



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/00995-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)*.

2 Aims of Policy

The aims of this Policy are as follows:

- (a) to identify the land to which this Policy applies (being certain land at Warnervale) as a State significant site,
- (b) to establish zoning and other development controls for that land,
- (c) to identify certain development as development to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies,
- (d) to facilitate the development of a town centre that integrates with the proposed Warnervale train station,
- (e) to encourage development on that land for community facilities, residential uses and open space to address the housing, employment and service needs of the region around Warnervale,
- (f) to ensure that development on that land satisfies the principles of ecologically sustainable development,
- (g) to set aside part of that land for environmental protection and conservation purposes,
- (h) to ensure that development on that land minimises impacts on the environment through energy efficiency and water conservation,
- (i) to provide for land for integrated water cycle management purposes so as to address the effects of any future development on that land.

3 Land to which Policy applies

This Policy applies to the land identified on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map held at the head office of the Department.

**4 Amendment of State Environmental Planning Policy (Major Projects)
2005**

State Environmental Planning Policy (Major Projects) 2005 is
amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 16 Savings and transitional provisions

Insert at the end of clause 16 (2):

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[2] Schedule 3 State significant sites

Insert at the end of the Schedule with appropriate Part numbering:

Part Warnervale Town Centre

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land shown on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map, referred to in this Part as the *Warnervale Town Centre*.

2 Interpretation

(1) In this Part:

allied health and sports medicine services means commercial health services related to sport and recreation that are provided in a room or a number of rooms attached to or within the curtilage of a community facility or recreation facility (indoor) or recreation facility (outdoor).

Height of Buildings Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Height of Buildings Map.

Land Application Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Application Map.

Land Reservation Acquisition Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Reservation Acquisition Map.

Land Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Land Zoning Map.

the Wyong DCP means *Development Control Plan 2005—Development Controls for Wyong Shire*, as adopted by the Wyong Shire Council on 14 May 2008.

Warnervale Airport Obstacle Limitation Surface Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 24)—Warnervale Town Centre—Warnervale Airport Obstacle Limitation Surface Map.

water cycle management works means any activity relating to urban stormwater management that retains the natural hydrological regime of receiving environments with the objective of conservation and protection of the whole water cycle and maintaining water quality.

Wyong Shire Council means the Council of the Shire of Wyong.

- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*, unless it is otherwise defined in this Part.

3 Consent authority

The consent authority for development on land in the Warnervale Town Centre, other than development that is a project to which Part 3A of the Act applies, is the Wyong Shire Council.

4 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
- (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

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5 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Warnervale Town Centre are this Policy and all other State environmental planning policies, except *State Environmental Planning Policy No 1—Development Standards*.

Division 2 Part 3A projects

6 Part 3A projects

Development for the purposes of retail premises within the Warnervale Town Centre that has a capital investment value of more than \$20 million and a floor space area of more than 5,000 square metres.

Division 3 Provisions relating to development within Warnervale Town Centre

7 Application of Division

- (1) This Division applies to development on land in the Warnervale Town Centre, except as provided by subclause (2).
- (2) Clauses 9–16, 18–20, 22, 25–27, 30 and 31 do not apply to development within the Warnervale Town Centre to the extent that it is a project to which Part 3A of the Act applies.

8 Land use zones

For the purposes of this Division, land within the Warnervale Town Centre is within a zone as follows if the land is shown on the Land Zoning Map as being within that zone:

- (a) Zone R1 General Residential,
- (b) Zone B2 Local Centre,
- (c) Zone SP1 Special Activities,
- (d) Zone SP2 Infrastructure,
- (e) Zone RE1 Public Recreation,
- (f) Zone E2 Environmental Conservation,
- (g) Zone E3 Environmental Management.

9 Objectives of land use zones to be taken into account

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

10 Zone R1 General Residential

- (1) The objectives of Zone R1 General Residential are as follows:
 - (a) to provide for the housing needs of the community,
 - (b) to provide for a variety of housing types, tenures, affordability and densities,
 - (c) to enable other land uses that provide facilities or services to meet the day to day needs of residents,
 - (d) to promote development that is sensitive to the conservation values of the Warnervale Town Centre,
 - (e) to maximise public transport patronage and encourage walking and cycling.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone R1 General Residential:

Nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone R1 General Residential:

advertisements; bed and breakfast accommodation; boarding houses; car parks; child care centres; community facilities; dual occupancies; dwelling houses; group homes; health consulting rooms; home-based child care; home businesses; home industries; hospitals; hostels; multi dwelling housing; neighbourhood shops; places of public worship; recreation areas; residential care facilities; residential flat buildings; roads; seniors housing; shop top housing; telecommunications facilities.
- (4) Except as otherwise provided by this Policy, development is prohibited on land within Zone R1 General Residential unless it is permitted by subclause (2) or (3).

11 Zone B2 Local Centre

- (1) The objectives of Zone B2 Local Centre are as follows:
 - (a) to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area,
 - (b) to encourage employment opportunities in accessible locations,
 - (c) to maximise public transport patronage and encourage walking and cycling,
 - (d) to provide uses compatible with the environmental sensitivities and conservation values of the Warnervale Town Centre.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone B2 Local Centre:

Nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone B2 Local Centre:

bulky goods premises; business premises; car parks; child care centres; community facilities; dual occupancies; educational establishments; entertainment facilities; function centres; information and education facilities; kiosks; medical centres; office premises; passenger transport facilities; public administration buildings; public entertainment; pubs; recreation facilities (indoor); registered clubs; restaurants; retail premises; roads; service stations; shop top housing; telecommunications facilities; tourist and visitor accommodation.
- (4) Except as otherwise provided by this Policy, development on land within Zone B2 Local Centre is prohibited unless it is permitted by subclause (2) or (3).

12 Zone SP1 Special Activities

- (1) The objectives of Zone SP1 Special Activities are as follows:
 - (a) to provide for special land uses that are not provided for in other zones,
 - (b) to provide for sites with special natural characteristics that are not provided for in other zones,

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- (c) to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
 - (2) Development for any of the following purposes is permitted without development consent on land within Zone SP1 Special Activities:
 - Nil.
 - (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP1 Special Activities:
 - The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
 - (4) Except as otherwise provided by this Policy, development on land within the Zone SP1 Special Activities is prohibited unless it is permitted by subclause (2) or (3).

13 Zone SP2 Infrastructure

- (1) The objectives of Zone SP2 Infrastructure are as follows:
 - (a) to provide for infrastructure and related uses,
 - (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone SP2 Infrastructure:
 - Nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP2 Infrastructure:
 - The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
- (4) Except as otherwise provided by this Policy, development on land within Zone SP2 Infrastructure is prohibited unless it is permitted by subclause (2) or (3).

14 Zone RE1 Public Recreation

- (1) The objectives of Zone RE1 Public Recreation are as follows:
 - (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to promote the integration of public open space areas with other land uses within the Warnervale Town Centre,
 - (e) to maximise public transport patronage and encourage walking and cycling.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation:

environmental facilities; environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation:

allied health and sports medicine services; community facilities; kiosks; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; water cycle management works.
- (4) Except as otherwise provided by this Policy, development on land within Zone RE1 Public Recreation is prohibited unless it is permitted by subclause (2) or (3).

15 Zone E2 Environmental Conservation

- (1) The objectives of Zone E2 Environmental Conservation are as follows:
 - (a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,
 - (b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone E2 Environmental Conservation:

environmental protection works.

- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation:
- environmental facilities; pedestrian and cycle paths; roads; water cycle management works.
- (4) Except as otherwise provided by this Policy, development on land within Zone E2 Environmental Conservation is prohibited unless it is permitted by subclause (2) or (3).

16 Zone E3 Environmental Management

- (1) The objectives of Zone E3 Environmental Management are as follows:
- (a) to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values,
- (b) to provide for a limited range of development that does not have an adverse effect on those values.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone E3 Environmental Management:
- environmental protection works; home occupations.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E3 Environmental Management:
- dwelling houses; environmental facilities; information and education facilities; pedestrian and cycle paths; roads; water cycle management works.
- (4) Except as otherwise provided by this Policy, development on land within Zone E3 Environmental Management is prohibited unless it is permitted by subclause (2) or (3).

17 Prohibited development

Development, other than development that is permitted with or without consent on land within a zone, is prohibited on land within that zone.

18 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

Under the section, exempt development:

- (a) must be of minimal environmental impact, and

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- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Chapter 85 of the Wyong DCP that meets the standards for the development contained in that instrument and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.

19 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

Under the section, development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or

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- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Chapter 86 of the Wyong DCP that is carried out in compliance with:
 - (a) the applicable development standards and requirements listed in that instrument, and
 - (b) the requirements of this Part,is complying development.
 - (3) To be complying development, the development must:
 - (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Wyong Shire Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

20 Subdivision—consent requirements

- (1) Land within the Warnervale Town Centre may be subdivided, but only with development consent.
- (2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional buildings,

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- (d) a consolidation of lots that does not create additional lots or the opportunity for additional buildings,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

21 Infrastructure development and the use of existing buildings of the Crown

- (1) This Division does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Division does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

22 Public utility infrastructure

- (1) Consent must not be granted to development on land within the Warnervale Town Centre unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of natural gas,
 - (d) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

23 Height of buildings

The height of a building on any land within the Warnervale Town Centre must not exceed the maximum height shown for the land on the Height of Buildings Map.

24 Exceptions to development standards—Part 3A projects

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is within Warnervale Town Centre, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General.

25 Exceptions to development standards—other development

- (1) This clause applies to development, other than development that is part of a project to which Part 3A of the Act applies.
- (2) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

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- (3) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (4) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (5) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (6) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).

- (8) This clause does not allow consent to be granted for development that would contravene a development standard for complying development.

26 Land acquisition within certain zones

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land within the Warnervale Town Centre that is reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)*.

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation	Wyong Shire Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, this Part is required to be amended to designate the acquiring authority for that land (see section 27 of the Act). The Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

27 Community use of educational establishments

- (1) The objective of this clause is to allow the use of educational establishments within the Warnervale Town Centre, including their site and facilities, for other community purposes.

- (2) An educational establishment (including the site and facilities) may, with development consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires development consent to carry out development on any land if that development could, but for this clause, be carried out on that land without development consent.

28 Development close to a rail corridor

- (1) The objective of this clause is to ensure that development of land within the Warnervale Town Centre for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (2) This clause applies to land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line (referred to in this clause as a *rail corridor*).
- (3) Development:
 - (a) that is within a rail corridor, and
 - (b) that is likely to be adversely affected by rail noise or vibration,must not be carried out unless the proposed development incorporates all practicable mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.

29 Development in flight path of Warnervale Airport

- (1) The objectives of this clause are:
 - (a) to provide for the effective and on-going operation of Warnervale Airport, and
 - (b) to ensure that such operation is not compromised by proposed development within the flight path of Warnervale Airport.
- (2) Development to erect a building:
 - (a) that is on land within the flight path of Warnervale Airport, and

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- (b) the proposed height of which would exceed the obstacle limitation surface for that land, must not be carried out unless the building will not constitute an obstruction or hazard to aircraft flying in the vicinity.
- (3) For the purposes of this clause, the flight path of Warnervale Airport is land shown as such on the Warnervale Airport Obstacle Limitation Surface Map.
- (4) In this clause:
flight path of Warnervale Airport means the land shown as such on the Warnervale Airport Obstacle Limitation Surface Map.
obstacle limitation surface for land means the obstacle limitation surface for that land shown on the Warnervale Airport Obstacle Limitation Surface Map.

30 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the Warnervale Town Centre through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation referred to in section 7.2 of Chapter 14 of the Wyong DCP.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which this clause applies without the authority conferred by:
- development consent, or
 - a permit granted by the Wyong Shire Council.
- (4) The refusal by the Wyong Shire Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant development consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Wyong Shire Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Wyong Shire Council is satisfied is a risk to human life or property.
- (7) This clause does not apply to or in respect of:
- the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the

Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

31 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land within the Warnervale Town Centre without development consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

32 Controls relating to miscellaneous permissible uses

- (1) This clause applies to development only if it is permitted under this Part or approved under Part 3A of the Act.
- (2) **Bed and breakfast accommodation**
Development for the purposes of bed and breakfast accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (3) **Home businesses**
Development for the purposes of a home business must not involve the use of more than 30 square metres of floor area.
- (4) **Home industries**
Development for the purposes of a home industry must not involve the use of more than 30 square metres of floor area.
- (5) **Kiosks**
Development for the purposes of a kiosk must not involve the use of more than 80 square metres of gross floor area.

(6) **Neighbourhood shops**

Development for the purposes of a neighbourhood shop must not involve the use of more than 80 square metres for the retail floor area of the shop.