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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

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

under the

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
Planning Panel) Order 2007

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.

Clause 6 Environmental Planning and Assessment (Wagga Wagga City Council
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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.

**EXOTIC DISEASES OF ANIMALS ACT 1991
EQUINE INFLUENZA**

ORDER - Section 15

Declaration of Restricted Area – Restricted Area (Red)

I, IAN JAMES ROTH, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me under section 67 of the *Exotic Diseases of Animals Act 1991* ('the Act') and pursuant to section 15 of the Act and being of the opinion that the area specified in Schedule 1 may be or become infected with the exotic disease Equine influenza hereby:

1. revoke the order titled "Declaration of Restricted Area – Restricted Area (Red)" declared under section 15 of the Act dated 2 November 2007 and any order revived as a result of this revocation;
2. declare the area specified in Schedule 1 to be a restricted area known as "**Restricted Area (Red)**"; and
3. declare that the classes of animals, animal products, fodder, fittings or vehicles to which this order applies are those described in Schedule 2.

SCHEDULE 1

Restricted Area (Red)

The premises in the areas as described and shown in the shaded areas in the map below:

1. within a 10km radius of the premises known as 'St Aubyns Station', Nowendoc Road, Brackendale near Walcha in the State of New South Wales;
2. within a 10km radius of the premises known as 'Walibree' 4302 Oxley Highway, Wauchope in the State of New South Wales;
3. within a 10 km radius of the property known as 'Brinalla' Quambone Road, Gulargambone in the State of New South Wales;
4. within a 10km radius of the premises being 1264 Green Valley Road, Bendemeer 2355 in the State of New South Wales;
5. within a 10km radius of the premises known as 'Raven Hill', A500F Princes Highway, Broughton Village, 2534 in the State of New South Wales;
6. within a 10km radius of the premises known as "Mandalay Park", 130 Ada Road, Barmedman 2668 in the State of New South Wales;
7. within a 10km radius of the premises known as "Lillydale", Schmidts Lane, Gidginbung 2666 in the State of New South Wales;
8. within the local government areas administered by the following councils, other than any Special Restricted Area (Purple):

Blue Mountains City Council
Campbelltown City Council
Cessnock City Council
Dungog Shire Council
Gunnedah Shire Council
Hawkesbury City Council
Liverpool Plains Shire Council
Muswellbrook Shire Council

Narrabri Shire Council
Port Stephens Council
Singleton Shire Council
Sutherland Shire Council
Tamworth Regional Council
Upper Hunter Shire Council
Wollondilly Shire Council

9. The Parish of Woonona (County of Camden) and the Parishes of Bulgo, Heathcote, and Southend (County of Cumberland).
10. The Parishes of Forbes, Dowling, Mumbidgle, Troubalgie and Warregal (County of Ashburnham) and the Parishes of Cumbijowa, Braulin, Mulyandry and Wongajong (County of Forbes);
11. The Parishes of Drillwarrina, Emu, Eumungerie and Moonul (County of Ewenmar) and the Parishes of Bickanbeenie, Bruah, Caledonia, Daley, Donnelly and Goonoo (County of Lincoln).
12. The Parishes of Beargamil, Brologan, Currajong, Goobang, Goonumbla, Kamandra, Martin, Mugincoble and Parkes in the County of Ashburnham;
13. The Parishes of Galwadgere, Mumbil and Wellington (County of Wellington) located within the Wellington Council Local Government Area.
14. The Parishes of Beni, Coolbaggie, Dubbo, Murrumbidgerie, Terramungamine and Warrie (County of Lincoln), the Parishes of Caloma, Cullen, Dubbo, Oxley and Whylandra (County of Gordon) and the Parishes of Biridoo, Momo, Obley, Tomingley, Burrabadine and Dungary (County of Narromine);
15. The Parishes of Curra, Gundy and Ponto (County of Gordon), the Parishes of Bald Hill, Bodangora, Micketymulga, Mitchell and Tenandra (County of Lincoln) and the Parish of Nanima (County of Bligh);
16. All of the Parish of Cooyal (County of Phillip); and

That part of the Parish of Moolarben (County of Phillip) east of Ulan Road, south of Moolarben Road then Mayberry Road, east along the common boundary of Lots 20 and 24 on DP 755442 and then west of the boundary of Munghorn Gap Nature Reserve until it meets the common boundary of Moolarben and Cooyal Parishes; and

That part of the Parish of Price (County of Phillip) south of Munghorn Gap Nature Reserve, thence south along the common boundary of lots 1 and 139 on DP 755447 for approximately 80 metres to the intersection of the single lane road adjoining the southern-most tip of Munghorn Gap NR and continuing along said road in a south-westerly direction to the intersection of Kains Flat Road and White Cedars Road and then west of Kains Flat Road; and

That part of the Parish of Botobolar (County of Phillip) west of the contiguous roads that continue south from Kains Flat Road to Botobolar Road and that part north of Botobolar Road; and

All of the Parish of Bayly (County of Phillip) except that part west of Hayes Gap Road and south of Wollar Road;

17. The Parishes of Bundawarra, Combaning, Temora, Thanowring, Trigalong and Walladilly (County of Bland) and the Parish of Northcote (County of Bourke).
18. The Parishes of Balala, Honeysuckle, Morse, Torryburn, and Yarrowick (County of Hardinge) and the Parishes of Devon, Saltash and Yarrowick (County of Sandon).

19. Parts of the local government areas administered by Armidale Dumaresq Council and Uralla Shire Council being the areas described as follows:

The Parishes of Butler, Armidale, Saumarez and Dangarsleigh (County of Sandon); and

That part of the Parish of Gara (County of Sandon) west of a line commencing at the point where the Burying Ground Creek crosses the common boundary of the Parishes of Donald and Gara (County of Sandon), thence generally southerly along Burying Ground Creek to the point where it joins Commissioners Waters, thence in a generally westerly direction along Commissioners Waters to its junction with the common boundary of the Parishes of Gara and Tiverton (County of Sandon); and

That part of the Parish of Arding (County of Sandon) east of a line commencing at point where Hawthorne Drive crosses the joint boundary of the Parishes of Arding and Uralla (County of Sandon) thence in a generally northerly direction along Hawthorne Drive to its junction with the Arding Road, thence in a generally westerly direction following the Arding Road to its junction with the Mount Butler Road, thence in a generally northerly direction following the Mount Butler Road to the joint boundary with the Parishes of Arding and Elton (County of Sandon);

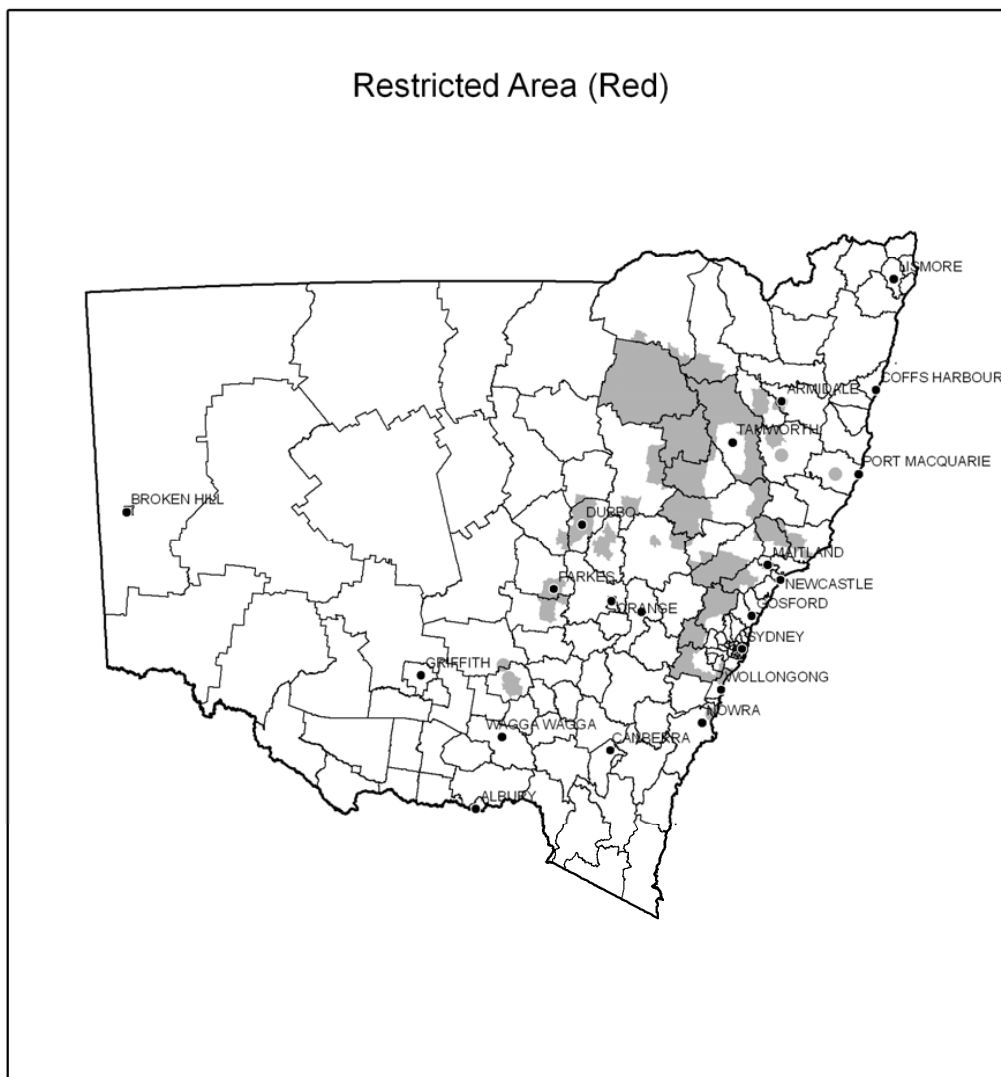
20. That part of the area administered by the Great Lakes Shire Council south and west of a line commencing at the point where the boundary of the Myalls Lake National Park (the Park) meets the Pacific Ocean, about four kilometres north of the township of Hawks Nest, thence in a generally westerly direction along the southern boundary of the Park to the point at which it meets Pipers Creek, thence downstream along the Park boundary (the southern bank of Pipers Creek) to a point opposite the south-western tip of Nickey Island, thence following the westernmost boundary of the Park as shown on the Port Stephens 9332-4S Second Edition 1:25 000 map published by Land and Property Information NSW, 2001 (which boundary cuts across Pipers Creek and the Myall River and runs south-west of Nickey Island and Kangaroo Island) to the point at which it meets the common boundary between the Parishes of Fens and Viney Creek (County of Gloucester), thence along the western boundary of the Park, initially in a westerly direction, to the point at which it meets the common boundary of the Parishes of Viney Creek and Nerong (County of Gloucester), thence westerly along this common boundary cutting across the Pacific Highway to the point at which this common boundary meets the boundary of the Park, thence initially generally westerly and then northerly in a generally clockwise direction along the boundary of the Park to the point where Emu Creek Road crosses the boundary of the Park, thence northerly along Emu Creek Road to the intersection of Booral Road, thence easterly along Booral Road to the intersection of Lowreys Road, thence north-westerly along Lowreys Road to the intersection with Old Inn Road, thence northerly to the intersection of Wild Cattle Creek, thence north-westerly along Wild Cattle Creek approximately 20 metres to the intersection of Apple Tree Creek, thence north-westerly along Apple Tree Creek to the point at which Apple Tree Creek crosses the boundary of the Park, thence generally easterly and northerly and clockwise along the boundary of the Park to the point at which the boundary of the Park meets Johnsons Creek Road, thence cutting directly across Johnsons Creek Road to the boundary of the Ghin-do-ee National Park, thence initially in a generally westerly and then northerly direction clockwise around the boundary of the Ghin-do-ee National Park to the point at which it meets the boundary of the Parish of Gorton (County of Gloucester) thence in a generally northerly direction along the eastern boundary of the Parish of Gorton and then

continuing as the eastern boundary of the Parish of Terreell (County of Gloucester) to the point at which this Parish boundary meets the common boundary of the areas administered by the Great Lakes Shire Council and the Gloucester Shire Council;

22. The parishes of Budden, Burrumbelong, Bylong, Coggan, Lee and Murrumbo in the County of Phillip within the Mid Western Regional Council Area;
23. The Parishes of Congi and Scott (County of Inglis), the Parishes of Blacknote, Eastlake, Harnham, Lawrence, Salisbury and Sandon (County of Sandon), and the Parishes of Apsley, Bergen op Zoom, Boulton, Cobrabald, Emu, Europambela, Glen Morrison, Halloran, Norton, Ohio, Oorundunby, St Clair, St Leonard, Walcha, Waterloo and Winterbourne (County of Vernon); and
24. The following parishes:

LGA name	Council name	Parish name	County name
Cabonne	Cabonne Shire Council	Coonambro	Ashburnham
Forbes	Forbes Shire Council	Cookamidgera	Ashburnham
Forbes	Forbes Shire Council	Coonambro	Ashburnham
Forbes	Forbes Shire Council	Wanera	Ashburnham
Gunnedah	Gunnedah Shire Council	Bingle	Pottinger
Gunnedah	Gunnedah Shire Council	Nombi	Pottinger
Gunnedah	Gunnedah Shire Council	Premier	Pottinger
Gunnedah	Gunnedah Shire Council	Tambar	Pottinger
Gunnedah	Gunnedah Shire Council	Urangera	Pottinger
Gunnedah	Gunnedah Shire Council	Wilson	Pottinger
Gwydir	Gwydir Shire Council	Anderson	Murchison
Gwydir	Gwydir Shire Council	Austen	Murchison
Gwydir	Gwydir Shire Council	Boomi	Murchison
Gwydir	Gwydir Shire Council	Capel	Murchison
Gwydir	Gwydir Shire Council	Caroda	Murchison
Gwydir	Gwydir Shire Council	Cobbadah	Murchison
Gwydir	Gwydir Shire Council	Crawley	Murchison
Gwydir	Gwydir Shire Council	Currangandi	Murchison
Gwydir	Gwydir Shire Council	Dunnee	Murchison
Gwydir	Gwydir Shire Council	Eulowrie	Murchison
Gwydir	Gwydir Shire Council	Hall	Murchison
Gwydir	Gwydir Shire Council	Horton	Murchison
Gwydir	Gwydir Shire Council	King	Murchison
Gwydir	Gwydir Shire Council	Lindesay	Murchison
Gwydir	Gwydir Shire Council	Macintyre	Murchison
Gwydir	Gwydir Shire Council	Paleroo	Murchison
Gwydir	Gwydir Shire Council	Pallal	Murchison
Gwydir	Gwydir Shire Council	Piedmont	Murchison
Gwydir	Gwydir Shire Council	Pringle	Murchison
Gwydir	Gwydir Shire Council	Rusden	Murchison
Gwydir	Gwydir Shire Council	Tange	Murchison
Liverpool Plains	Liverpool Plains Shire Council	Bomera	Pottinger
Liverpool Plains	Liverpool Plains Shire Council	Bundella	Pottinger
Liverpool Plains	Liverpool Plains Shire Council	Premier	Pottinger
Moree Plains	Moree Plains Shire Council	Doorabeeba	Benarba
Moree Plains	Moree Plains Shire Council	Krui	Benarba
Moree Plains	Moree Plains Shire Council	Berrygill	Courallie
Moree Plains	Moree Plains Shire Council	Bombell	Courallie
Moree Plains	Moree Plains Shire Council	Boo Boo	Courallie
Moree Plains	Moree Plains Shire Council	Booramine	Courallie

Moree Plains	Moree Plains Shire Council	Minnaminane	Courallie
Moree Plains	Moree Plains Shire Council	Terrergee	Courallie
Moree Plains	Moree Plains Shire Council	Yatta	Courallie
Moree Plains	Moree Plains Shire Council	Mellburra	Jamison
Moree Plains	Moree Plains Shire Council	Myall Hollow	Jamison
Moree Plains	Moree Plains Shire Council	Thalaba	Jamison
Moree Plains	Moree Plains Shire Council	Caroda	Murchison
Narrabri	Narrabri Shire Council	Boo Boo	Courallie
Narrabri	Narrabri Shire Council	Mellburra	Jamison
Narrabri	Narrabri Shire Council	Myall Hollow	Jamison
Parke	Parke Shire Council	Cookamidgera	Ashburnham
Tamworth Regional	Tamworth Regional Council	Crawley	Murchison
Tamworth Regional	Tamworth Regional Council	Lindesay	Murchison
Tamworth Regional	Tamworth Regional Council	Rusden	Murchison
Warrumbungle	Warrumbungle Shire Council	Wargundy	Bligh
Warrumbungle	Warrumbungle Shire Council	Adelyne	Lincoln
Warrumbungle	Warrumbungle Shire Council	Bolaro	Lincoln
Warrumbungle	Warrumbungle Shire Council	Bullinda	Lincoln
Warrumbungle	Warrumbungle Shire Council	Cobbora	Lincoln
Warrumbungle	Warrumbungle Shire Council	Dunedoo	Lincoln
Warrumbungle	Warrumbungle Shire Council	Taylor	Lincoln
Warrumbungle	Warrumbungle Shire Council	Allison	Napier
Warrumbungle	Warrumbungle Shire Council	Lowe	Napier
Warrumbungle	Warrumbungle Shire Council	Napier	Napier
Warrumbungle	Warrumbungle Shire Council	Neible	Napier
Warrumbungle	Warrumbungle Shire Council	Bingle	Pottinger
Warrumbungle	Warrumbungle Shire Council	Bomera	Pottinger
Warrumbungle	Warrumbungle Shire Council	Bulga	Pottinger
Warrumbungle	Warrumbungle Shire Council	Bundella	Pottinger
Warrumbungle	Warrumbungle Shire Council	Clarke	Pottinger
Warrumbungle	Warrumbungle Shire Council	Goragilla	Pottinger
Warrumbungle	Warrumbungle Shire Council	Nombi	Pottinger
Warrumbungle	Warrumbungle Shire Council	Premer	Pottinger
Warrumbungle	Warrumbungle Shire Council	Saltwater	Pottinger
Warrumbungle	Warrumbungle Shire Council	Tambar	Pottinger
Warrumbungle	Warrumbungle Shire Council	Tinkrameanah	Pottinger
Warrumbungle	Warrumbungle Shire Council	Urangera	Pottinger
Warrumbungle	Warrumbungle Shire Council	Wilson	Pottinger



SCHEDULE 2

Class of animals

All horses.

Class of animal products

All animal products from horses.

Class of fodder and fittings

All fodder and fittings from, or used in connection with, horses.

Class of vehicles

All vehicles that, since 1 August 2007, have been used in connection with any of the classes of animals, animal products, fodder or fittings described in this Schedule.

Interpretation:

In this Order, if any part of any premises is located partly within:

1. the Restricted Area (Amber) and partly within the Restricted Area (Red) the whole of those premises is taken to be located in the Restricted Area (Red);

2. the Restricted Area (Red) and partly within the Special Restricted Area (Hatched) the whole of those premises is taken to be located in the Special Restricted Area (Hatched);
3. the Restricted Area (Red) and partly within the Special Restricted Area (Purple) the whole of those premises is taken to be located in the Special Restricted Area (Purple).

Definitions:

In this Order:

horses means horses, mules, donkeys and other animals in the Equidae family.

premises includes a parcel of land, or several parcels of land which:

- (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and
- (ii) constitute or are worked as a single property,

irrespective of whether those parcels are held under the same title or different titles or titles of different kinds.

Restricted Area (Amber) means any restricted area that has been declared, or may be declared, pursuant to section 15 of the Act in relation to the exotic disease Equine influenza and known as a Restricted Area (Amber).

Restricted Area (Red) means a restricted area which has been declared or may be declared pursuant to section 15 of the Act, in relation to the exotic disease Equine influenza and known as a Restricted Area (Red).

Special Restricted Area (Hatched) means any restricted area that has been declared, or may be declared, pursuant to section 15 of the Act in relation to the exotic disease Equine influenza. and known as a Special Restricted Area (Hatched).

Special Restricted Area (Purple) means any restricted area that is known as a Special Restricted Area (Purple) that has been declared, or may be declared, pursuant to section 15 of the Act, in relation to the exotic disease Equine influenza.

Dated: 5 November 2007.

IAN JAMES ROTH
DEPUTY CHIEF VETERINARY OFFICER

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