 7 Days
Alterations and additions (major)	Type B, 14 Days

Special Purpose Zones	To be determined by Council
Natural Waterways and Recreational Waterway Zones	To be determined by Council
Subdivision	
Subdivision of an existing allotment to create up to and including 3 new lots	Type B, 14 Days
Subdivision that includes new infrastructure such as roads	Advertised, Type B, 14 Days
R5 residential subdivision creating more than 2 lots	Advertised, Type B, 14 Days
Subdivision of an existing allotment to create more than 3 new lots	Advertised, Type B, 14 Days
Subdivision of existing development (i.e. strata subdivision of existing units)	Type A, 7 Days
Other	
High impact telecommunication facilities	Advertised, Type B, 14 Days
Extension into the evening of any hours of operation a licenced premises	Advertised, Type B, 14 Days
Rural Fire Shed	Type A, 7 Days

Table 2:

	Zones																		
Land use Activities	RU1	RU2	RU4	RU5	RU6	R1	R3	R5	B1	B2	B3	B4	B5	IN1	IN2	RE1	RE2	E2	E4
Amusement centres				YB14						NA14	NA14	NA14							
Animal boarding or training establishments	YB14	YB14	YB14		YB14								YB14	NB14					
Aquaculture	NA14	NA14	NB14		NA14														
Attached dwellings				YB14		YB14	YB14					YB14							
Backpackers' accommodation				YB14						YB14	YB14								
Bed and breakfast accommodation	NA14	YB14	YB14	YB14		YB14	YB14			NA14	NA14	NA14							NA7
Bee keeping			NB14	NB14														YB14	YB14
Biosolids treatment facilities	YB14	YB14	YB14											YB14		YB14	YB14	YB14	YB14
Boarding houses				YB14		YB14	YB14	YB14	YB14	YB14	YB14	YB14							
Boat launching ramps	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14		YB14	YB14			YB14	
Boat building and repair facilities	YB14		YB14	YB14						YB14		YB14		YB14	YB14				
Boat sheds	YB14	YB14	YB14	YB14		YB14	YB14	YB14				YB14		YB14	YB14	YB14	YB14		
Building identification signs	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7
Bulky goods premises				YB14						NB14	NB14	NB14	NB14						
Business identification signs	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7
Business premises				YB14					NA14	NA14	NA14	NA14							
Camping grounds				YB14		YB14										NB14	NB14		
Car parks	YB14		YB14	YB14		YB14	YB14		NB14	NB14	NB14	NB14	NB14	YB14	YB14		YB14		
Caravan parks				YB14												YB14	YB14		
Cellar door premises	YB14		YB14	YB14						YB14	YB14	YB14							

Cemeteries	YB14		YB14	YB14								YB14				YB14			
Child care centres;	YB14	YB14		YB14		YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14			YB14	YB14		
Commercial premises;	See specific land uses																		
Community facilities;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Correctional centres;	YB14	YB14										YB14							
Crematoria														YB14					
Dairies (pasture-based);			YB14	YB14	NA14													YB14	YB14
Dairies (restricted);	NB14	NB14		YB14															
Depots;	YB14	YB14		YB14	YB14				YB14	YB14	YB14		NB14	NA14	NA14	YB14			
Dual occupancies;	NA7	NA7	NA7	NA7		NB14	NB14	NB14				YB14							
Dual occupancies (attached);	NA7	NA7	NA7	NA7		NB14	NB14	NB14				YB14							
Dual occupancies (detached);	NA7	NA7	NA7	NA7		NB14	NB14	NB14				YB14							
Dwelling houses	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7				NB14							NA7
Educational establishments;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14						YB14
Electricity generating works;	YB14	YB14	YB14		YB14	YB14	YB14	YB14	YB14	YB14	YB14		YB14	YB14	YB14				
Emergency services facilities;	YB14	YB14	YB14	YB14	YB14	YB14		YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14				
Entertainment facilities;	YB14			YB14					YB14	YB14	YB14					YB14			
Environmental facilities;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14		YB14	YB14		NB14	NA7	NA7
Environmental protection works;				YB14		YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14		NB14		
Events (major)	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Exhibition homes;			YB14	NB14		NB14	NB14	NB14					YB14	YB14					
Exhibition villages;			YB14	YB14		YB14	YB14	YB14					YB14	YB14					
Extensive agriculture;			NA14	NA14														YB14	YB14
Extractive industries	YB14	YB14	YB14											YB14					

Farm buildings;	NA7	NA7	NA7		NA7													NA14	NA14
Farm stay accommodation;	NB14	YB14	YB14	YB14					YB14										
Feedlots;	YB14	YB14																	
Flood mitigation works;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Food and drink premises;				YB14					NB14	NB14	NB14	NB14							
Forestry;	YB14	YB14	YB14		YB14														
Freight transport facilities;												YB14	NB14	NB14					
Function centres;				YB14					NB14	NB14	NB14	NB14				YB14	YB14		
Funeral homes				YB14					NB14	NB14	NB14	NB14							
Garden centres;				YB14					YB14	YB14	YB14	YB14	YB14						
General industries;												YB14	NA14	NA14					
Group homes;			YB14	YB14		YB14	YB14	YB14		YB14									YB14
Group homes (permanent)			YB14	YB14		YB14	YB14	YB14		YB14									YB14
Group homes (transitional)			YB14	YB14		YB14	YB14	YB14		YB14									YB14
Hardware and building supplies;	YB14		YB14	YB14					NB14	NB14	NB14	NB14	NB14	NA14	NA14				
Hazardous industries;														YB14					
Hazardous storage establishments;														YB14					
Health consulting rooms;			YB14	YB14	YB14	YB14	YB14		NB14	NB14	NB14	NB14	NB14						
Health services facilities;			YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14						
Heavy industrial storage establishments;														YB14					
Heavy industries;														YB14					

Helipads;	YB14	YB14	YB14	YB14	YB14						YB14	YB14		YB14	YB14	YB14	YB14		
Heliports;	YB14													YB14	YB14				
High technology industries;				YB14									YB14	NB14	NB14				
Highway service centres;	YB14	YB14											YB14	YB14	YB14	YB14			
Home-based child care;	NB14	NB14	NB14	NB14	NB14	NB14	NB14	NB14	NB14	NB14	NB14			YB14				NA7	NA7
Home businesses;		NA7											NA14						
Home industries;	NA14		NB14	NB14	NB14	NB14	NB14	NB14					NB14	NA14	NA14				
Home occupations (sex services);																			
Horticulture;	NA14	NA14	NA14		NA14														
Hospitals;			YB14	YB14	YB14	YB14	YB14	YB14		YB14	YB14	YB14	YB14						
Hostels;				YB14		YB14	YB14	YB14			YB14	YB14							
Hotel or motel accommodation		YB14		YB14			YB14			YB14	YB14	YB14						YB14	
Industrial retail outlets;	YB14			YB14	YB14	YB14					YB14		YB14	NB14	NB14				
Industrial training facilities;													YB14	NA14	NA14				
Industries;	See specific land uses																		
Information and education facilities;	YB14	YB14		YB14		YB14	YB14		NB14	NB14	NB14	NB14				YB14	YB14	YB14	YB14
Intensive livestock agriculture;	NA14	NA14																	
Intensive plant agriculture	NA14	NA14	NB14		NB14														
Kiosks			YB14	YB14			YB14			NB14	NB14	NB14	NB14			YB14	YB14		
Landscaping material supplies;				YB14					YB14	YB14	YB14	YB14	YB14	NB14	NB14				
Light industries;				YB14									YB14	NA14	NA14		YB14		
Liquid fuel depots;														YB14	YB14				

Residential accommodation;	See Specific land uses																			
Residential care facilities;				YB14		YB14	YB14					YB14	YB14							
Residential flat buildings;				YB14		YB14	YB14						YB14							
Resource recovery facilities;	YB14	YB14	YB14											YB14	YB14	YB14				
Respite day care centres;	YB14	YB14		YB14		YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14			YB14	YB14			
Restaurants or cafes;				YB14			YB14			NB14	NB14	NB14	NB14					YB14		
Restricted premises;										YB14	YB14	YB14		YB14	YB14					
Retail premises;	See specific land uses																			
Roads;		YB14																		YB14
Roadside stalls;	NB14		NB14	YB14						NB14	NB14	NB14								
Rural industries;	YB14													YB14	YB14					
Rural supplies;	YB14		YB14	YB14						YB14	YB14	YB14	YB14	NA14	NA14					
Rural workers' dwellings	NA7	NA7																		
Sawmill or log processing works;	YB14													YB14						
Schools;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14							YB14
Secondary dwellings;	NA7	NA7	NA7	NA7		NB14	NB14	NB14				NB14								YB14
Self-storage units;				YB14						NB14	NB14	NB14		NB14	NB14					
Semi-detached dwellings;				NA7		NB14	NB14	NB14				NB14								
Seniors housing;				YB14		YB14	YB14				YB14	YB14								
Service stations;	YB14		YB14	YB14	YB14	YB14	YB14	YB14		YB14	YB14	YB14	YB14	YB14	YB14					
Serviced apartments;				YB14		YB14	YB14			YB14	YB14									
Sewage reticulation systems;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Sewage treatment plants;	YB14	YB14	YB14										YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Sewerage systems;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14		YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14

Sex services premises;														YB14	YB14						
Shops;				YB14						NA7	NA7	NA7									
Shop top housing;				NA7		NA7	NA7		NB14	NB14	NB14	NB14									
Signage;	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7	NA7
Stock and sale yards;	YB14													YB14							
Storage premises														NB14							
Take away food and drink premises;				YB14			YB14			NB14	NB14	NB14	NB14	NA14	NA14						
Timber yards;	YB14		YB14	YB14				YB14	YB14	YB14	YB14	YB14	YB14	NA14	NA14						
Tourist and visitor accommodation;	see specific land uses																				
Transport depots;						YB14							YB14	YB14	NB14	NB14					
Truck depots;													YB14	NB14	NB14						
Turf farming	YB14	YB14	YB14		YB14																
Vehicle body repair workshops;				YB14							YB14		YB14	NB14	NB14						
Vehicle repair stations;				YB14						YB14	YB14	YB14	YB14	NB14	NB14						
Vehicle sales or hire premises;				YB14						YB14	YB14	YB14	YB14	NA14	NA14						
Veterinary hospitals;	YB14	YB14	YB14	YB14	YB14				YB14	YB14	YB14	YB14	YB14	YB14							
Viticulture	YB14	YB14	YB14		YB14																
Warehouse or distribution centres;				YB14							YB14		YB14	NA14	NA14						
Waste disposal facilities;	YB14	YB14											YB14	YB14	YB14						
Waste or resource management facilities;	YB14	YB14	YB14	YB14									YB14	YB14	YB14						
Waste or resource transfer stations;	YB14	YB14	YB14	YB14									YB14	YB14	YB14						
Water recreation	YB14	YB14	YB14	YB14		YB14	YB14					YB14					NB14	NB14	YB14	YB14	

structures;																			
Water recycling facilities;	YB14	YB14	YB14	YB14	YB14							YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Water reticulation systems;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Water storage facilities;	NA14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	NA14	NA14	YB14	YB14
Water supply systems;	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14	YB14
Water treatment facilities;	YB14	YB14	YB14	YB14	YB14								YB14	YB14	YB14	YB14	YB14		YB14
Wholesale supplies				YB14							YB14	YB14	YB14	NB14	NB14				

Key

- Y = advertisement required
- N = No advertisement required
- A = Type A notification
- B = Type B notification
- 7 = 7 day period
- 14 = 14 day period

Procedures

Advertising procedures

- C1 Development that is advertised will have a notice that describes the development placed in the local daily newspaper.
- C2 The notification period for all advertised development commences one day after the date on which the notice first appears in the paper.
- C3 The newspaper advertisement is to contain the following information:
- a. a brief description of the proposal that outlines the nature and purpose of the application
 - b. the address of the proposed development
 - c. the name of the applicant
 - d. the application reference number
 - e. the relevant council assessment officer to contact and contact details
 - f. where the application may be inspected and the times of inspection
 - g. the period during which submissions may be made
 - h. Council contact details for the purpose of making a submission
 - i. A statement that any person may make a written submission in relation to the development application
 - j. A statement that any person making a submission by way of objection must specify the grounds of objection
 - k. A statement outlining the privacy rights of any person making a submission to the Council

Notification procedures

- C4 Notification letters will be sent to current land owners (if their mailing address is known to Council). A single generic letter addressed to "the occupier" will also be posted to the street address for each allotment.
- C5 For strata title buildings, notification will be sent to the Owners Corporation (if its mailing address is known to Council) and the current owners of strata units (if their mailing address is known to Council). A single generic letter addressed to "the occupier" will also be posted to the street address for each strata allotment.
- C6 For land where Council is aware that multiple tenants occupy the same land, and the land is not subdivided in any way, notification letters will be sent to the current land owner (if their mailing address is known to Council), and a generic letter addressed to "the occupier" will be posted to the street address. Individual letters will not be posted to each separate tenant, and it will be the responsibility of the current land owner to notify each tenant of the proposed development.

Explanatory Note(s):

- C7 The notification letters are to contain the following information:
- a. the date of the letter
 - b. the name of the applicant
 - c. a brief description of the proposal that outlines the nature and purpose of the application
 - d. the address of the proposed development
 - e. the application reference number
 - f. the relevant council assessment officer to contact and contact details
 - g. where the application may be inspected and the times of inspection
 - h. the period during which submissions may be made
 - i. Council contact details for the purpose of making a submission
 - j. A statement that any person may make a written submission in relation to the development application
 - k. A statement that any person making a submission by way of objection must specify the grounds of objection
 - l. A statement outlining the privacy rights of any person making a submission to the Council
 - m. A statement outlining the officer delegations to assess and determine relevant applications.
- C8 A **notification sign** advising of the proposed development will be erected on the subject site in cases where the application is advertised development.

Amendments, modifications and reviews

- C9 When an application is **amended prior to being determined** by the Council it will be re-notified and re-advertised (if previously advertised) where the amended application is considered likely to result in additional environmental impacts.
- C10 Amended applications that result in a reduction in the environmental impacts of a development are not required to be re-notified or re-advertised.

Amendments, modifications and reviews

- C11 Modifications made under Section 96(1A) will be notified at the desecration of Council Officers. Applications made under Section 96(2) will be notified/advertised consistent with the original application.
- C12 As a minimum, **Section 82A applications** to review a previously determined development application will require re-notification to those people who may have previously made submissions to the original application.
- C13 Where a Section 82A application is likely to have a greater impact than the originally approved application the review application will be notified, and if relevant advertised, in the same manner as the original application.

Explanatory Note(s):

Modifying consents

An application to modify a development consents are known as a Section 96 application. There are three types of Section 96 applications:
Section 96(1) – an application involving correction of minor errors or mis-descriptions

Section 96(1A) – an application involving minor environmental impacts

Section 96(2) – an application seeking other modifications

Process following receipt of submissions

1. Submissions in relation to development applications, Section 96 applications and Section 82A applications must be in writing (or by email) for the Council to take them into account in assessing and determining an application.
2. Submissions received by the Council will be available for public inspection upon request. Submissions will not be kept confidential, although the names and addresses of writers will be kept confidential if so requested in writing.
3. Submissions will be formally acknowledged in writing by the Council.
4. Applications will be assessed by the Council taking into account all submissions received. Applications can then be determined in a number of ways under delegated authority or by the Councillors at a Council Meeting or by the Southern Joint Regional Planning Panel. Where the number of submissions in the form of objections received in response to an advertised or notified development application is 10 or more, the application will be referred to Council for determination. Submissions will continue to be considered on the basis of merit and relevance.
5. If an application is to be considered by the Council those people who have made a written submissions, together with the applicant, will be advised either in writing, telephone or email of the meeting at which the application is to be considered.
6. Those people that have made a submission(s) will be advised in writing of the Council's decision regarding the application.

Review of determination

An applicant may request the Council to review their decision on a Development Application. Most commonly these applications, known as Section 82A applications, are in response to either a refusal or conditions that may have been placed on the consent where it has been approved.

Refer to Council's Petitions Management Policy for Council's approach to the handling of petitions.

Explanatory Note(s):

1.11 Complying with the Wagga Wagga Development Control Plan 2010

The controls in the DCP support the Guiding Principles of the Plan and principles and objectives within the various sections. Except as varied elsewhere in this Plan, all Development Applications, Section 96 Applications and Section 82A Applications should aim to satisfy all stated objectives and controls.

Whilst all developments should aim to satisfy all controls within the DCP, it is acknowledged that there may be circumstances where it may not be possible to achieve strict compliance.

Council may consent to an application which departs from any control, whether a "numeric" or non-numeric control. In such cases, a written submission must be lodged with the Development Application, which states the following:

1. The relevant control(s) and each section of the DCP that is the subject of the request.
2. The extent of each variation (noting that a control may be numeric or non-numeric).
3. Reasons to support the variation. This may include a written statement with diagrams, photographs, sections, plans, or letters from adjoining owners if appropriate. The reasons

should be related to demonstrating the following:

- Whether non-compliance will pre-judice the objectives of the zone and the aims of the DCP.
- Conformity with both the provisions of the DCP and conformity with the aims and objectives of zones in WWLEP 2010.
- What aspects of the development do not meet the DCP requirements?
- To what degree does the proposal depart from the DCP?
- How the objective(s) is met if the control is to be varied?
- Justification for the departure in terms of the above circumstances.

Some of the factors or criteria Council will consider in determining whether a departure from the DCP is warranted include:

- Whether there will be any detrimental impact on the amenity of the existing and future residents/occupants, as well as, its surrounds.
- The nature and magnitude of the departure.
- The degree of compliance with other relevant controls, objectives and principles and any compensatory measures proposed to offset the departure.
- The circumstances of the case, including whether the particular control(s) is unreasonable and/or unnecessary.
- Priorities identified in a site analysis being of greater importance than what is being departed from.
- Whether non-compliance will prejudice the objectives of the zone and the aims of the DCP.
- 79C of the *Environmental Planning and Assessment Act 1979* - matters for consideration in the determination of a development application.

Explanatory Note(s):

~~Where an application involves the variation of one or more controls within the DCP~~ Council staff have delegation to approve variations to the DCP controls but limited to the following circumstances;

- Where adequate justification is provided by the applicant for the number of controls being varied and,
- Where any numeric control is not being varied by greater than 10%*.

*Dwellings, dual occupancies and structures and outbuildings ancillary to these developments are not required to be reported to Council for determination where a variation of greater than 10% to a numerical control is proposed and may be determined by staff under delegation. All other applications will be reported.

- Where the number of submissions in the form of objections received in response to an advertised or

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notified development application, ~~is less than 40~~ (regardless of requiring a variation of the DCP controls), is 10 or more, the application must be referred to Council for decision.

1.12 Where can I get more information?

For further information about the DCP, please contact:

Council's customer service centre on – 1300 292 442

Council's website – www.wagga.nsw.gov.au

Email – council@wagga.nsw.gov.au

For further information regarding the lodgement and process followed for development applications please refer to the Council's Development Application Preparation & Lodgement Guide: www.wagga.nsw.gov.au/_data/assets/pdf_file/0020/16580/DA-Guide-V1.7.pdf

Useful inks:

- For more information regarding the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 visit the NSW legislation website: <http://www.legislation.nsw.gov.au/>
- NSW Department of Planning and Infrastructure: <http://www.planning.nsw.gov.au/>
- Southern Joint Regional Planning Panel: <http://www.jrpp.nsw.gov.au/>

Explanatory Note(s):