



New South Wales

## **Wyong Local Environmental Plan 1991 (Amendment No 163)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S06/00793/PC-1)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2008 No 307

Clause 1 Wyong Local Environmental Plan 1991 (Amendment No 163)

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## Wyong Local Environmental Plan 1991 (Amendment No 163)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Wyong Local Environmental Plan 1991 (Amendment No 163)*.

### 2 Aims of plan

The aims of this plan are:

- (a) to rezone certain land from Zone No 10 (a) (Investigation Precinct Zone), Zone No 1 (c) (Non Urban Constrained Lands Zone) and Zone No 2 (e) (Urban Release Area Zone) to Zone No 2 (a) (Residential Zone) and Zone No 2 (b) (Multiple Dwelling Residential Zone) under *Wyong Local Environmental Plan 1991*, and
- (b) to rezone certain land from Zone No 10 (a) (Investigation Precinct Zone) to Zone No 1 (c) (Non Urban Constrained Lands Zone) under that Plan to reflect environmental and physical constraints relevant to that land, and
- (c) to remove Lots A and B, DP 31271, Lots 6–9, DP 201174 and Lots 43 and 47, DP 7091 from the operation of clause 18 of that Plan which requires lot amalgamations for certain residential development.

### 3 Land to which plan applies

This plan applies to the land situated in the local government area of Wyong shown edged heavy black on the map marked “Wyong Local Environmental Plan 1991 (Amendment No 163)” deposited in the office of Wyong Shire Council.

### 4 Amendment of Wyong Local Environmental Plan 1991

*Wyong Local Environmental Plan 1991* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 7 Definitions**

Insert in appropriate order in the definition of *the map* in clause 7 (1):

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**[2] Clause 42G**

Insert after clause 42F:

**42G Subdivision and regional transport infrastructure—Hamlyn Terrace**

- (1) This clause applies to land shown edged heavy black on the map marked “Wyong Local Environmental Plan 1991 (Amendment No 163)” deposited in the office of the Council, but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes.
- (3) Despite any other provision of this plan, the Council must not grant consent to the subdivision of land to which this clause applies if the subdivision would:
  - (a) create a lot with an area of less than 40 hectares that, immediately before the commencement of *Wyong Local Environmental Plan 1991 (Amendment No 163)*, was within Zone No 1 (c), or
  - (b) create additional lots on land that, immediately before the commencement of *Wyong Local Environmental Plan 1991 (Amendment No 163)*, was within Zone No 10 (a),
 unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to that lot.
- (4) Subclause (3) does not apply to any lot:
  - (a) identified in the certificate as a residue lot, or
  - (b) created by a subdivision consented to in accordance with this clause, or

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Schedule 1 Amendments

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- (c) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (3) applies.

### **[3] Schedule 5 Land not subject to lot amalgamation**

Omit the matter relating to “Pacific Highway” under the heading “Hamlyn Terrace” from Schedule 5.

BY AUTHORITY

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