



New South Wales

Wyong Local Environmental Plan 1991 (Amendment No 135)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N00/00280/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 892

Clause 1 Wyong Local Environmental Plan 1991 (Amendment No 135)

Wyong Local Environmental Plan 1991 (Amendment No 135)

1 Name of plan

This plan is *Wyong Local Environmental Plan 1991 (Amendment No 135)*.

2 Aims of plan

- (1) This plan aims to amend *Wyong Local Environmental Plan 1991* so as:
 - (a) to rectify mapping anomalies, and
 - (b) to update planning controls for the local government area of Wyong to, among other things, reflect recent legislative changes and improve the effectiveness of that plan, and
 - (c) to introduce a new urban Investigation Precinct Zone to enable better management of potential future urban areas, and
 - (d) to introduce a new residential zone (the Urban Release Area Zone) for current urban release areas, and
 - (e) to introduce provisions relating to acid sulfate soils, and
 - (f) to modify other provisions relating to subdivision, home businesses and general stores, and
 - (g) to apply lot amalgamation provisions to certain land and to provide that those provisions cease to apply to certain other land.
- (2) Provisions relating to cluster housing have been excluded from this plan, being deferred matter within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

3 Land to which plan applies

This plan applies to all land within the local government area of Wyong.

4 Relationship to other environmental planning instruments

- (1) This plan amends *Wyong Local Environmental Plan 1991* as set out in Schedule 1.
- (2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting at the end of Schedule 1 the following words:

Clause 15 of Wyong Local Environmental Plan 1991

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4 (1))

[1] Clause 2 Aims, objectives etc

Insert at the end of clause 2 (1) (b):

- , and
- (c) to facilitate and encourage ecological, economic and social sustainability.

[2] Clause 2 (2) (b) (iii)

Insert at the end of clause 2 (2) (b) (ii):

- , and
- (iii) to encourage mixed use development in appropriate locations,

[3] Clause 7 Definitions

Insert in alphabetical order in clause 7 (1):

acid sulfate soils means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment Guidelines*.

Acid Sulfate Soils Assessment Guidelines means the *Acid Sulfate Soils Assessment Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director-General.

Acid Sulfate Soils Planning Maps means the series of maps (dated December 1997) produced by the then Department of Land and Water Conservation for the purpose of identifying land affected by acid sulfate soils, and held at the offices of Wyong Council.

[4] Clause 7 (1), definition of “agriculture”

Omit the definition. Insert instead:

agriculture means the sustainable use of land for:

- (a) the cultivation of fruit, vegetable or flower crops, or

- (b) the keeping or breeding of livestock, bees or poultry or other birds, or
 - (c) the cultivation of plants in a wholesale plant nursery, for commercial purposes,
- but, in the Table to clause 10, does not include intensive agriculture.

[5] Clause 7 (1), definition of “bushfire hazard reduction”

Omit the definition. Insert instead.

bushfire hazard reduction means a reduction (by controlled burning or mechanical or manual means) of material that constitutes a bushfire hazard but, in the Table to clause 10, does not include a work elsewhere specifically defined in this clause.

[6] Clause 7 (1), definition of “caravan park”

Omit the definition of *camping or caravan site*. Insert instead:

caravan park means land used as a site for moveable dwellings, including tents and caravans or other vehicles used for temporary or permanent accommodation or the erection, assembly or placement of cabins for temporary accommodation of tourists.

[7] Clause 7 (1), definition of “hospital”

Omit the definition. Insert instead:

hospital means a building or place used for providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or restaurants, and ancillary accommodation for persons receiving health care or for their visitors, and

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers.

[8] Clause 7 (1), definition of “housing for older persons or people with a disability”

Omit the definition of *housing for aged or disabled persons*. Insert instead:

housing for older persons or people with a disability means residential accommodation, which may take any building form, which is or is intended to be used permanently as housing for the accommodation of aged persons or disabled persons, and which may consist of hostels or a grouping of 2 or more self-contained dwellings, or a combination of both, and which includes 1 or more of the following facilities provided for use in connection with that accommodation:

- (a) accommodation for staff employed in connection with that accommodation,
- (b) chapels,
- (c) medical consulting rooms,
- (d) meeting rooms,
- (e) recreational facilities,
- (f) shops,
- (g) therapy rooms,
- (h) any other facilities for the use or benefit of older persons or persons with a disability.

[9] Clause 7 (1), definition of “the map”

Insert in appropriate order:

Wyong Local Environmental Plan 1991 (Amendment No 135)

[10] Clause 9 Zones indicated on the map

Omit “Rural Holding Zone” from the matter relating to Zone No 1 (c).
Insert instead “Non Urban Constrained Lands Zone”.

[11] Clause 9

Insert after the matter relating to Zone No 2 (d):

Zone No 2 (e) (Urban Release Area Zone)—identified with heavy black edging and lettered “2 (e)”.

[12] Clause 9

Insert after the matter relating to Zone No 8 (a):

Zone No 10 (a) (Investigation Precinct Zone)—identified with heavy black edging and lettered “10 (a)”.

[13] Clause 10 Zone objectives and development control table

Omit the Table to the clause. Insert instead:

Table

Zone No 1 (a) (Rural Zone)

1 Objectives of zone

The objectives are:

- (a) to protect, enhance and conserve agricultural land in a manner which sustains its efficient, sustainable and effective agricultural production potential, and
- (b) to facilitate development requiring a rural or isolated location or associated with agricultural pursuits, and rural industry, provided that it is unlikely to:
 - (i) prejudice the present environmental quality of the land within this zone, or
 - (ii) generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or
 - (iii) prejudice the intent of the objective specified in paragraph (a), or

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (iv) have an adverse impact on the region's water resources.

2 Without development consent

Home occupations.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4 of the matter relating to this zone.

4 Prohibited

Aerodromes; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; caravan parks; carparking stations; child care centres; commercial premises; detached dual occupancies; entertainment facilities; exhibition homes; general stores; generating works; hazardous industries; hazardous storage establishments; hotels; housing for older persons or people with a disability; industries; large scale commercial premises; large scale retail premises; light industries; materials recycling depots; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; passenger transport terminals; plant hire establishments; reception establishments; recreation facilities; registered clubs; residential flat buildings; restaurants; road transport terminals; self storage establishments; service stations; shops; tourist accommodation; toxic waste incinerators; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 1 (c) (Non Urban Constrained Lands) Zone

1 Objectives of zone

The objectives are:

- (a) to limit the development of land that may be affected by flooding, coastal erosion, slope, and other physical constraints (including lack of adequate water supply and sewerage), and

- (b) to prohibit development that is likely to prejudice the present and future environmental quality of the land, and
- (c) to ensure that development is carried out in a manner that minimises risks from natural hazards and does not detract from the scenic quality.

2 Without development consent

Home occupations.

3 Only with development consent

Agriculture; animal establishments; bushfire hazard reduction; drainage; dwellings; flood mitigation works; home businesses; nutrient control facilities; recreation areas; roadside stalls; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 1 (d) (Village Zone)

1 Objectives of zone

The objectives are:

- (a) to preserve the small scale of activities and general residential character of village areas, and
- (b) to provide facilities and services to support adjoining agricultural land uses providing they do not prejudice the intent of the objective specified in paragraph (a), and
- (c) to restrict development which may have an adverse impact on the region's water resources.

2 Without development consent

Home occupations.

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

3 Only with development consent

Advertisements; child care centres; commercial premises, communications facilities; community facilities; drainage; dual occupancy buildings; education establishments; excavation and filling; general stores; group homes; home businesses; palliative day care centres; places of worship; recreation areas; restaurants; tourist accommodation; transitional group homes; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 1 (f) (Forestry Zone)

1 Objectives of zone

The objective of this zone is to conserve forest resources.

2 Without development consent

Any purpose authorised under the *Forestry Act 1916*.

3 Only with development consent

Nil.

4 Prohibited

Any purpose other than a purpose included in item 2 of the matter relating to this zone.

Zone No 2 (a) (Residential Zone)

1 Objectives of zone

The objectives are:

- (a) to provide land primarily for detached housing generally not exceeding a height of 2 storeys and with private gardens in an environment free

from commercial and other incompatible activities and buildings, and

- (b) to provide for other uses, but only where they:
 - (i) are compatible with the residential environment and afford services to residents at a local level, and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing, and
- (c) to provide for home-based employment where such will not:
 - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or
 - (ii) have a material adverse impact on residents.

2 Without development consent

Home occupations.

3 Only with development consent

Advertisements; bushfire hazard reduction; child care centres; communications facilities; community facilities; detached dual occupancies; drainage; dual occupancy buildings; dwelling-houses; education establishments; exhibition homes; flood mitigation works; general stores; group homes; home businesses; hospitals; nutrient control facilities; palliative day care centres; places of worship; recreation areas; transitional group homes; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 2 (b) (Multiple Dwelling Residential Zone)

1 Objectives of zone

The objectives are:

- (a) to cater for a wide range of housing types essentially domestic in scale and character and generally not exceeding a height of 2 storeys, and
- (b) to provide for other uses which:
 - (i) are compatible with the residential environment and afford services to residents at a local level, and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and
- (c) to provide home-based employment where such will not:
 - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or
 - (ii) have a material adverse impact on residents.

2 Without development consent

Home occupations.

3 Only with development consent

Advertisements; boarding houses; bushfire hazard reduction; child care centres; communications facilities; community facilities; detached dual occupancies; drainage; dual occupancy buildings; dwelling-houses; education establishments; exhibition homes; flood mitigation works; general stores; group homes; home businesses; hospitals; housing for older persons or people with a disability; motels; nutrient control

facilities; palliative day care centres; places of worship; recreation areas; residential flat buildings; tourist accommodation; transitional group homes; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 2 (c) (Medium Density Residential Zone)

1 Objectives of zone

The objectives are:

- (a) to cater primarily for residential flat buildings generally not exceeding a height of 3 storeys (except as otherwise provided for by clause 42B), and
- (b) to provide for other uses which:
 - (i) are compatible with the residential environment and afford services to residents at a local level, and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and
- (c) to provide home-based employment where such will not:
 - (i) involve exposure to view from any public place of any unsightly matter, or raw material, equipment, machinery, product or stored finished goods, or
 - (ii) have a material adverse impact on residents.

2 Without development consent

Home occupations.

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1

Amendments

3 Only with development consent

Advertisements; boarding houses; bushfire hazard reduction; child care centres; communications facilities; community facilities; detached dual occupancies; drainage; dual occupancy buildings; dwelling-houses; education establishments; exhibition homes; flood mitigation works; general stores; group homes; home businesses; hospitals; housing for older persons or people with a disability; motels; nutrient control facilities; palliative day care centres; places of worship; recreation areas; residential flat buildings; tourist accommodation; transitional group homes; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 2 (d) (High Density Residential Zone)

1 Objectives of zone

The objectives are:

- (a) to allow for high density residential development in suitable locations, and
- (b) to provide for other uses which:
 - (i) are compatible with the residential environment and afford services to residents at a local level, and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential use, and
- (c) to provide home-based employment where such will not:
 - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or

- (ii) have a material adverse impact on residents.

2 Without development consent

Home occupations.

3 Only with development consent

Advertisements; boarding houses; bushfire hazard reduction; child care centres; communications facilities; community facilities; detached dual occupancies; drainage; dual occupancy buildings; dwelling-houses; education establishments; exhibition homes; flood mitigation works; general stores; group homes; home businesses; hospitals; housing for older persons or people with a disability; motels; nutrient control facilities; palliative day care centres; places of worship; recreation areas; residential flat buildings; tourist accommodation; transitional group homes; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 2 (e) (Urban Release Area Zone)

1 Objectives of zone

The objectives are:

- (a) to cater for a range of housing types appropriate to a greenfield urban release area and not exceeding a height of 2 storeys, and
- (b) to provide for other uses which:
 - (i) are compatible with the residential environment and afford services to residents at a local level, and
 - (ii) are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential uses, and

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (c) to provide home-based employment where such will not:
 - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or
 - (ii) have a material adverse impact on residents, and
- (d) to ensure development includes appropriate water sensitive urban design.

2 Without development consent

Home occupations.

3 Only with development consent

Advertisements; agriculture; boarding houses; bushfire hazard reduction; child care centres; communications facilities; community facilities; detached dual occupancies; drainage; dual occupancy buildings; dwelling-houses; education establishments; exhibition homes; flood mitigation works; general stores; group homes; home businesses; hospitals; housing for older persons or people with a disability; motels; nutrient control facilities; palliative day care centres; places of worship; recreation areas; residential flat buildings; tourist accommodation; transitional group homes; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 2 (g) (Residential Tourist Zone)

1 Objectives of zone

The objectives are:

- (a) to encourage residential development of various types primarily intended to accommodate tourists and visitors and not exceeding a height

of 3 storeys (except as otherwise provided for in clause 42B), and

- (b) to accommodate other types of development which complement tourist uses, and
- (c) to ensure that tourist development does not significantly adversely impact on the amenity of residential areas in adjacent zones, and
- (d) to ensure that the scale and function of tourist development is appropriate in the context of the form of development which might occur in the zone for tourist purposes.

2 Without development consent

Home occupations.

3 Only with development consent

Advertisements; boarding houses; bushfire hazard reduction; child care centres; communications facilities; community facilities; drainage; dwelling-houses; education establishments; entertainment facilities; hotels; motels; nutrient control facilities; recreation areas; residential flat buildings; restaurants; tourist accommodation; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 3 (a) (Business Centre Zone)

1 Objectives of zone

The objectives are:

- (a) to provide the primary opportunity for the development of retail and commercial activities that are appropriate to the character and needs of individual business centres within the retail hierarchy proposed by a development control plan prepared by the Council for the purpose, and

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (b) to provide for higher intensity retail and commercial uses, while allowing for low intensity retail and commercial uses in other business zones, and
- (c) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; building products sales rooms or showrooms; caravan parks; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those attached to other permitted buildings); exhibition homes; extractive industries; generating works; hazardous industries; hazardous storage establishments; industries; intensive agriculture; light industries; materials recycling depots; mining; offensive industries; motor showrooms; offensive storage establishments; plant hire establishments; residential flat buildings (other than those attached to other permitted buildings); road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; stock and sale yards; tourist accommodation that is not attached to other permitted buildings or used in conjunction with other permitted uses; toxic waste incinerators; transport depots; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 3 (b) (Centre Support Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for development having relatively low traffic-generating characteristics but not high turnover shops and offices that might more properly be located in the Business Centre Zone, and
- (b) to provide for relatively low intensity commercial and retail uses with extensive floor space requirements, but not including supermarkets or other food or produce markets, and
- (c) to provide for development which does not have the potential to result in a detrimental impact on uses in the Business Centre Zone, and
- (d) to create opportunities for development within district and regional business centres which support and enhance the range of retail opportunities within those centres, and
- (e) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; caravan parks; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted business and situated on

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

the same land as the permitted business); exhibition homes; extractive industries; general stores; generating works; group homes; hazardous industries; hazardous storage establishments; industries; intensive agriculture; light industries; materials recycling depots; mining; offensive industries; offensive storage establishments; plant hire establishments; residential flat buildings; road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; shops; stock and sale yards; tourist accommodation; toxic waste incinerators; transitional group homes; transport depots; vehicle body repair workshops; warehouses.

Zone No 3 (d) (Tourist Business Zone)

1 Objectives of zone

The objectives are:

- (a) to encourage development providing accommodation, services, entertainment and attractions for tourists, and
- (b) to complement the functions of a nearby town centre, and
- (c) to ensure that development is of a type and scale that is appropriate to a tourist-orientated character, and enables the maintenance of the area's attraction to tourists.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; caravan parks;

depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted business and situated on the same land as the permitted business); education establishments; exhibition homes; extractive industries; generating works; group homes; hazardous industries; hazardous storage establishments; heliports; hospitals; industries; intensive agriculture; light industries; materials recycling depots; medical centres; mining; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; places of worship; plant hire establishments; plant nurseries; residential flat buildings (other than those attached to other permitted buildings); road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; service stations; stock and sale yards; toxic waste incinerators; transitional group homes; transport depots; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; warehouses.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for the development of large scale industrial, service and storage activities which by nature of their operations should be isolated from residential areas, and
- (b) to restrict commercial, retail or other development except where it is ancillary to the use of land within this zone for industrial, service and storage purposes, and
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1

Amendments

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Aerodromes; agriculture; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; caravan parks; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; group homes; hazardous industries; hazardous storage establishments; hotels; intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire establishments; plant nurseries; reception establishments; registered clubs; residential flat buildings; restaurants; roadside stalls; rural industries; self storage establishments; service stations; shops; tourist accommodation; toxic waste incinerators; transitional group homes.

Zone No 4 (b) (Light Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for the development of a wide range of industrial, service and storage activities which do not have a materially detrimental effect on the amenity of adjoining residential areas, and
- (b) to restrict commercial, retail or other development except where it is ancillary to the use of land within this zone for light industrial, service and storage purposes, and

- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; boarding houses; bulky goods sales rooms or showrooms; caravan parks; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; generating works; group homes; hazardous industries; hazardous storage establishments; industries (other than light industries); intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres; motels; offensive industries; offensive storage establishments; palliative day care centres; reception establishments; residential flat buildings; restaurants; roadside stalls; rural industries; sawmills; shops; tourist accommodation; toxic waste incinerators; transitional group homes.

Zone No 4 (c) (Business Park Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the integrated development of an industrial business park, and
- (b) to allow for large scale commercial development which is not in conflict with sustaining and developing commercial zones, and

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (c) to encourage development appropriate to an industrial business park which generates multi-sector employment, and
- (d) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; caravan parks; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; generating works; group homes; hazardous industries; hazardous storage establishments; industries (other than light industries); intensive agriculture; large scale retail establishments; materials recycling depots; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire establishments; reception establishments; residential flat buildings; restaurants; roadside stalls; rural industries; sawmills; self storage establishments; service stations; shops; stock and sale yards; tourist accommodation; toxic waste incinerators; transitional group homes; vehicle body repair workshops; vehicle repair stations.

Zone No 4 (e) (Regional Industrial and Employment Development Zone)

1 Objectives of zone

The objectives are:

- (a) to provide land to cater primarily for the special requirements of major industrial or employment-generating development which is within convenient distances to support population growth within the urban centres of the local government area of Wyong and has good road and rail access links, and
- (b) to facilitate major industrial and employment-generating activities by permitting development which:
 - (i) generates significant new employment on-site, or
 - (ii) requires a large site area but has a significant multiplier effect in the regional economy, and
- (c) to facilitate other industrial and employment-generating activities only where:
 - (i) the development needs to be located with other major industry or activities within the zone, or
 - (ii) the development requires a location with convenient access to the freeway or railway, and
- (d) to provide that new industrial development and other development does not present unacceptable risks by limiting development which:
 - (i) exposes residences and the natural environment to unacceptable levels of pollution or hazard risk and does not incorporate adequate safeguards to mitigate any potential threats, or

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (ii) involves a process which generates toxic waste products the disposal of which cannot be properly managed either on site or otherwise, or
 - (iii) limits the potential employment capacity of the zone by sterilising large areas of land through buffer or isolation requirements, and
- (e) to promote environmentally sustainable development by limiting development that:
 - (i) contributes to the degradation of the Tuggerah Lakes or Lake Macquarie systems, and
 - (ii) involves the transportation of hazardous or offensive materials through or in proximity to residential or environmentally sensitive areas, and
- (f) to provide for commercial and retail development:
 - (i) that is ancillary to the main use of land within the zone, and
 - (ii) that meets the day-to-day needs of occupants and employees of the buildings within the zone.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; caravan parks; community facilities; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); entertainment

facilities; exhibition homes; group homes; hazardous industries; hazardous storage establishments; hospitals; hotels; intensive agriculture; large scale retail establishments; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire establishments; reception establishments; recreation facilities; registered clubs; residential flat buildings; restaurants; roadside stalls; rural industries; self storage establishments; shops; tourist accommodation; toxic waste incinerators; transitional group homes; vehicle body repair workshops; vehicle repair stations.

Zone No 5 (a) (Special Uses Zone)

1 Objectives of zone

The objectives are:

- (a) to cater for the provision of community and public facilities and services, and
- (b) to provide for any other development of land within this zone, with the consent of the Council, provided that:
 - (i) the other development is ancillary to or related to the current or future use of the land for the purpose of a community or public facility or service, and
 - (ii) the other development does not adversely affect the current or future usefulness of the land for the purpose of those facilities or services.

2 Without development consent

Nil.

3 Only with development consent

Any purpose.

4 Prohibited

Nil.

Zone No 5 (b) (Railways Zone)

1 Objectives of zone

The objective is to recognise existing railway land and to enable its future development for railway and associated purposes.

2 Without development consent

Nil.

3 Only with development consent

Any purpose.

4 Prohibited

Nil.

Zone No 5 (c) (Local Road Reservation Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the acquisition and development of land principally for local roads, and
- (b) to provide for any other purpose, with the consent of the Council, provided that the purpose does not:
 - (i) adversely affect the current or future usefulness of the land for the purposes for which it is zoned, or
 - (ii) prejudice proposals for the acquisition of land as referred to in paragraph (a).

2 Without development consent

Nil.

3 Only with development consent

Any purpose.

4 Prohibited

Nil.

Zone No 5 (d) (Arterial Road Reservation Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the acquisition and development of land principally for arterial roads, and
- (b) to provide for any other purpose, with the consent of the Council, provided that the purpose does not affect the usefulness of the land for the purpose of arterial roads.

2 Without development consent

Nil.

3 Only with development consent

Any purpose.

4 Prohibited

Nil.

Zone No 6 (a) (Open Space and Recreation Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the open space and recreation needs of the local community and visitors, and
- (b) to allow for other leisure and recreation-orientated development, or any other use that is authorised by a plan of management adopted under section 40 of the *Local Government Act 1993*, which:
 - (i) promotes worthwhile community benefits, and

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (ii) would not reduce the amount and distribution of public open space areas below acceptable levels and standards which meet the needs of the community, and
- (iii) would not have an unacceptable impact on the amenity of adjacent areas, and
- (iv) would not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as Tuggerah Lakes, Lake Macquarie, streams, estuaries and wetlands.

2 Without development consent

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3 Only with development consent

Any purpose other than a purpose included in item 2 of the matter relating to this zone.

4 Prohibited

Nil.

Zone No 6 (b) (Regional Open Space and Recreation Zone)

1 Objectives of zone

The objectives are:

- (a) to identify land, not in public ownership, that will be acquired by the corporation under the Act, being land proposed to be used principally for the purposes of public recreation or nature conservation, or both, and
- (b) to allow any other use, with the consent of the Council, provided that the use does not affect the usefulness of the land for the purpose of public recreation or nature conservation, or both.

2 Without development consent

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3 Only with development consent

Any purpose other than a purpose included in item 2 of the matter relating to this zone.

4 Prohibited

Nil.

Zone No 6 (c) (Proposed Open Space and Recreation Zone)

1 Objectives of zone

The objectives are:

- (a) to identify land, not in public ownership, that will be acquired by the Council and is proposed to be used principally for the purposes of public open space and recreation, and
- (b) to allow any other use, with the consent of the Council, provided that the use does not:
 - (i) adversely affect the usefulness of the land for the purposes for which it is required, or
 - (ii) prejudice proposals for the acquisition of land as referred to in paragraph (a).

2 Without development consent

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3 Only with development consent

Any purpose other than a purpose included in item 2 of the matter relating to this zone.

4 Prohibited

Nil.

Zone No 7 (a) (Conservation Zone)

1 Objectives of zone

The objectives are:

- (a) to restrict the type and scale of development which will be carried out on land possessing special aesthetic, ecological or conservation values to that compatible with such environments, and
- (b) to allow such development where:
 - (i) it can be demonstrated that it can be carried out in a manner that minimises risks from natural hazards, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of the land referred to in the objective specified in paragraph (a), and
 - (ii) it is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations or the provision and quality of habitats for both indigenous and migratory species, and
 - (iii) it is unlikely to have an adverse impact on the region's water resources.

2 Without development consent

Home occupations.

3 Only with development consent

Agriculture; bushfire hazard reduction; communications facilities; community facilities; dams; drainage; dual occupancy buildings; dwelling-houses; home businesses; nutrient control facilities; recreation areas; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 7 (b) (Scenic Protection Zone)

1 Objectives of zone

The objective is to restrict the type and scale of development which will be carried out on land possessing scenic values to that unlikely to:

- (a) prejudice the present scenic quality of the land within this zone, or
- (b) generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or
- (c) prejudice the viability of existing commercial centres, or
- (d) have an adverse impact on the region's water resources.

2 Without development consent

Home occupations.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; carparking stations; child care centres; commercial premises; depots; detached dual occupancies; entertainment facilities; exhibition homes; extractive industries; general stores; generating works; hazardous industries; hazardous storage establishments; housing for older persons or people with a disability; industries; intensive agriculture; large scale commercial premises; large scale retail premises; light industries; materials recycling depots; medical centres; mining; motor showrooms; offensive industries; offensive storage establishments; passenger transport terminals; plant hire

establishments; reception establishments; registered clubs; residential flat buildings; road transport terminals; self storage establishments; service stations; shops; stock and sale yards; toxic waste incinerators; transport depots; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 7 (c) (Scenic Protection: Small Holdings Zone)

1 Objectives of zone

The objectives are:

- (a) to enable development for the purposes of small rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:
 - (i) to inhibit the potential for urban expansion, particularly at the urban fringe, or
 - (ii) to create a demand for the uneconomic provision of services, or
 - (iii) to detract from the scenic quality of rural lands, and
- (b) to allow for non-residential uses where those are compatible with rural-residential development and are unlikely to create an unreasonable demand for public services or substantially reduce the adequacy of existing levels of those services.

2 Without development consent

Home occupations.

3 Only with development consent

Advertisements; agriculture; bushfire hazard reduction; communications facilities; community facilities; dams; drainage; dual occupancy buildings; dwelling-houses;

education establishments; group homes; home businesses; nutrient control facilities; places of worship; recreation areas; transitional group homes; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 7 (d) (Coastal Lands Protection Zone)

1 Objectives of zone

The objectives are:

- (a) to restrict the type and scale of development which will be considered on land possessing special environmental or recreational values to those compatible with such environments, and
- (b) to allow such development only where it can be demonstrated that it can be carried out in a manner that does not detract from the scenic quality of the land referred to in paragraph (a).

2 Without development consent

Nil.

3 Only with development consent

Advertisements; agriculture; bushfire hazard reduction; caravan parks; dams; drainage; dwelling-houses; home businesses; home occupations; nutrient control facilities; recreation areas; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 3 of the matter relating to this zone.

Zone No 7 (e) (Coastal Lands Acquisition Zone)

1 Objectives of zone

The objectives are:

- (a) to restrict the type and scale of development which will be carried out on land possessing special environmental or recreational values to those compatible with such environments, and
- (b) to allow such development only where:
 - (i) it can be demonstrated that it can be carried out in a manner that does not detract from the scenic quality of the land referred to in paragraph (a), and
 - (ii) it is unlikely to prejudice proposals for the acquisition of land referred to in paragraph (a).

2 Without development consent

Nil.

3 Only with development consent

Agriculture; bushfire hazard reduction; drainage; dwelling-houses; nutrient control facilities; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 3 of the matter relating to this zone.

Zone No 7 (f) (Environmental Protection Zone)

1 Objectives of zone

The objective of this zone is to restrict the type and scale of development which will be carried out on land adjoining major noise generators (or other development with similar detrimental impact) to that compatible with such environments.

2 Without development consent

Nil.

3 Only with development consent

Advertisements; agriculture; bushfire hazard reduction; communication facilities; dams; drainage; dual occupancy buildings; dwelling-houses; education establishments; group homes; home businesses; home occupations; nutrient control facilities; places of worship; plant nurseries; recreation areas; recreation facilities; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 3 of the matter relating to this zone.

Zone No 7 (g) (Wetlands Management Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to protect and conserve locally important wetland habitats, and
- (b) to lessen the development pressure on local wetlands by restricting the type and scale of development to which they are subjected, and
- (c) to ensure that ecological, scenic and other environmental attributes of local wetland areas are not altered, and
- (d) to limit development within the zone that is likely to have a detrimental effect on the ecological sustainability of wetland functions and values, in particular those functions relating to conservation and sediment and nutrient filtration.

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1

Amendments

2 Without development consent

Bushfire hazard reduction (only where consistent with a bushfire risk management plan within the meaning of the *Rural Fires Act 1997*).

3 Only with development consent

Agriculture; bushfire hazard reduction; dams; drainage; dwelling-houses; flood mitigation works; nutrient control facilities; recreation areas; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

Zone No 8 (a) (National Parks Zone)

1 Objectives of zone

The objectives are:

- (a) to conserve areas of natural, ecological, scenic, educational, scientific, cultural or historical importance, and
- (b) to identify land reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (c) to allow for the management and appropriate use of that land as provided for in the *National Parks and Wildlife Act 1974*.

2 Without development consent

Any purpose authorised by or under the *National Parks and Wildlife Act 1974*, and any purpose ancillary or incidental to such a purpose; utility installations.

3 Only with development consent

Nil.

4 Prohibited

Any purpose other than a purpose specified in item 2 of the matter relating to this zone.

Zone No 10 (a) (Investigation Precinct Zone)

1 Objectives of zone

The objectives are:

- (a) to protect native vegetation, maintain ecological processes and biological diversity within land that is under investigation for conservation purposes, and
- (b) to protect rural land that, after detailed environmental investigations, may be suitable for ecological conservation or future urban development, and
- (c) to prohibit development that it is likely:
 - (i) to lead to the premature and sporadic subdivision of land, or
 - (ii) to inhibit the potential for urban expansion in selected areas, particularly the urban fringe, or
 - (iii) to prejudice the present environmental quality of the land, or
 - (iv) to generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, and
- (d) to ensure that any interim development is carried out in a manner that minimises risks from natural hazards, minimises degradation of environmental values, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of rural areas, and
- (e) to allow mining to occur in an environmentally acceptable manner.

2 Without development consent

Home occupations.

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

3 Only with development consent

Agriculture; bushfire hazard reduction; communications facilities; community facilities; drainage; dwelling-houses; flood mitigation works; home businesses; mining; nutrient control facilities; recreation areas; roadside stalls; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3 of the matter relating to this zone.

[14] Clause 13 Subdivision of land—generally

Insert after clause 13 (4):

- (5) Subdivision of land within Zone No 10 (a) to create additional lots is prohibited.

[15] Clause 14A

Omit the clause. Insert instead:

14A Subdivision of dual occupancies within Zone No 2 (e) prohibited

- (1) The Council must not grant consent for a subdivision (by a strata plan or otherwise) that creates separate land titles for the two dwellings comprising a dual occupancy building or a detached dual occupancy on land within Zone No 2 (e).
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan is prohibited if the proposed plan relates to a dual occupancy building or a detached dual occupancy within Zone No 2 (e).

[16] Clause 15

Insert after clause 14A:

15 Development on land containing acid sulfate soils

- (1) The objective of this clause is to require special assessment of certain development on land identified as being subject to actual acid sulfate soils or potential acid sulfate soils.

- (2) A person must not, without the consent of the Council, carry out works described in the following Table on land of the class or classes specified for those works in that Table and shown on the Acid Sulfate Soils Planning Map, except as provided by subclause (4).

Class of land shown on Acid Sulfate Soils Planning Map	Works
1	Any works
2	Works below the natural ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below the natural ground surface Works by which the watertable is likely to be lowered to any point beyond 1 metre below the natural ground surface
4	Works beyond 2 metres below the natural ground surface Works by which the watertable is likely to be lowered to any point beyond 2 metres below the natural ground surface
5	Works which are likely to lower the watertable in adjacent Class 1, 2, 3 or 4 land to any point below 1 metre AHD

- (3) For the purposes of subclause (2), *works* includes:
- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, agricultural-related works, the construction or maintenance of drains, engineering works, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or
 - (b) any other works that are likely to lower the watertable.

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

- (4) This clause does not require consent for the carrying out of works if:
 - (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
 - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.
- (5) The Council must not grant a consent required by this clause unless it has considered:
 - (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments received from the Department of Infrastructure, Planning and Natural Resources within 21 days of the Council having sent that Department a copy of the development application and the related acid sulfate soils management plan.
- (6) This clause requires consent for development to be carried out by the Council and other public authorities despite:
 - (a) clause 35 of, and items 2 and 11 of Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
 - (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*, and
 - (c) clause 24 of this plan.
- (7) Notwithstanding the provisions of subclause (6), the following types of development may be carried out without consent by the Council or another public authority:

- (a) development consisting of emergency work and remediation, subject to compliance with subclause (9),
 - (b) development consisting of routine maintenance and remediation, subject to compliance with subclause (9),
 - (c) development on class 4 or 5 land (within the meaning of subclause (2)) consisting of minor work, and development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies and remediation, subject to compliance with subclause (9).
- (8) Despite subclause (7), development consisting of routine maintenance or minor work may be carried out only with consent if the development is on a site listed as a heritage item.
- (9) Where the Council or another public authority carries out development described in subclause (7) and encounters, or is reasonably likely to encounter acid sulfate soils, the Council or other public authority shall properly deal with those soils in accordance with the *Acid Sulfate Soils Assessment Guidelines* so as to minimise the actual or potential impact to the environment arising from disturbance of the soils.

[17] Clause 16 Dwelling-houses

Omit clause 16 (1). Insert instead:

- (1) Except as otherwise provided by this plan, one dwelling-house only may be erected, with the consent of the Council, on an allotment of land that was in existence on the appointed day or with an area not less than the applicable minimum area specified in clause 14 (2) or (3) (b), within Zone No 1 (a), 1 (c), 7 (a), 7 (b), 7 (c), 7 (d), 7 (e), 7 (f), 7 (g) or 10 (a).

[18] Clause 16 (3A)

Insert after clause 16 (3):

- (3A) Subclause (3) (a) does not apply to land within Zone No 7 (a) or 10 (a).

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

[19] Clause 18 Restriction on development—lot amalgamation

Omit clause 18 (1). Insert instead:

- (1) This clause applies to land in the localities shown by distinctive edging and marked “lot amalgamation” on the map, except land described in Schedule 5.

[20] Clause 18 (3)

Omit the subclause. Insert instead:

- (3) Where an allotment of land to which this clause applies is one of a number of adjoining allotments within the same locality, the Council must not consent to any development on the land, unless a condition of its consent requires that all the allotments within the same locality be amalgamated.

[21] Clause 19

Omit the clause. Insert instead:

19 Development near lakes, rivers and creeks

The Council shall, in respect of an application for its consent to carry out development of land adjoining Wyong River, Wallarah Creek, Tumbi Umbi Creek, Cedar Brush Creek, Ourimbah Creek, Jilliby Jilliby Creek, Little Jilliby Jilliby Creek, Lake Macquarie, Lake Munmorah, Bunning Creek, Budgewoi Lake or Tuggerah Lake, take into consideration:

- (a) the impact of that development on water quality and quantity, existing vegetation, fish, aquatic life and the location of the water body or watercourse, and
- (b) any effects of the development on water supply, and
- (c) whether the development is likely to cause detrimental effects on a watercourse or water body through erosion, sedimentation or the emission of pollutants, and
- (d) whether the development incorporates best practice water sensitive urban design techniques.

[22] Clause 20 Reclamation of land

Omit “Department of Public Works and Services” from clause 20 (2) (a).
Insert instead “Office of Government Business within the Department of Commerce”.

[23] Clause 26 Temporary use of land

Omit “Section 90”. Insert instead “section 79C”.

[24] Clause 27 General stores

Omit clause 27 (b). Insert instead:

- (b) the site is located within four hundred metres of land within a business zone.

[25] Clause 27B

Omit the clause. Insert instead:

27B Home businesses—location

The Council shall not consent to the carrying out of a home business unless:

- (a) the development is located more than four hundred metres from land within a business zone, or
- (b) the development is located within four hundred metres of land within a business zone and:
 - (i) is not located on any public road on which the business zone is located, or
 - (ii) the Council is satisfied that the development will not adversely impact on any existing or potential future use in a business or industrial zone.

[26] Clause 38

Omit the clause. Insert instead:

38 Agriculture

- (1) Subject to subclause (2), the cultivation of any plants for the production of fruit, vegetables or flowers and the use of land for the keeping or breeding of livestock (other than intensive

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

agriculture) may be carried out without the consent of the Council on any land to which this plan applies other than land within Zone No 1 (c), 7 (a), 7 (g) or 10 (a).

- (2) Buildings or works for the purposes of (or ancillary to) a permissible form of agriculture, other than buildings or works which, in the opinion of the Council, are of a minor nature, shall not be erected or carried out (as the case may be) without consent.

[27] Clause 42D

Omit the clause. Insert instead:

42D Residential subdivision—minimum lot sizes

The Council shall not consent to the subdivision of land within Zone No 2 (a) or 2 (e) to create two or more allotments one or both of which, or a number of which, have an area of less than 450 square metres unless the consent:

- (a) is for the subdivision of land on which a dual occupancy building or detached dual occupancy was erected with consent pursuant to a development application lodged with the Council prior to 5 November 1997, or
- (b) in the case of land within Zone No 2 (a), is granted concurrently with a development consent for a dual occupancy building or a detached dual occupancy on the same land and the subdivision will be carried out in conjunction with the dual occupancy development.

[28] Clause 53

Omit the clause. Insert instead:

53 Development restrictions on certain land

Notwithstanding any other provision of this plan, the Council must not grant consent for development on land referred to in Schedule 4:

- (a) if the development is specified as prohibited in relation to that land in that Schedule, or

- (b) if the development is not included in development specified as being the only development permissible with consent in relation to that land in that Schedule, or
- (c) unless the Council is satisfied that any restriction specified in relation to that land in that Schedule will be met.

[29] Clause 54 Development of certain land at Summerland Point

Omit the clause.

[30] Clause 55 Tourist facilities—Dooralong

Omit the clause.

[31] Clause 59 Local shopping centres—Blue Haven, Warnervale East and Wadalba

Omit the words “Zone No 2 (b)” wherever occurring in clause 59 (1) and (2).

Insert instead “Zone No 2 (e)”.

[32] Clause 61 Land at Elizabeth Bay Drive, Lake Munmorah—restriction on buildings

Omit the clause.

[33] Clause 63 Development on certain land within Zone No 7 (b) at Gwandalan

Omit the clause.

[34] Clause 63A Plant nursery—Sparks Road, Warnervale

Omit the clause.

[35] Clause 64 Prohibited development on certain land—Hue Hue Road, Jiliby

Omit the clause.

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

[36] Clause 65 Service station and convenience store—Wyong Road, Killarney Vale

Omit the clause.

[37] Clause 66 Development on certain land at Cherry Lane, Kulnura

Omit the clause.

[38] Clause 66A Development on certain lots in Cape Road, Wyong

Omit the clause.

[39] Clause 70 Prohibited development on certain land—Peach Orchard Road, Ourimbah

Omit the clause.

[40] Clause 71 Development of certain land—Margaret Street, Wyong

Omit the clause.

[41] Schedule 2 Development for certain additional purposes

Insert at the end of the Schedule:

Lot 11, DP 841815, Lot 13, DP 841815 and Lots 101 and 102, DP 879795, Jilliby Road, Dooralong—tourist facility including a conference centre, recreation facilities and ancillary accommodation.

Lot 1, DP 125289, Sparks Road, Warnervale—plant nursery.

Lot 911, DP 834026, Wyong Road, Killarney Vale, as shown edged heavy black on the map marked “Wyong Local Environmental Plan 1991 (Amendment No 31)”—service station and convenience store.

Land shown on the map marked “Wyong Local Environmental Plan 1991 (Amendment No 126)”—wholesale travel agency, being a building or place used for preparing travel packages for supply to the retail travel industry.

Wyong Local Environmental Plan 1991 (Amendment No 135)

Amendments

Schedule 1

[42] Schedule 3 Classification or reclassification of public land as operational land

Insert in Part 2 in alphabetical order of locality:

Ourimbah

Burns Road

Lot 24, DP 816277

Nil.

[43] Schedules 4 and 5

Insert after Schedule 3:

Schedule 4 Development restrictions on certain land

(Clause 53)

Land	Development restrictions
Lot 3, DP 657514, Lot 87, DP 665635, Lot 17, DP 737217 and Lot 13, DP 874595, Manns Road, Fountaindale	The erection of a dwelling on any part of the land within Zone No 7 (a) is prohibited
Land within Zone No 7 (b) shown by distinctive edging on the map and identified as being within the Summerland Point Precinct	Only development for the purpose of dwelling-houses and agriculture may be carried out with consent
Land at Elizabeth Bay Drive, Lake Munmorah as identified on the map marked "Wyong Local Environmental Plan 1991 (Amendment No 45)"	Buildings shall be erected only on the part of the land shown hatched on the map
Land within Zone No 7 (b) fronting Kanangra Drive and Parraween Road, Gwandalan as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 (Amendment No 13)"	Only development for the purpose of advertisements, agriculture, parks and gardens, plant nurseries, public or other reserves, utility installations (other than gas holders or generating works) may be carried out with consent

2003 No 892

Wyong Local Environmental Plan 1991 (Amendment No 135)

Schedule 1 Amendments

Land	Development restrictions
Part Lot 3, DP 3391, Hue Hue Road, Jilliby as shown hatched on the map marked "Wyong Local Environmental Plan 1991 (Amendment No 27)"	The erection of a dwelling-house and use of the land to dispose of effluent are prohibited
Part Lot 67, DP 755224, Cherry Lane, Kulnura as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 (Amendment No 29)"	Subdivision is prohibited
Lot 1, DP 615345 and so much of Lot 12, DP 620377, Cape Road, Wyong as are within Zone No 7 (c)	Development may be carried out only if practical methods of acoustic treatment can be applied to the siting, design and construction of dwellings and have been identified to the satisfaction of the Council by a qualified acoustic engineer
Part Lot 1034, DP 583331, Peach Orchard Road, Ourimbah as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 (Amendment No 92)"	Only development for the purpose of one dwelling-house and ancillary structures may be carried out with consent

Schedule 5 Land not subject to lot amalgamation

(Clause 18 (1))

Locality	Street	Description
Bushells Ridge		Lot 193, DP 1032847
	Bushells Ridge Road	Lot 191, DP 1032847
	Bushells Ridge Road	Lots 107–111, DP 755245
	Tooheys Road	Lots 4 and 5, DP 260217

Wyong Local Environmental Plan 1991 (Amendment No 135)

Amendments

Schedule 1

Locality	Street	Description
	Tooheys Road	Lots 102 and 103, DP 755245
	Tooheys Road	Lots 194 and 195, DP 1032847
Hamlyn Terrace		
	Pacific Highway	Lot 6, DP 201174
Mardi		
	Joseph Esplanade	Lot 160, DP 871748
	Louis Close	Lots 603–605, DP 1012140
	Woolmers Crescent	Lots 601 and 602, DP 1012140
Tuggerah		
	Gavenlock Road	Lot 87, DP 832850
Wyong		
	McDonagh Road	Lots 36 and 37, DP 4526

BY AUTHORITY