



New South Wales

Wyong Local Environmental Plan 2013 (Amendment No 36)

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 36)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wyong Local Environmental Plan 2013 (Amendment No 36)*.

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 certain 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 4.1D

Insert after clause 4.1C—

4.1D Minimum lot sizes for dual occupancies

Development consent may be granted to development for the purpose of dual occupancies if the size of each lot is equal to or greater than—

- (a) in the case of an attached dual occupancy—550 square metres, or
- (b) in the case of a detached dual occupancy—700 square metres.

[2] Clause 4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones

Omit clause 4.2B(3)(d). Insert instead—

- (d) is a lot identified on the Lot Amalgamation Map—
 - (i) that has been amalgamated, and
 - (ii) on which development for the purpose of a dual occupancy or a dwelling house was permissible immediately before this Plan commenced, or

[3] Clause 4.2B(6)

Omit the subclause.

[4] Clause 4.2C

Insert after clause 4.2B—

4.2C Boundary adjustments in certain rural and environmental protection zones

- (1) The object of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone E2 Environmental Conservation,
 - (d) Zone E3 Environmental Management,
 - (e) Zone E4 Environmental Living.
- (3) Despite clause 4.1(3), development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that—
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of dwellings on each lot after the subdivision will remain the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and

- (d) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
 - (e) if the land is in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—the subdivision will result in the continued protection and long term maintenance of the land.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider whether or not the subdivision is likely to be incompatible with, or have a significant adverse impact on, the predominant land uses in the vicinity of the subdivision.
- (5) This clause does not apply—
- (a) in relation to the subdivision of individual lots within a strata plan or community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

[5] Clause 4.6 Exceptions to development standards

Insert “, 6.1, 6.2” after “5.3” in clause 4.6(8)(ca).

[6] Clause 6.3 Development control plan

Omit the clause.

[7] Schedule 1 Additional permitted uses

Omit clause 5(2) and (3). Insert instead—

- (2) Development for the purpose of a managed resort facility is permitted with development consent.
- (3) Development for the purpose of subdivision under the *Community Land Development Act 1989* to create lots of any size is permitted on land identified as “Item 23 Part A” on the Additional Permitted Uses Map only if—
 - (a) the land is within a managed resort facility, and
 - (b) the percentage of the dwellings in the managed resort facility used for permanent residences does not exceed 75%, and
 - (c) the consent authority is satisfied that the use of the dwellings for permanent residences will not result in the dominant use of the land to which this clause applies being for a purpose other than a managed resort facility.

[8] Schedule 5 Environmental heritage

Omit the matter relating to item I87 from Part 1.