



New South Wales

Wyong Local Environmental Plan 2013 (Amendment No 24)

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*.

MONICA GIBSON

As delegate for the Minister for Planning

Wyang Local Environmental Plan 2013 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wyang Local Environmental Plan 2013 (Amendment No 24)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Wyang Local Environmental Plan 2013* applies.

4 Maps

The maps adopted by *Wyang Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Wyong Local Environmental Plan 2013

- [1] **Land Use Table**
Omit “Home-based child care;” from item 2 of the matter relating to Zones RU1, RU2, RU5, R1, R2, R3, R5, E3 and E4.
- [2] **Land Use Table, Zones RU1, RU2, RU5, RU6, R1, R2, R3, R5, B1, E3 and E4**
Insert “Home-based child care;” in alphabetical order in item 3.
- [3] **Land Use Table, Zones RU1, RU2 and R5**
Insert “Secondary dwellings;” in alphabetical order in item 3.
- [4] **Land Use Table, Zones RU6 and B1**
Omit “Home-based child care” from item 2. Insert instead “Nil”.
- [5] **Land Use Table, Zone R2**
Insert “Seniors housing;” in alphabetical order in item 3.
- [6] **Land Use Table, Zones RE1 and RE2**
Insert “Eco-tourist facilities;” in alphabetical order in item 3.
- [7] **Clause 4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones**
Omit “dual occupancy or” wherever occurring.
- [8] **Clause 4.2B (7) and (8)**
Insert after clause 4.2B (6):
- (7) This clause (other than subclause (8)) applies to a dual occupancy in the same way as it applies to a dwelling house.
 - (8) Despite subclauses (3) and (5), development consent may be granted for the erection of a dwelling house to create a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land.
- [9] **Clause 4.3 Height of buildings**
Omit “area of the building” from clause 4.3 (2C) (a). Insert instead “site area”.
- [10] **Clause 4.4 Floor space ratio**
Insert after clause 4.4 (1) (ca):
- (d) to promote the provision of affordable housing.
- [11] **Clause 4.4 (2C) (a)**
Omit “area of the building”. Insert instead “site area”.
- [12] **Clause 4.4 (2D)**
Insert after clause 4.4 (2C):
- (2D) Despite subclause (2), the floor space ratio for a building on any land may exceed the ratio shown for the land on the Floor Space Ratio Map by 0.1:1 if

the building will comprise at least 75% of dwellings to be used for the purpose of affordable housing with a gross floor area of:

- (a) in relation to a bedsitter or studio—at least 35 square metres but no more than 36.75 square metres, and
- (b) in relation to a dwelling having 1 bedroom—at least 50 square metres but no more than 52.5 square metres, and
- (c) in relation to a dwelling having 2 bedrooms—at least 70 square metres but no more than 73.5 square metres, and
- (d) in relation to a dwelling having 3 or more bedrooms—at least 95 square metres but no more than 99.75 square metres.

Note. Clause 14 (2) (b) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* contains provisions relating to the gross floor area of dwellings in relation to affordable housing.

[13] Clause 4.6 Exceptions to development standards

Insert “4.4 (2B), 4.4 (2D),” after “4.4 (2A),” in clause 4.6 (8) (ca).

[14] Clause 5.1A Development on land intended to be acquired for public purposes

Omit “, 9” from subclause (2) (a).

[15] Schedule 1 Additional permitted uses

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

Use of certain land at 121 Church Road, Tuggerah

- (1) This clause applies to land identified as “Item 30” on the Additional Permitted Uses Map.
- (2) Development for the purpose of recreation areas and recreation facilities (outdoor) is permitted with development consent.

[16] Schedule 4 Classification and reclassification of public land

Omit “Budgerie Avenue” from Part 1. Insert instead “1W Budgerie Avenue”.

[17] Schedule 4, Part 1

Omit “Lot 2, DP 600350, Wilfred Barrett Drive”.

Insert instead “Lot 2, DP 600350, 50 Wilfred Barrett Drive”.

[18] Schedule 4, Part 1

Omit “Lot 557, DP 44985 and Lot 1, DP 859289, Wilfred Barrett Drive”.

Insert instead “Lot 557, DP 44985 and Lot 1, DP 859289, 35 Wilfred Barrett Drive”.

[19] Schedule 4, Part 1

Omit “Lot 34, DP 1001053”. Insert instead “Lot 22, DP 1188257”.

[20] Schedule 4, Part 1

Omit “Bucks Lane”. Insert instead “1R Bucks Lane”.

[21] Schedule 4, Part 1

Omit “Cascades Road”. Insert instead “61W Cascades Road”.

- [22] Schedule 4, Part 2**
Omit “Volume 15031 Folio 222, 3W Eric Place”.
Insert instead “Lot 40, DP 263868, 3A Eric Place”.
- [23] Schedule 4, Part 2**
Omit “Lot 55, DP 27001, 14W Montgomery Avenue”.
Insert instead “Lot 55, DP 27001, 16 Wattle Street”.
- [24] Schedule 4, Part 2**
Omit “40W Durham Road”. Insert instead “40 Durham Road”.
- [25] Schedule 4, Part 2**
Omit “231W Hue Hue Road”. Insert instead “231 Hue Hue Road”.
- [26] Schedule 4, Part 2**
Omit “Lot 7, DP 880403, Sparks Road”.
Insert instead “Lot 7, DP 880403, 200W Sparks Road”.
- [27] Schedule 4, Part 2**
Omit “Greta Road”. Insert instead “230 Greta Road”.
- [28] Schedule 4, Part 2**
Omit “1W Spencer Road”. Insert instead “32W Warwick Avenue”.
- [29] Schedule 4, Part 2**
Omit “10W Tambelin Street”. Insert instead “10 Tambelin Street”.
- [30] Schedule 4, Part 2**
Omit “Lot 207, DP 248954, 43 Cutler Drive”.
Insert instead “Lot 207, DP 248954 and Lot 8, DP 706917, 43 Cutler Drive”.
- [31] Schedule 4, Part 2**
Omit “and Lot 8, DP 706917”.
- [32] Schedule 5 Environmental heritage**
Omit “Norah head” from Item no I42 under the heading “**Item name**” in Part 1.
Insert instead “Norah Head Reserve”.
- [33] Schedule 5, Part 1, Item no I42**
Insert “Lot 4, DP 847750” under the heading “**Property description**”.
- [34] Schedule 5, Part 1, Item no I72**
Omit “25 Ravensdale Road”. Insert instead “25–99 Ravensdale Road”.
- [35] Schedule 5, Part 1, Item no I109**
Omit the item.

[36] Schedule 5, Part 1, Item no I124

Omit “Eleanor Duncan Aboriginal Health Centre”.

Insert instead “Stationmaster’s cottage (former)”.

[37] Schedule 5, Part 1, Item no I158

Insert “(former)” after “School”.