



New South Wales

Wyong Local Environmental Plan 2013 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

GARY MURPHY, CHIEF EXECUTIVE OFFICER, CENTRAL COAST COUNCIL
As delegate for the local plan-making authority

Wyong Local Environmental Plan 2013 (Amendment No 17)

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1 Name of Plan

This Plan is *Wyong Local Environmental Plan 2013 (Amendment No 17)*.

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 *Wyong Local Environmental Plan 2013* applies.

4 Maps

The maps adopted by *Wyong Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Wyong Local Environmental Plan 2013

[1] Clause 4.1C

Insert after clause 4.1B:

4.1C Exceptions to minimum subdivision lot size under community title schemes for certain large lot residential development

- (1) The objective of this clause is to enable appropriate subdivision of certain land, so as to provide for a range of lot sizes whilst retaining a predominantly rural and large lot residential character.
- (2) This clause applies to land that is:
 - (a) shown edged by a heavy red line on the Dwelling Density Map, and
 - (b) wholly within Zone R5 Large Lot Residential.
- (3) Despite clauses 4.1 and 4.1AA, development consent may be granted for the subdivision of land to which this clause applies if:
 - (a) none of the lots being subdivided were created by a previous subdivision under this clause, and
 - (b) any lot created by the subdivision is within a community title scheme under the *Community Land Development Act 1989*, and
 - (c) any lot created by the subdivision that has an area that is less than the minimum lot size shown on the Lot Size Map in relation to the land has a minimum area of 900 square metres, and
 - (d) no more than 30% of the lots created by the subdivision have an area that is less than the minimum lot size shown on the Lot Size Map in relation to the land, and
 - (e) the development will not result in there being a total number of more than 300 lots comprising land shown on the Dwelling Density Map, and
 - (f) the consent authority is satisfied that the subdivision of land will not affect the retention of the predominantly rural and large lot residential character of the locality.

[2] Clause 4.6 Exceptions to development standards

Insert "4.1C," after "4.1A," in clause 4.6 (8) (ca).

[3] Clause 5.3

Omit the clause. Insert instead:

5.3 Development near zone boundaries

[Not adopted]

[4] Clause 7.19

Insert after clause 7.18:

7.19 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site

and be compatible with the planning objectives and land uses for the adjoining zone.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite subclause (3) (a), this clause applies to land in Zone E3 Environmental Management only if the land is shown edged by a heavy red line on the Dwelling Density Map.
- (5) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (6) This clause does not prescribe a development standard that may be varied under this Plan.

[5] Dictionary

Insert in alphabetical order:

Dwelling Density Map means the Wyong Local Environmental Plan 2013 Dwelling Density Map.