

# Wyong Local Environmental Plan 2013

[2013-759]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### Notes—

- **See also**  
[Planning Legislation Amendment Bill 2019](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 November 2021

# Wyong Local Environmental Plan 2013



New South Wales

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# Wyong Local Environmental Plan 2013



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Wyong Local Environmental Plan 2013*.

### 1.1AA Commencement

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

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in that part of the Central Coast local government area to which this Plan applies (in this Plan referred to as **Wyong**) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to foster economic, environmental and social well being so that Wyong continues to develop as a sustainable and prosperous place to live, work and visit,
  - (b) to encourage a range of housing, employment, recreation, human services and appropriately located tourism-related development in Wyong to meet the existing and future needs of residents and visitors,
  - (c) to promote the efficient and equitable provision of public services, infrastructure and amenities,
  - (d) to provide for a range of local and regional community facilities for recreation, culture, health and education purposes,
  - (e) to apply the principles of ecologically sustainable development to guide future development within Wyong,

- (f) to conserve, protect and enhance the environmental and cultural heritage (both indigenous and non-indigenous) values of Wyong,
- (g) to protect areas of high scenic landscape value,
- (h) to maintain and enhance the existing character, amenity and environmental quality of Wyong,
- (i) to minimise risk to the community in areas subject to environmental hazards, including flooding, climate change and bush fires,
- (j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,
- (k) to encourage development that increases public transport patronage, walking and cycling.

### **1.3 Land to which Plan applies**

- (1) This Plan applies to the land identified on the [Land Application Map](#).
- (1A) (Repealed)

### **1.4 Definitions**

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### **1.5 Notes**

Notes in this Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the local plan-making authority 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 local plan-making authority when the instruments are made.
- (1AA) (Repealed)
- (2) Any 2 or more named maps may be combined into a single map. In that case, a



reference in this Plan 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 Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note—**

The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

### **1.8 Repeal of planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

#### **1.8A Savings provision relating to development applications**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note—**

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

#### **1.8B Amendment of SEPP**

- (1) *State Environmental Planning Policy (Major Development) 2005* is amended by omitting Part 15 of Schedule 3.
- (2) Each map adopted by *State Environmental Planning Policy (Major Development) 2005* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan—

**Column 1**

**Column 2**

<b>Name of map being amended or replaced</b>	<b>Name of amending or replacement map</b>
State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Land Application Map (SEPP_MD_SWP_LAP_001_20101007)	State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Land Application Map (SEPP_MD_SWP_LAP_001_015_20131219)
State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Land Zoning Map (SEPP_MD_SWP_LZN_001_20101007)	State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Land Zoning Map (SEPP_MD_SWP_LZN_001_015_20131219)
State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Height of Buildings Map (SEPP_MD_SWP_HOB_001_20101007)	State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Height of Buildings Map (SEPP_MD_SWP_HOB_001_015_20131219)
State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Height of Buildings Map (SEPP_MD_SWP_HOB_002_20101007)	State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Height of Buildings Map (SEPP_MD_SWP_HOB_002_003_20131219)
State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Heritage Map (SEPP_MD_SWP_HER_001_20101007)	State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Heritage Map (SEPP_MD_SWP_HER_001_003_20131219)
State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Additional Permitted Uses Map (SEPP_MD_SWP_APU_001_20101007)	State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Additional Permitted Uses Map (SEPP_MD_SWP_APU_001_003_20131219)
State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Land Reservation Acquisition Map (SEPP_MD_SWP_LRA_001_20101007)	State Environmental Planning Policy (Major Development) 2005 South Wallarah Peninsula Land Reservation Acquisition Map (SEPP_MD_SWP_LRA_001_015_20131219)

### 1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

*State Environmental Planning Policy No 1—Development Standards*

### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU5 Village

RU6 Transition

**Residential Zones**

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R5 Large Lot Residential

**Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B6 Enterprise Corridor

B7 Business Park

**Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

**2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) 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.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes—**

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development.

## 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes—

**1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

**2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

### Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

### Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

### Note—

A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies—

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007*—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 64—Advertising and Signage*

*State Environmental Planning Policy (Primary Production and Rural Development) 2019*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide for non-agricultural land uses, including tourism, which support the primary production purposes of the zone.
- To allow other appropriate land uses that are not suited to urban zones while maintaining the rural character of the land.

### **2 Permitted without consent**

Extensive agriculture; Home occupations

### **3 Permitted with consent**

Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry;



Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU2 Rural Landscape**

#### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for a limited range of tourist and recreational uses that are appropriate for the rural character of the land.

#### **2 Permitted without consent**

Extensive agriculture; Home occupations

#### **3 Permitted with consent**

Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Community facilities; Depots; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Secondary dwellings; Veterinary hospitals; Water recreation structures; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU3 Forestry**

#### **1 Objectives of zone**

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### **2 Permitted without consent**

Uses authorised under the *Forestry Act 2012* or under Part 5B (Private native forestry) of the *Local Land Services Act 2013*

#### **3 Permitted with consent**

Aquaculture; Camping grounds; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU5 Village**

#### **1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that will not place any undue demand on existing infrastructure and that will serve the needs of the local community.
- To ensure that development is compatible with the desired future character of the zone.
- To ensure that development does not have an adverse impact on water resources.

#### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Business premises; Camping grounds; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hotel or motel accommodation; Information and education facilities; Kiosks; Markets; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential care facilities; Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Service stations; Shops; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water supply systems

### **4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3

## **Zone RU6 Transition**

### **1 Objectives of zone**

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that interim land uses do not have an adverse impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan or Wyong Settlement Strategy.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification

signs; Community facilities; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Oyster aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Tank-based aquaculture; Waste or resource management facilities; Water recreation structures; Water supply systems

#### **4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3

### **Zone R1 General Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote “walkable” neighbourhoods.
- To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential flat buildings;

Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture; Water recycling facilities; Water reticulation systems; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R2 Low Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain and enhance the residential amenity and character of the surrounding area.
- To provide a residential character commensurate with a low density residential environment.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Water recycling facilities; Water reticulation systems; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R3 Medium Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain and enhance the residential amenity of the surrounding area.
- To encourage amalgamation of existing lots to facilitate well designed medium density development and to avoid unnecessary isolation of lots.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Home-based child care; Home businesses; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities; Water reticulation systems; Water storage facilities; Wharf or boating facilities

#### **4 Prohibited**

Farm stay accommodation; Pond-based aquaculture; Any other development not specified in item 2 or 3

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Research stations; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone B1 Neighbourhood Centre**

## **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Food and drink premises; Hardware and building supplies; Home-based child care; Kiosks; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Roads; Sewage reticulation systems; Shop top housing; Shops; Tank-based aquaculture; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wharf or



boating facilities; Wholesale supplies

## **Zone B2 Local Centre**

### **1 Objectives of zone**

- 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.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewerage

systems; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone B3 Commercial Core**

### **1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential uses, but only as part of a mixed use development.
- To encourage development and investment in the Tuggerah-Wyong central business district.
- To reinforce the role of the Tuggerah-Wyong central business district as the major regional centre in Wyong.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist

facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mortuaries; Open cut mining; Pond-based aquaculture; Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewerage systems; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone B4 Mixed Use**

### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To permit residential accommodation while maintaining active retail, business and other non-residential uses at street level.
- To encourage development that supports or complements the primary office and retail functions of the zone.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Roads; Residential flat buildings; Respite day care centres; Restricted premises; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mortuaries; Open cut mining; Pond-based aquaculture; Residential accommodation; Resource recovery facilities; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

#### **Zone B5 Business Development**

##### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To encourage development that supports or complements the primary office and retail functions of Zone B2 Local Centre and Zone B3 Commercial Core.
- To enable other complementary land uses that do not detract from the viability of business and warehouse uses, including bulky goods premises.

##### **2 Permitted without consent**

Nil

##### **3 Permitted with consent**

Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Rural supplies; Self-storage units; Sewerage reticulation systems; Shop top housing; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industries; Marinas; Mortuaries; Open cut mining; Pond-based aquaculture; Registered clubs; Residential accommodation; Resource recovery facilities; Retail premises; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water supply systems; Wharf or boating facilities

#### **Zone B6 Enterprise Corridor**

##### **1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.
- To provide primarily for businesses along key corridors.

##### **2 Permitted without consent**

Nil

##### **3 Permitted with consent**

Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Roads; Rural supplies; Serviced apartments; Sewage reticulation systems; Shop top housing; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industries; Marinas; Mortuaries; Open cut mining; Pond-based aquaculture; Residential accommodation; Resource recovery facilities; Retail premises; Rural industries; Sewerage systems; Tourist and visitor accommodation; Waste disposal facilities; Water supply systems; Wharf or boating facilities

### **Zone B7 Business Park**

#### **1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To permit limited residential accommodation that contributes to the provision of employment opportunities.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Serviced apartments; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Camping

grounds; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mortuaries; Open cut mining; Pond-based aquaculture; Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewerage systems; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water supply systems; Wharf or boating facilities

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day-to-day needs of workers in the area.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial

premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Heavy industries; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

## **Zone IN2 Light Industrial**

### **1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Depots; Food and drink premises; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating



facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Residential accommodation; Rural industries; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

## **Zone SP1 Special Activities**

### **1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- 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 Permitted without consent**

Nil

### **3 Permitted with consent**

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- To recognise existing railway land and to enable future development for railway and associated purposes.
- To recognise major roads and to enable future development and expansion of major road networks and associated purposes.
- To recognise existing land and to enable future development for utility undertakings and associated purposes.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP3 Tourist**

#### **1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To facilitate the provision of limited permanent accommodation in the form of mixed use development to improve the off-season viability of tourist-based development.
- To protect and enhance the natural environment for tourist and recreational purposes.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Attached dwellings; Amusement centres; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes;

Flood mitigation works; Food and drink premises; Function centres; Helipads; Home businesses; Home occupations; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Tourist and visitor accommodation; Water recreation structures; Water reticulation systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

#### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide linked open space for ecosystem continuity, public access, local community recreation and waterway protection.
- To provide space for integrated stormwater treatment devices for flow and water quality management.
- To enable ancillary development that complements land zoned for recreational purposes.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings;

Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Sewerage systems; Waste or resource management facilities; Water recreation structures; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To offer opportunities for tourism development that is compatible with the natural environment.
- To allow for alternative uses of open space areas for community purposes that are compatible with surrounding areas.
- To enable land uses that are compatible with, and complementary to, recreational uses.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Amusement centres; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewerage systems; Water recreation structures; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E1 National Parks and Nature Reserves**

#### **1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

#### **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

#### **3 Permitted with consent**

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect endangered ecological communities, coastal wetlands and littoral rainforests.
- To enable development of public works and environmental facilities if such development would not have a detrimental impact on ecological, scientific, cultural or aesthetic values.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Eco-tourist facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Oyster aquaculture; Recreation areas; Research stations; Roads; Water reticulation systems

## **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone E3 Environmental Management**

#### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Horticulture; Information and education facilities; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Secondary dwellings; Sewage treatment plants; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems

#### **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone E4 Environmental Living**

#### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To allow additional land uses that will not have an adverse impact on those values.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Animal boarding or training establishments; Bed and breakfast accommodation; Bee keeping; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Horticulture; Information and education facilities; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Tank-based aquaculture; Water recycling facilities; Water supply systems

#### **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W1 Natural Waterways**

#### **1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.

- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Passenger transport facilities; Research stations

## **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W2 Recreational Waterways**

#### **1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- To encourage the continuous public access to and along the foreshore and to reinforce the foreshore character and respect for existing environmental conditions.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Emergency



services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Passenger transport facilities; Take away food and drink premises; Water recreation structures; Wharf or boating facilities

#### **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Part 3 Exempt and complying development**

#### **3.1 Exempt development**

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule 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* or, if there are no such relevant provisions, must be structurally adequate, 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.
- (5) To be exempt development, the development must—
  - (a) be installed in accordance with the manufacturer's specifications, if applicable,

and

- (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### **3.2 Complying development**

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
  - (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,is complying development.

**Note—**

See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (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 Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### **3.3 Environmentally sensitive areas excluded**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause—

***environmentally sensitive area for exempt or complying development*** means any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

(1) The objectives of this clause are as follows—

- (a) to ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong,
- (b) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure,

- (c) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

#### **4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the creation of lots within a community title scheme occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape.
  - (c) Zone RU5 Village,
  - (d) Zone RU6 Transition,
  - (e) Zone R2 Low Density Residential,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone E3 Environmental Management,
  - (h) Zone E4 Environmental Living,but does not apply to a subdivision by the registration of a strata plan.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

#### **4.1A Exceptions to minimum lot size for certain split zones**

- (1) The objectives of this clause are as follows—
  - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an **original lot**) that contains—
  - (a) land in Zone R5 Large Lot Residential or Zone E4 Environmental Living, and
  - (b) land in Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if—
  - (a) any part of a resulting lot that contains land in Zone R5 Large Lot Residential has an area of at least 1 hectare, and
  - (b) any part of a resulting lot that contains land in Zone E4 Environmental Living has an area of at least 0.5 hectares, and
  - (c) one of the resulting lots—
    - (i) contains all of the land in Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
    - (ii) has an area measured in hectares of at least the number calculated in accordance with the following formula—

$$\left(A - \frac{B}{2}\right) \times 5$$

where—

**A** is the number of resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living, but does not include any lot containing at least 2 hectares of such land.

**B** is the area of any part of the resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living measured in hectares, but does not include any part of a lot containing at least 2 hectares of such land.

- (4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that—
  - (a) the land referred to in subclause (3)(a) will not be used for the purpose of eco-tourist facilities, residential accommodation or tourist and visitor accommodation, and
  - (b) suitable arrangements have been, or will be, made for the long-term conservation and management of that land.

#### **4.1B Exceptions to minimum lot sizes for certain residential development**

- (1) The objectives of this clause are as follows—
  - (a) to provide opportunities for affordable housing in appropriate locations,
  - (b) to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to land in Zone R2 Low Density Residential.
- (3) Development consent may be granted to a single development application for development on land to which this clause applies that is both of the following—
  - (a) the subdivision of land into 5 or more lots of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land,
  - (b) the erection of a dwelling house on each lot resulting from the subdivision.
- (4) Development consent may be granted to a single development application for development that is both of the following—
  - (a) the erection of a dual occupancy on land to which this clause applies,
  - (b) the subdivision of that land into 2 lots of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4A) Development consent may be granted to the subdivision of land on which a dual occupancy had been lawfully erected to create 2 lots of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (5) In determining whether to grant development consent for development under this clause, the consent authority must consider the following—
  - (a) the likely impact of the height of the development on development located on adjoining land in relation to visual impacts and overshadowing,

- (b) whether the development provides adequate pedestrian, vehicular and service access and car parking,
- (c) whether the development incorporates the principles of ecologically sustainable development,
- (d) the relationship between each of the dwellings comprising the development in relation to location and siting.

#### **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 area of the lots created by the subdivision consists of lots that 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.

#### **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.

#### **4.2 Rural subdivision**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.

**Note—**

When this Plan was made it did not include all of these zones.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### **4.2A Minimum subdivision lot size for strata plan schemes in certain rural and environment protection zones**

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—
  - (a) Zone RU1 Primary Production,



- (b) Zone RU2 Rural Landscape.
  - (c) Zone RU5 Village,
  - (d) Zone RU6 Transition,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone E2 Environmental Conservation,
  - (g) Zone E3 Environmental Management,
  - (h) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land.

**Note—**

Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

**4.2B Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones**

- (1) The objectives of this clause are as follows—
- (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dual occupancies and dwelling houses in certain rural and environment protection zones.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU6 Transition,
  - (d) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—
- (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
  - (b) is a lot created before this Plan commenced and on which the erection of a

- dwelling house was permissible immediately before that commencement, or
- (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (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
  - (e) would have been a lot referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
    - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note—**

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless—
  - (a) no dwelling house has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.
- (6) (Repealed)
- (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.

#### **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.

#### **4.3 Height of buildings**

(1) The objectives of this clause are as follows—

- (a) to establish the maximum height limit for buildings to enable the achievement of appropriate development density,
- (b) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (c) to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.
- (ca) in relation to land at Kanwal that is within Zone B6 Enterprise Corridor and is identified as “Area 4” on the [Height of Buildings Map](#)—
  - (i) to provide incentives for the development of health-related facilities in this locality, and
  - (ii) to encourage lot consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

(2A) Despite subclause (2), if the site area of a building on land identified as “Area 1” or “Area 2” on the [Height of Buildings Map](#) is at least 1,800 square metres, the maximum height of that building is—

- (a) in relation to land identified as “Area 1” on the [Height of Buildings Map](#)—20 metres, and
- (b) in relation to land identified as “Area 2” on the [Height of Buildings Map](#)—26 metres.

(2B) Despite subclause (2), the maximum height of a building on land identified as “Area 3” on the [Height of Buildings Map](#) is 10 metres if the building is to be located within 5 metres of any lot boundary with a frontage to Alison Road or the Pacific Highway.

(2C) Despite subclause (2), the maximum height of a building on land identified as “Area

4” on the [Height of Buildings Map](#) is 20 metres if—

- (a) the site area is 2,000 square metres or more, and
- (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.

#### 4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to ensure that the density, bulk and scale of development is appropriate for a site,
- (b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,
- (c) to facilitate development in certain areas that contributes to economic growth.
- (ca) in relation to land at Kanwal that is within Zone B6 Enterprise Corridor and is identified as “Area 3” on the [Floor Space Ratio Map](#)—
  - (i) to provide incentives for the development of health-related facilities in this locality, and
  - (ii) to encourage consolidation of smaller lots to reduce the possibility of fragmented development, encourage shared facilities and manage traffic movements,
- (d) to promote the provision of affordable housing.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) If a building, or any part of a building, is a heritage item, the area comprising the heritage item is not to be included in the gross floor area of the building in calculating the floor space ratio for the building.

(2B) Despite subclause (2), a building on land identified as “Area 1” or “Area 2” on the [Floor Space Ratio Map](#) for which the site area is as specified in Column 1 of the table to this subclause may exceed the maximum floor space ratio shown on the [Floor Space Ratio Map](#) in relation to that land by the percentage of that ratio shown opposite the relevant site area in Column 2 of that table.

<b>Column 1</b>	<b>Column 2</b>
<b>Site area</b>	<b>% of max FSR</b>
1,500m <sup>2</sup> or more, but less than 2,000m <sup>2</sup>	7.5%

2,000m <sup>2</sup> or more, but less than 2,500m <sup>2</sup>	10%
2,500m <sup>2</sup> or more, but less than 3,000m <sup>2</sup>	12.5%
3,000m <sup>2</sup> or more, but less than 4,000m <sup>2</sup>	15%
4,000m <sup>2</sup> or more	20%

(2C) Despite subclause (2), a maximum floor space ratio of 2:1 applies to buildings on land at Kanwal that is within Zone B6 Enterprise Corridor and is identified as “Area 3” on the [Floor Space Ratio Map](#) if—

- (a) the site area is 2,000 square metres or more, and
- (b) the building is used for the purposes of health services facilities or for a purpose that, in the opinion of the consent authority, complements and contributes to the special centre role of the hospital precinct adjacent to the land.

(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.

#### **4.5 Calculation of floor space ratio and site area**

(1) **Objectives** The objectives of this clause are as follows—

- (a) to define **floor space ratio**,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
  - (i) prevent the inclusion in the site area of an area that has no significant

development being carried out on it, and

- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the

vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (***affected land***), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, ***public place*** has the same meaning as it has in the [Local Government Act 1993](#).

#### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development 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.

(3) Development 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.
- (4) Development 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 (3), 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 Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary 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 Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include all of these zones.

- (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 (3).

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (ca) clause 4.1A, 4.1C, 4.3(2A), 4.4(2A), 4.4(2B), 4.4(2D), 5.3, 6.1, 6.2 or 7.11.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land 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 B4 Mixed Use and marked “Carpark”	Council
Zone RE1 Public Recreation and marked “Local open space”	Council
Zone RE1 Public Recreation and marked “Regional open space”	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked “Classified road”	Transport for NSW

Zone SP2 Infrastructure and marked “Health services facilities”	Health Administration Corporation
Zone SP2 Infrastructure and marked “Local road”	Council
Zone SP2 Infrastructure and marked “Sewer buffer”	Council
Zone SP2 Infrastructure and marked “Stormwater management”	Council
Zone E1 National Parks and Nature Reserves and marked “National Park”	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone E2 Environmental Conservation and marked “Environmental conservation”	Council
Zone E2 Environmental Conservation and marked “Regional open space”	The corporation constituted under section 8 of the Act
Zone E2 Environmental Conservation and marked “Stormwater management”	Council
Zone E3 Environmental Management and marked “Stormwater management”	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.

#### **5.1A Development on land intended to be acquired for public purposes**

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to the following land at Manning Road, The Entrance that has not been acquired by the relevant authority of the State specified for the land in clause 5.1—
- (a) Lots 3, 6, 8 and 11, DP 14527,
  - (b) Lot 12A, DP 408523.
- (3) Development consent must not be granted to development on land to which this clause applies other than development for the purpose of car parks.

#### **5.2 Classification and reclassification of public land**

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of

the *Local Government Act 1993*.

**Note—**

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries

[Not adopted]

### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to

guests must consist of no more than 5 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
  - (a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 250 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 125 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (a) 60 square metres,
  - (b) 30% of the total floor area of the principal dwelling.

(10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 20% of the gross floor area of the industry, or
  - (b) 250 square metres,
- whichever is the lesser.

#### **5.5 Controls relating to secondary dwellings on land in a rural zone**

[Not adopted]

#### **5.6 Architectural roof features**

[Not adopted]

#### **5.7 Development below mean high water mark**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

#### **5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—

- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—
- private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
- (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU3 Forestry,
  - (d) RU5 Village,
  - (e) RU6 Transition,
  - (f) R1 General Residential,
  - (g) R2 Low Density Residential,
  - (h) R3 Medium Density Residential,
  - (i) R5 Large Lot Residential,
  - (j) B1 Neighbourhood Centre,
  - (k) B2 Local Centre,
  - (l) B3 Commercial Core,
  - (m) B4 Mixed Use,
  - (n) B5 Business Development,

- (o) B6 Enterprise Corridor,
- (p) B7 Business Park,
- (q) IN1 General Industrial,
- (r) IN2 Light Industrial,
- (s) SP1 Special Activities,
- (t) SP2 Infrastructure,
- (u) SP3 Tourist,
- (v) RE1 Public Recreation,
- (w) RE2 Private Recreation,
- (x) E1 National Parks and Nature Reserves,
- (y) E2 Environmental Conservation,
- (z) E3 Environmental Management,
- (za) E4 Environmental Living,
- (zb) W1 Natural Waterways,
- (zc) W2 Recreational Waterways.

(3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—

- (a) the dwelling house or secondary dwelling was lawfully erected, and
- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **5.9AA (Repealed)**

### **5.10 Heritage conservation**

**Note—**

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this clause are as follows—



- (a) to conserve the environmental heritage of Wyong,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after

considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### **5.11 Bush fire hazard reduction**

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

**Note—**

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

### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan 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 with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and

- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

**5.15 Defence communications facility**

[Not adopted]

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones**

[Not applicable]

**5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

**5.18 Intensive livestock agriculture**

(1) The objectives of this clause are—

- (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
- (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.

(2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.

(3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—

- (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
- (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
- (c) the potential for the pollution of surface water and ground water,
- (d) the potential for the degradation of soils,
- (e) the measures proposed to mitigate any potential adverse impacts,
- (f) the suitability of the site in the circumstances,

- (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) if the development is a poultry farm—within 500 metres of another poultry farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

**environmentally sensitive area** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**residential zone** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.

### **5.19 Pond-based, tank-based and oyster aquaculture**

(1) **Objectives** The objectives of this clause are as follows—

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
- (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
  - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
  - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.



- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**  
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
- (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
- (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**  
Development for the purpose of oyster aquaculture may be carried out without development consent—
- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.
- (7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry*

*Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

#### **5.20 Standards that cannot be used to refuse consent—playing and performing music**

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
  - (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—

***licensed premises*** has the same meaning as in the [Liquor Act 2007](#).

#### **5.21 Flood planning**

- (1) The objectives of this clause are as follows—
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
  - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
  - (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
  - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

***Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

***flood planning area*** has the same meaning as it has in the Floodplain Development Manual.

***Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

## 5.22 Special flood considerations

[Not adopted]

## Part 6 Urban release areas

### 6.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before—
  - (a) in relation to land identified as “Gwandalan (North)” on the [Urban Release Area Map](#)—1 September 2008, or
  - (b) in relation to land identified as “Louisiana Road, Hamlyn Terrace (West)” on the [Urban Release Area Map](#)—18 July 2008, or
  - (c) in relation to land identified as “Warnervale South (Part A)” on the [Urban Release Area Map](#)—the commencement of this Plan, or
  - (d) in any other case—immediately before the land became, or became part of, an urban release area,

unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

- (3) Development consent must not be granted for the subdivision of the following land unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land to be subdivided—
  - (a) land identified as “Gwandalan (South)” on the [Urban Release Area Map](#),
  - (b) land identified as “Louisiana Road, Hamlyn Terrace (East)” on the [Urban Release Area Map](#),
  - (c) land identified as “Warnervale South (Part B)” on the [Urban Release Area Map](#).
- (4) Subclauses (2) and (3) do not apply to—

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(5) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).

## **6.2 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council 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 it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

## **6.3 (Repealed)**

## **6.4 Relationship between Part and remainder of Plan**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

# **Part 7 Additional local provisions**

## **7.1 Acid sulfate soils**

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.

<b>Class of land</b>	<b>Works</b>
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.

- |   |   |
|---|---|
| 3 | Works more than 1 metre below the natural ground surface.<br>Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.  |
| 4 | Works more than 2 metres below the natural ground surface.<br>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.  |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—
- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—
- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry

out any works if—

- (a) the works involve the disturbance of less than 1 tonne of soil, and
- (b) the works are not likely to lower the watertable.

## **7.2 (Repealed)**

## **7.3 Floodplain risk management**

- (1) The objectives of this clause are as follows—
  - (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,
  - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.
- (2) This clause applies to land between the flood planning level and the level of a probable maximum flood.
- (3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—
  - (a) air strips,
  - (b) air transport facilities,
  - (c) centre-based child care facilities,
  - (d) correctional centres,
  - (e) educational establishments,
  - (f) electricity generating works,
  - (g) emergency services facilities,
  - (h) group homes,
  - (i) helipads,
  - (j) home-based child care,
  - (k) hospitals,
  - (l) hostels,

- (m) public utility undertakings,
- (n) respite day care centres,
- (o) (Repealed)
- (p) seniors housing,
- (q) sewerage systems,
- (r) water supply systems.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published by the NSW Government in April 2005, unless it is otherwise defined in this Plan.

#### **7.4 Drinking water catchments**

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land identified as “Drinking Water Catchment” on the [Drinking Water Catchment Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—
    - (i) the distance between the development and any waterway that feeds into the drinking water storage,
    - (ii) the on-site use, storage and disposal of any chemicals on the land,
    - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited



and will be managed to minimise that impact.

### **7.5 Limited development on foreshore area**

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—
  - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—
  - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development will not cause environmental harm such as—
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and

- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise or change of flooding patterns as a result of climate change has been considered.

#### **7.6 Development on the foreshore must ensure access**

In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following—

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
- (b) public access to link with existing or proposed open space,
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
- (d) public access to be located above mean high water mark,
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions.

#### **7.7 Airspace operations**

- (1) The objectives of this clause are as follows—
  - (a) to provide for the effective and ongoing operation of the Warnervale Airport by ensuring that its operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.

(4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.

(5) In this clause—

**Limitation or Operations Surface** means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Warnervale Airport.

**relevant Commonwealth body** means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Warnervale Airport.

### 7.8 Development in areas subject to aircraft noise

(1) The objectives of this clause are as follows—

(a) to prevent certain noise sensitive developments from being located near the Warnervale Airport and its flight paths,

(b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,

(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

(2) This clause applies to development that—

(a) is on land that—

(i) is near the Warnervale Airport, and

(ii) is in an ANEF contour of 20 or greater, and

(b) the consent authority considers is likely to be adversely affected by aircraft noise.

(3) Before determining a development application for development to which this clause applies, the consent authority—

(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and

(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and

(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

(4) In this clause—

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Warnervale Airport prepared by the Department of the Commonwealth responsible for airports.

**AS 2021—2000** means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

### 7.9 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

### 7.10 Council infrastructure development

(1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area, land containing a heritage item or land that is an environmentally sensitive area for exempt and complying development.

(2) Subclause (1) does not apply to the following development—

- (a) the erection of a class 1-9 building under the *Building Code of Australia*,
- (b) development that is not exempt development under [State Environmental Planning Policy \(Infrastructure\) 2007](#) and has a capital value of more than \$5,000,000.

### 7.11 Development requiring the preparation of a development control plan (key sites)

(1) The objectives of this clause are as follows—

- (a) to deliver a high standard of design excellence for certain key sites in Wyong,

- (b) to encourage the amalgamation of those key sites to provide opportunities for the expansion of, and improvements to, the public domain,
  - (c) to provide a catalyst for the social and economic development of centres within Wyong,
  - (d) to deliver significant public benefit to the community.
- (2) This clause applies to land identified as “Key Site” on the [Key Sites Map](#).
- (3) Despite clause 4.3, the maximum height for a building on land to which this clause applies is the height shown on the [Key Sites Map](#) in relation to that land if the consent authority is satisfied that a development control plan that provides for the following matters has been prepared for the land that is the subject of the development application—
- (a) the application of the principles of ecologically sustainable development,
  - (b) green building solutions,
  - (c) design excellence, including a high standard of expertise in urban and landscape design, interior design, construction and historic preservation,
  - (d) a high standard of architectural design, materials, unique facade treatment and detailing appropriate to the type and location of the development,
  - (e) encouraging sustainable transport, including increased use of public transport, walking and cycling,
  - (f) road access, including the circulation network and the provision of car parking,
  - (g) the impact on, and improvements to, the public domain,
  - (h) environmental constraints, including acid sulfate soils, flooding, contamination and remediation,
  - (i) the relationship between the development and neighbouring sites, including urban and natural environments,
  - (j) the relationship between the development and any other development that is, or may be, located on or near the site in relation to overshadowing, privacy, setbacks and visual amenity.
- (4) This clause does not apply to a development application made more than 5 years after the commencement of this Plan.
- (5) In this clause, **green building solution** means a design, construction or operational solution that significantly reduces or eliminates the negative impact of the building to which it relates on the environment and includes strategies for addressing the

following matters—

- (a) energy efficiency,
- (b) greenhouse gas emission abatement,
- (c) water conservation,
- (d) waste avoidance, reuse and recycling,
- (e) pollution prevention,
- (f) enhanced biodiversity,
- (g) reduced natural resource consumption,
- (h) productive and healthier environments,
- (i) flexible and adaptable spaces.

#### **7.12 Development for the purpose of bottle shops**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that bottle shops are appropriately located throughout Wyong,
  - (b) to ensure that bottle shops do not have a significant adverse impact on surrounding areas.
- (2) Development consent must not be granted to development for the purpose of a bottle shop unless the consent authority is satisfied that the development will not have a significant adverse impact on the surrounding area.
- (3) In this clause, **bottle shop** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor in sealed containers for consumption away from the premises.

#### **7.13 Shop top housing in certain business zones**

- (1) This clause applies to land in the following zones—
  - (a) Zone B5 Business Development,
  - (b) Zone B6 Enterprise Corridor,
  - (c) Zone B7 Business Park.
- (2) Development consent must not be granted for development for the purpose of shop top housing on land to which this clause applies unless the gross floor area used for that purpose will not exceed 50 per cent of the total gross floor area of the building.

#### **7.14 Office premises on land at Warnervale in Zone B7**

- (1) The objective of this clause is to protect the viability of the Warnervale town centre by ensuring that the proposed business park develops in a way that encourages a mix of uses.
- (2) This clause applies to land at Warnervale that is in Zone B7 Business Park.
- (3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that the total floor space of such development on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies.
- (4) In this clause, ***stand-alone office premises*** means a building erected and predominantly used for the purpose of office premises.

#### **7.15 Office premises on land at Kanwal in Zone B6 Enterprise Corridor**

- (1) The objectives of this clause are—
  - (a) to protect the viability of existing and planned town centres, and
  - (b) to provide incentives for the development of health services facilities on land at Kanwal that is within Zone B6 Enterprise Corridor.
- (2) This clause applies to land at Kanwal that is in Zone B6 Enterprise Corridor and is identified as “Area 3” on the [Floor Space Ratio Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that the total floor space area of such development on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies.
- (4) In this clause—  
***stand-alone office premises*** means a building erected and predominantly used for the purpose of office premises.

#### **7.16 Specialised retail premises on land at Kanwal in Zone B6 Enterprise Corridor**

- (1) The objective of this clause is to protect the viability of existing and planned areas identified for the location of specialised retail premises within Wyong.
- (2) This clause applies to land at Kanwal that is in Zone B6 Enterprise Corridor and is identified as “Area 3” on the [Floor Space Ratio Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted for

development for the purpose of specialised retail premises on land to which this clause applies if the gross floor area of such development is more than 1,000 square metres.

#### **7.17 Land in North Wyong Industrial Estate in Zone B6**

- (1) The objective of this clause is to protect the viability of existing and planned town centres.
- (2) This clause applies to land in the North Wyong Industrial Estate, Pacific Highway, North Wyong that is in Zone B6 Enterprise Corridor.
- (3) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of stand-alone office premises on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the total floor space of such premises on land to which this clause applies does not exceed an area equal to 30% of the total area of the land to which this clause applies, and
  - (b) the total floor space of such premises is not less than 200 square metres.
- (4) Despite any other provision of this Plan, development consent must not be granted for development for the purpose of specialised retail premises on land to which this clause applies unless the consent authority is satisfied that the total floor space of such premises is not greater than 2,000 square metres.
- (5) In this clause, ***stand-alone office premises*** means a building erected and predominantly used for the purpose of office premises.

#### **7.18 (Repealed)**

#### **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.

## Schedule 1 Additional permitted uses

(Clause 2.5)

### **1 Use of certain land at Bateau Bay, Canton Beach, Doyalson, Gorokan, Gwandalan, Halekulani, Killarney Vale, Lake Munmorah, Norah Head, Ourimbah, Shelly Beach, The Entrance, Toukley, Tumbi Umbi and Wyong**

- (1) This clause applies to the land identified as “Item 3”, “Item 4”, “Item 5”, “Item 6”, “Item 7”, “Item 8”, “Item 9”, “Item 10”, “Item 11”, “Item 12”, “Item 13”, “Item 14”, “Item 15”, “Item 16”, “Item 17”, “Item 18”, “Item 19”, “Item 20” and “Item 21” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of hotel or motel accommodation, residential care facilities, seniors housing and serviced apartments is permitted with development consent if the development is associated with a registered club.

### **2 (Repealed)**

### **3 Use of land at Crangan Bay**

- (1) This clause applies to land identified as “Item 25” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of extractive industries is permitted with development consent.

#### 4 (Repealed)

##### 4A Use of land at Craigie Avenue Precinct, Kanwal

- (1) This clause applies to land in the Craigie Avenue Precinct, Kanwal, identified as “Item 27” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of seniors housing is permitted with development consent.

##### 4AA Use of land at 211 Wallarah Road, Kanwal

- (1) This clause applies to land identified as “Item 29” on the [Additional Permitted Uses Map](#), being Lot 2, DP 518378.
- (2) Development for the purpose of a service station is permitted with development consent.

##### 4B Use of land at 355 Ruttleys Road, Mannering Park

- (1) This clause applies to land identified as “Item 28” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of self-storage units is permitted with development consent.

#### 5 Use of certain land at 50 Summerland Road, Summerland Point

- (1) This clause applies to land identified as “Item 23 Part A” and “Item 23 Part B” on the [Additional Permitted Uses Map](#).
- (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.
- (4) In this clause, **managed resort facility** means a facility providing holiday accommodation and associated recreation facilities that also includes one or more of

the following types of development—

- (a) boat launching ramps,
- (b) boat sheds,
- (c) entertainment facilities,
- (d) function centres,
- (e) marinas,
- (f) registered clubs,
- (g) residential accommodation,
- (h) restaurants or cafes,
- (i) retail premises,
- (j) shops.

#### **6 Use of certain land at The Entrance North and Wyong**

- (1) This clause applies to the land identified as “Item 1” and “Item 2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of residential accommodation is permitted with development consent if the consent authority is satisfied that the use of the land for tourist and visitor accommodation will remain dominant.

#### **7 Use of certain land at Tumbi Umbi**

- (1) This clause applies to land identified as “Item 22” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a centre-based child care facility and health services facilities is permitted with development consent.
- (3) Development for the following purposes is permitted with development consent if the development is integrated with an existing registered club—
  - (a) hotel or motel accommodation,
  - (b) residential care facilities,
  - (c) seniors housing,
  - (d) serviced apartments.

## **8 Use of land at 2-8 Aldinga Road, Gwandalan**

- (1) This clause applies to land identified as “Item 31” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of tourist and visitor accommodation is permitted with development consent.

## **9 Use of land at 8 Warrigal Street, The Entrance**

- (1) This clause applies to land identified as “Item 32” on the [Additional Permitted Uses Map](#), being Lot 6, DP 22914.
- (2) Development for the purpose of a residential flat building is permitted with development consent.

## **10 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.

## **Schedule 2 Exempt development**

(Clause 3.1)

### **Note 1—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

### **Note 2—**

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners’ property rights and the common law still apply.

## **Schedule 3 Complying development**

(Clause 3.2)

### **Note—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

## **Part 1 Types of development**

(When this Plan was made this Part was blank)

## Part 2 Complying development certificate conditions

### Note—

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
Bateau Bay	Lot 94, DP 239874, 36W Anglers Drive
Bateau Bay	Lot 122, DP 817566, 93R Bateau Bay Road
Bateau Bay	Lot 1, DP 628905, 210W Eastern Road
Bateau Bay	Lot 33, DP 710255, 1W Grandis Place
Bateau Bay	Lot 30, DP 260239, 35W Rushby Street
Bateau Bay	Lot 49, DP 771256, 8 Sherry Street
Bateau Bay	Lots 281–283, DP 875780, 7W Sir Joseph Banks Drive
Bateau Bay	Lot 450, DP 39957, 46 Stephenson Road
Bateau Bay	Lot 151, DP 626940, 651 The Entrance Road
Bateau Bay	Lots 478 and 479, DP 704452, 4 and 6 Tyrrell Place
Berkeley Vale	Lot 6, DP 617174, 2W Clare-Mace Crescent
Berkeley Vale	Lot 100, DP 841453, 3W Corella Close
Berkeley Vale	Lots 310–312, DP 31935, 221W Cygnet Drive
Berkeley Vale	Lot 8, DP 1129690, 9W Enterprise Drive
Berkeley Vale	Lot 103, DP 262214, 12W Enterprise Drive
Berkeley Vale	Lot 17, DP 255990, 2W Hereford Street
Berkeley Vale	Lot 10, DP 729014 and Lot 3D, DP 360650, 19–21 Keren Avenue

Berkeley Vale	Lot 3A, DP 360649, 29 Keren Avenue
Berkeley Vale	Lot 108, DP 28859, 259W Lakedge Avenue
Berkeley Vale	Lots 1 and 2, DP 881158, 314W and 337W Lakedge Avenue
Berkeley Vale	Lot 63, DP 31935, 317 Lakedge Avenue
Berkeley Vale	Lot 220, DP 222242, 379W Lakedge Avenue
Berkeley Vale	Lots 1-3, DP 813773, 78W Shannon Parade
Berkeley Vale	Lot 26, DP 869735, 153W Wyong Road
Berkeley Vale	Lot 30, DP 863611, 177W Wyong Road
Berkeley Vale	Lot 10, DP 868163, 271W Wyong Road
Blue Haven	Lot 201, DP 218002, 201W Birdwood Drive
Blue Haven	Lot 132, DP 835900, 5A Blueridge Drive
Blue Haven	Lots 997 and 999, DP 1035659, 44W McKellar Boulevard
Blue Haven	Lots 996 and 998, DP 1035659, 41W and 46W Olney Drive
Budgewoi	Lots 1026 and 1027, DP 24049, 109-111 Scenic Drive
Budgewoi	Lot 1617, DP 24540, 5W Sonoma Road
Buff Point	Lot 130, DP 836001, 260W Scenic Drive
Buff Point	Lots 774-778, DP 31830, 14W Tirriki Close
Buff Point	Lot 100, DP 265811, 16W Tirriki Close
Buff Point	Lot 16, DP 748761, DP 46W Vincent Close
Bushells Ridge	Lot 192, DP 1032847, 435 Bushells Ridge Road
Canton Beach	Lot 1, DP 600961, 1W Belbowrie Street
Chain Valley Bay	Lots 23 and 24, DP 201943, 38 Teragalin Drive
Charmhaven	Lot 5, DP 828041, 4W Hakone Road
Charmhaven	Lot 1, DP 723309 and Lot 85, Section 2, DP 11824, 30W Moala Parade
Charmhaven	Lot 601, DP 777680, 135 Mona Road
Charmhaven	Lot 158, DP 12615, 207W Panorama Avenue
Chittaway Point	Lots 31-33, DP 9463, 72-76 Geoffrey Road
Chittaway Point	Lot 19, DP 27793, 239 Geoffrey Road

Crangan Bay	Lots 12 and 13, DP 598580, 465 and 465A Pacific Highway
Dooralong	Lot 42, DP 1092208, Jilliby Road
Doyalson North	Lot 1, DP 609208, 185 Pacific Highway
Doyalson North	Lot 1, DP 1042059, 170 Tall Timbers Road
Fountaindale	Lot 4, DP 615308, 130 Berkeley Road
Glennings Valley	Lots 7 and 8, DP 729013, 1 and 3 Berkeley Road
Glennings Valley	Lot 105, DP 805181, 2W Bundeena Road
Gorokan	Lots 104 and 106, DP 30327, 19W and 22W Brennon Road
Gorokan	Lot 41, DP 24662, Coorabin Street
Gorokan	Lots 4 and 5, DP 629596, 2D Dalnott Road
Gorokan	Lot 43, DP 21542, 23W Dalnott Road
Gorokan	Lot 12, DP 21542, 83W Dalnott Road
Gorokan	Lot 16A, DP 28738, 54W Gascoigne Road
Gorokan	Lot 1, DP 600344, 1W The Corso
Gwandalan	Lot 22, DP 837153, 1W Aldinga Road
Gwandalan	Lots 31-36, Section 24, DP 30228, 136W Gamban Road
Gwandalan	Lot 1, DP 1043151, 50W Parraweena Road
Halekulani	Lot 2, DP 218406, 43W Ulana Avenue
Halekulani	Lots 1 and 2, DP 229395, 45W Ulana Avenue
Hamlyn Terrace	Lot 23, DP 843478, 153-155 Minnesota Road
Hamlyn Terrace	Lot 106, DP 1119439, Sabre Place
Jilliby	Lot 8, DP 825848, 30W Sandra Street
Kangy Angy	Lots 1 and 2, DP 844350, 7W and 9W Chittaway Road
Kangy Angy	Lot 3, DP 603292, 76W Old Maitland Road
Kangy Angy	Lot 4, DP 732673, 87W Old Maitland Road
Kangy Angy	Lot 2, DP 732674, 90W Old Maitland Road
Kangy Angy	Lot 1, DP 732673, 101W Old Maitland Road
Kangy Angy	Lot 3, DP 591346, 361 Pacific Highway
Kangy Angy	Lot 1, DP 603292, Preston Road
Kanwal	Lot 1, DP 1154872, 175 Louisiana Road

Kanwal	Lot 2, DP 600238, Phyllis Avenue
Kanwal	Lot 166, DP 831035, 8 Sara Jane Close
Kanwal	Lot 110, DP 825823, 2W Walker Avenue
Kanwal	Lot 266, DP 829633, 280W Wallarah Road
Kiar	Lots 185 and 186, DP 823132, 305 Bushells Ridge Road
Killarney Vale	Lot 1, DP 1125803, 95W Lucinda Avenue
Killarney Vale	Lot 2, DP 1125803, 205W Lucinda Avenue
Killarney Vale	Lot 895, DP 31660, 33W Mawson Drive
Lake Haven	Lots 2 and 3, DP 867925, 20W Clarkson Lane and 112W Lake Haven Drive
Lake Haven	Lot 115, DP 812585, 28W Gavin Way
Lake Haven	Lots 41 and 95, DP 747946, 29 and 50A Gorokan Drive
Lake Haven	Lot 2, DP 1084245, 70 Chelmsford Road
Lake Haven	Lot 11, DP 814394, 70W Chelmsford Road
Lake Munmorah	Lot 5, DP 634640, Acacia Avenue
Lake Munmorah	Lot 1, DP 645237, 93W Anita Avenue
Lake Munmorah	Lot 52, DP 633795, 95W Anita Avenue
Lake Munmorah	Lot 2, DP 778229, 99W Anita Avenue
Lake Munmorah	Lot 186, DP 25687, 140W Anita Avenue
Lake Munmorah	Lot 1, DP 813079, 1W Budgerie Avenue
Lake Munmorah	Lot 3, DP 813080, 385W Pacific Highway
Long Jetty	Lot 300, DP 881468, 36-38 Kitchener Road
Long Jetty	Lot 31, DP 12442, 40 Kitchener Road
Long Jetty	Lot 272, DP 803300, 388R The Entrance Road
Manning Park	Lot 59, DP 31006, 6W Dunvegan Street
Manning Park	Lot 137, DP 218427, 27 Grace Street
Manning Park	Lot 1, DP 811622, 27W Grace Street
Manning Park	Lot 115, DP 211856 and Lot 34, DP 215174, 119W Griffiths Street
Manning Park	Lot 38, DP 238646, 37W Macquarie Road
Manning Park	Lot 1, DP 811621, 65W Macquarie Road
Manning Park	Lots 41 and 42, DP 813081, 1W and 2W Peveril Street



Mannering Park	Lot 23, DP 717226, 220 Tall Timbers Road
Mardi	Lot 369, DP 880842, Freemans Glen
Mardi	Lot 252, DP 830415, 48W Gavenlock Road
Mardi	Lot 444, DP 837316, 50W Gavenlock Road
Mardi	Lot 2622, DP 1044264, 164 Gavenlock Road
Mardi	Lot 226, DP 835564, 40W Green Close
Mardi	Lot 4, DP 255531, 309 Old Maitland Road
Mardi	Lot 101, DP 623289, 354 Old Maitland Road
Mardi	Lot 41, DP 1122514, 571W Old Maitland Road
Mardi	Lot 1149, DP 840180, 38 Woodbury Park Drive
Mardi	Lot 7, DP 255531, 105W Woodbury Park Drive
Mardi	Lot 373, DP 880842, 115W Woodbury Park Drive
Norah Head	Lots 1 and 2, DP 530292, 1W Bald Street
Norah Head	Lot 1, DP 600860, 11W Bald Street
Norah Head	Lot 2, DP 600350, 50 Wilfred Barrett Drive
Noraville	Lot 1, DP 600345, 92W Budgewoi Road
Noraville	Lot 1, DP 600540, 329W Main Road
Noraville	Lot 22, DP 717325, 444W Main Road
Noraville	Lot 11, DP 632403, 85 Oleander Street
Noraville	Lot 557, DP 44985 and Lot 1, DP 859289, 35 Wilfred Barrett Drive
Ourimbah	Lot 59, DP 793766, 23W Alex Close
Ourimbah	Lot 25, DP 816277, 6W Ann Close
Ourimbah	Lot 2, DP 1111375, 7 Brush Road
Ourimbah	Lot 40, DP 787730, 60W Burns Road
Ourimbah	Lot 1, DP 1122895, 39 Chittaway Road
Ourimbah	Lot 14, DP 726244, 41 Chittaway Road
Ourimbah	Lot 57, DP 830706, 39W Coachwood Drive
Ourimbah	Lots 1, 2, 3, 5, 11 and 13, DP 260371; Lots 1 and 3, DP 25365; Lots 1, 4, 6, 7, 9, 11, 15, 17 and 20, DP 260329; Lots 1, 2, 5 and 7, DP 260370; Lot 9, DP 657990; Lot 202, DP 632998 and Lot 1, DP 709324, 15W Footts Road

Ourimbah	Lots 2 and 3, DP 1039752, 31W Glen Road
Ourimbah	Lot 16, DP 1001316, 5W Knight Close
Ourimbah	Lots 1-7 and 19, DP 22433, 10 and 12 Ourimbah Creek Road
Ourimbah	Lot 22, DP 1188257, 1W Pacific Highway
Ourimbah	Lot 1, DP 604666, 213 Pacific Highway
Ourimbah	Lot 1, DP 591573, 230 Pacific Highway
Ourimbah	Lot 3, DP 804485, 23 Shirley Street
Ourimbah	Lot 104, DP 876413, 1 Teralba Street
Palmdale	Lots 3 and 4, DP 610179; Lot 61, DP 740793; Lot 1, DP 628827; Lot 13, DP 1071101 and Lot 6, DP 708221, 15W Footts Road
San Remo	Lot 86, DP 828945, 2W Callen Avenue
San Remo	Lot 4, DP 1068216, 127 Highview Avenue
San Remo	Lot 1, DP 623469, 39R Liamena Avenue
San Remo	Lot 68, DP 622542, 39W Liamena Avenue
San Remo	Lot 2, DP 706050, 43W Liamena Avenue
San Remo	Lot 23, DP 710297, 47W Liamena Avenue
San Remo	Lots 1-5 and 14, DP 206145, 48 Liamena Avenue
San Remo	Lot 1, DP 814353, 56W Liamena Avenue
San Remo	Lot 1, DP 598579, 40W Yuruga Avenue
Summerland Point	Lot 23, DP 708344, 173 Kullaroo Road
Summerland Point	Lot 331, DP 214998, 32W Murrumbong Road
Summerland Point	Lot 52, DP 785458, 10 Summerland Road
Summerland Point	Lots 210, 211 and 266, DP 830759, 102W Yeramba Road
Tacoma	Part Lots 1-7, Section 28, DP 4460 and Lot 1, Section 29, DP 4460, 1W Wolseley Avenue
The Entrance	Lot 100, DP 734527, 3 Boomerang Road
The Entrance	Lot 79, DP 803623, 27R Coral Street
The Entrance	Lot 2, DP 624459, 31R Coral Street
The Entrance	Lot G, DP 348221, 10 Dening Street, excluding the road shown in Crown Plan 34090.1603

Toowoan Bay	Lot 369, DP 755263, 113 Swadling Street
Toukley	Lot 263, DP 540712, 1R Bucks Lane
Toukley	Lot 4, DP 600545, 50W Main Road
Toukley	Lot 7, DP 247246, 5W Viewpoint Drive
Tuggerah	Lot 2008, DP 848058, Anniversary Place
Tuggerah	Lots 3042 and 3043, DP 852260, Bellwood Close
Tuggerah	Lot 183, DP 716314, 1W Bluegum Close
Tuggerah	Lot 2, DP 1036217, 2W Bryant Drive
Tuggerah	Lots 47 and 48, DP 4008, 90 and 92 Church Road
Tuggerah	Lots 22-30, 32-37, 50, 52, 53, 55 and 60, DP 4008; Lot 1, DP 11612; Lot 1, DP 301512; Lot 3, DP 650650; Lot 31, DP 655293 and Lot 3A, DP 367658, 8 Titania Avenue
Tuggerah	Lot 63, DP 839561, 2W Tonkiss Street
Tuggerah	Lot 2, DP 810238, 7 Wyong Road
Tuggerah	Lot 1, DP 591346, 52W Wyong Road
Tumbi Umbi	Lot 408, DP 883115, 6W Caralee Place
Tumbi Umbi	Lot 22, DP 1077897, 1 Eastern Road
Tumbi Umbi	Lot 6, DP 863731, 2 Mingara Drive
Tumbi Umbi	Lot 21, DP 806713, 11W Molsten Avenue
Tumbi Umbi	Lot 35, DP 771256, 1 The Avenue
Wadalba	Lot 321, DP 719530, 157 Johns Road
Wadalba	Lot 310, DP 808521, 159 Johns Road
Wadalba	Lots 127 and 129, DP 1046712, 437W Pacific Highway and 1R Settlement Drive
Watanobbi	Lot 3, DP 793403, 1W Britannia Drive
Watanobbi	Lot 5948, DP 1046614, 157W Britannia Drive
Watanobbi	Lots 9 and 30, DP 259184, Cedar Close and Maple Circle
Watanobbi	Lot 1, DP 562779, 222P Pacific Highway
Watanobbi	Lot 172, DP 804584, 2W West Street
Woongarra	Lot 732, DP 1157871, 61W Cascades Road
Woongarra	Lot 500, DP 874312, 5W Sparks Road

Woongarra	Lot 26, DP 1043482, 15W Sparks Road
Wyong	Lot 51, DP 788246, 1 Cape Road (Alison Homestead)
Wyong	Lot 1, DP 223729, 37W Crystal Crescent
Wyong	Lots 1012 and 1013, DP 831978, 7 and 9 Levitt Street
Wyong	Lots 1-3, DP 1108419; Lot 1, DP 11131 and Lot 14, Section 9, DP 3136, 20A Margaret Street
Wyong	Lot 1, DP 731478, 12R Pacific Highway
Wyong	Lot 1, DP 805693, 14W Pacific Highway
Wyong	Lot 1, DP 571964, 361W Pacific Highway
Wyong	Lot 1, DP 372294 and Lot 12, DP 590935, 375-385 Pacific Highway
Wyong	Lot 1, DP 703469 and Lot 1, DP 623789, 40-50 Pollock Avenue
Wyong	Lot 103, DP 788404, 7 Rose Street
Wyong	Lot 2, DP 614523, 11 Rose Street
Wyong	Lot 1, DP 512134, 13 Rose Street
Wyong	Lot 101, DP 1074707, 17W Sinclair Crescent
Wyong	Lots 1 and 2, DP 244800 and Lots 19-26, DP 5012, 41 Thome Street
Wyong	Lot 10, DP 234632, 7W Woodward Avenue
Wyong	Lot 8, DP 706917, 14W Woodward Avenue
Wyongah	Lot 181, DP 22768, 57W Stanley Street
Wyongah	Lot 100, DP 21973 and Lot 182, DP 22768, 79W Stanley Street
Wyongah	Lot 46, DP 18766, 104W Tuggerawong Road
Yarramalong	Lot 31, DP 777032, Bunning Creek Road
Yarramalong	Lot 16, DP 4222, 1474 Yarramalong Road

## Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Bateau Bay	Lot 105, DP 262204, 14W Banks Close	Nil

Bateau Bay	Lot 183, DP 24329, 173W Bateau Bay Road	Nil
Bateau Bay	Lot 49, DP 739917, 9W Belshaw Place	Nil
Bateau Bay	Lot 4, DP 717462, 48W Berne Street	Nil
Bateau Bay	Lots 28 and 29, DP 260201, 94W and 97W Cresthaven Avenue	Nil
Bateau Bay	Lot 13, DP 262568, 138W Cresthaven Avenue	Nil
Bateau Bay	Lot 900, DP 786123, 10A Cynthia Street	Nil
Bateau Bay	Lots 32 and 34, DP 710255, 5 and 13W Grandis Place	Nil
Bateau Bay	Lot 111, DP 712623, 7W Lincoln Close	Nil
Bateau Bay	Lot 64, DP 261267, 9 Parkview Place	Nil
Bateau Bay	Lot 26, DP 717696, 37W Rotherham Street	Nil
Bateau Bay	Lot 31, DP 260239 and Lot 60, DP 260926, 18W Rushby Street	Nil
Berkeley Vale	Lot 12, DP 263796, 16W Apprentice Drive	Nil
Berkeley Vale	Lot 9, DP 263796, 17W Apprentice Drive	Nil
Berkeley Vale	Lots 121 and 122, DP 719820, 16W and 21W Bon-Mace Close	Nil
Berkeley Vale	Lot 17, DP 262404, 18W Clare-Mace Crescent	Nil
Berkeley Vale	Lot 104, DP 262214, 17W Enterprise Drive	Nil
Berkeley Vale	Lots 1, 3, 5, 7, 9, 10 and 14, DP 615308; Lots 1 and 2, DP 43420 and Lots 1 and 2, DP 614522, 19W Enterprise Drive	Nil
Berkeley Vale	Lot 60, DP 818089, 1W Enterprise Drive	Nil
Berkeley Vale	Lot 7, DP 259648, 5W Enterprise Drive	Nil

Berkeley Vale	Lot 2, DP 618884, 6W Enterprise Drive	Nil
Berkeley Vale	Lot 400, DP 817567, 7W Enterprise Drive	Nil
Berkeley Vale	Lot 62, DP 262025, 8W Enterprise Drive	Nil
Berkeley Vale	Lot 40, DP 263868, 3A Eric Place	Nil
Berkeley Vale	Lots 19 and 20, DP 262327, 9W and 22W Greenwood Avenue	Nil
Berkeley Vale	Lot 13, DP 730803, 14W Greenwood Avenue	Nil
Berkeley Vale	Lot 41, DP 263868, 30W Greenwood Avenue	Nil
Berkeley Vale	Lot 18, DP 255990, 1W Hereford Street	Nil
Berkeley Vale	Lot 48, DP 260591 and Lot 17, DP 259708, 2W Kilkenny Parade	Nil
Berkeley Vale	Lots 170 and 171, DP 27302, 15W and 55W Lakedge Avenue	Nil
Berkeley Vale	Lot 403, DP 28398, 85W Lakedge Avenue	Nil
Berkeley Vale	Lots 121 and 122, DP 27299, 231W and 247W Lakedge Avenue	Nil
Berkeley Vale	Lot 109, DP 628381, 271 Lakedge Avenue	Nil
Berkeley Vale	Lots 4 and 5, DP 264171, 4-6 Lorraine Avenue	Nil
Berkeley Vale	Lot 313, DP 31935, 19W Marlborough Place	Nil
Berkeley Vale	Lot 3, DP 262772 and Lot 51, DP 609432, 2-18 Newbridge Road	Nil
Berkeley Vale	Lot 17, DP 262327, 2W Stornaway Crescent	Nil
Berkeley Vale	Lot 12, DP 730803, 5 Sunnyhills Terrace	Nil
Berkeley Vale	Lot 18, DP 262327, 7W Sunnyhills Terrace	Nil
Berkeley Vale	Lot 35, DP 261981, 11W Tumbi Creek Road	Nil

Berkeley Vale	Lot 79, DP 241571, 38W Wombat Street	Nil
Berkeley Vale	Lots 7 and 8, DP 736047, 2W Wyong Road	Nil
Berkeley Vale	Lot 4, DP 718577, 149W Wyong Road	Nil
Blue Bay	Lot 2, DP 633946, 156W Ocean Parade	Nil
Blue Haven	Lot 203, DP 218002, 63W Birdwood Drive	Nil
Blue Haven	Lot 208, DP 218002, 123W Birdwood Drive	Nil
Budgewoi	Lot 187, DP 802586, 96W Scenic Circle	Nil
Budgewoi	Lot 188, DP 802586, 98W Scenic Circle	Nil
Budgewoi	Lot 27, DP 243577, 207 Scenic Drive	Nil
Buff Point	Lot 4089, DP 837259, 291W Buff Point Avenue	Nil
Buff Point	Lot 352, DP 816884, 1W Girraween Street	Nil
Buff Point	Lot 68, DP 713835, 29W Karangal Crescent	Nil
Buff Point	Lot 20, DP 788646, 22W Kyong Avenue	Nil
Buff Point	Lot 7, DP 258490, 41W Moola Road	Nil
Buff Point	Lot 3, DP 713924, 1W Nicoli Close	Nil
Buff Point	Lot 4088, DP 837259, 270W Scenic Drive	Nil
Buff Point	Lot 4090, DP 837259, 12W Tirriki Close	Nil
Canton Beach	Lot 55, DP 27001, 16 Wattle Street	Nil
Chain Valley Bay	Lot 2, DP 806503, 2W Mulloway Road	Nil
Charmhaven	Lot 251, DP 27286, 40W Panorama Avenue	Nil

Charmhaven	Lot 190, DP 25586, 75W Panorama Avenue	Nil
Chittaway Bay	Lot 79, DP 705573, 91 Chittaway Road	Nil
Chittaway Bay	Lot 150, DP 263470, 46W Thomas Walker Drive	Nil
Chittaway Point	Lot 11, DP 255146, 24W Hyles Street	Nil
Doyalson	Lot 10, DP 264311, 1W David Street	Nil
Fountaindale	Lot 20, DP 775684, 7W Berrys Lane	Nil
Glennings Valley	Lot 2, DP 718577, 3W Palm Springs Avenue	Nil
Glennings Valley	Lot 43, DP 263868 and Lot 44, DP 263868, 13W Palm Springs Avenue	Nil
Gorokan	Lot 103, DP 30327, 61W Brennon Road	Nil
Gorokan	Lot 741, DP 28352, 59W Coraldeen Avenue	Nil
Gorokan	Lot 110, DP 223805, 40 Durham Road	Nil
Gorokan	Lot 41, DP 27056, 13W Grandview Parade	Nil
Gorokan	Lot 120, DP 26922, 59W Grandview Parade	Nil
Gorokan	Lot 535, DP 25851, 23W Malvina Parade	Nil
Gorokan	Lot 58, DP 26073, 120W Marks Road	Nil
Gorokan	Lot 184, DP 31019, 79W Ocean View Road	Nil
Gorokan	Lot 60, DP 232569, 46W Robson Avenue	Nil
Gorokan	Lot 211, DP 778608, 2W Stone Street	Nil
Gorokan	Lot 275, DP 27201, 198W Wallarah Road	Nil



Gwandalan	Lot B, DP 28961, 40W Aldinga Road	Nil
Gwandalan	Lot 1, DP 800051 and Lot 2, DP 28962, 70 Gamban Road	Nil
Gwandalan	Lot 54, Section 13, DP 31334, 56W Iimga Street	Nil
Halekulani	Lot 1455, DP 24541, 113W Sunrise Avenue	Nil
Jilliby	Lot 4, DP 740438, 8A Burlington Avenue	Nil
Jilliby	Lot 33, DP 740438, 20A Holloway Drive	Nil
Jilliby	Lot 16, DP 228750, 231 Hue Hue Road	Nil
Jilliby	Lot 6, DP 246727, 32W Sandra Street	Nil
Jilliby	Lot 7, DP 880403, 200W Sparks Road	Nil
Kanwal	Lot 16, DP 23235, 759 Pacific Highway	Nil
Kanwal	Lot 79, DP 245685, 106 Phyllis Avenue	Nil
Killarney Vale	Lot 38, DP 217800, 12W Ferndale Street	Nil
Killarney Vale	Lot 18, DP 242649, 17W Ruskin Row	Nil
Kingfisher Shores	Lot 78, DP 31322, 29W Lakeshore Avenue	Nil
Kulnura	Lot 5, DP 239975 and Lot 6, DP 239975, 230 Greta Road	Nil
Lake Haven	Lot 67, DP 778433, 11W Alisa Close	Nil
Lake Haven	Lot 619, DP 816848, 43W Christopher Crescent	Nil
Lake Haven	Lot 68, DP 778433, 6W Kylie Close	Nil
Lake Haven	Lot 191, DP 12248, 101W Malvina Parade	Nil

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Lake Haven	Lot 73, DP 789413, 1W Merro Close	Nil
Lake Munmorah	Lot 82, DP 221815, 1B Acacia Avenue	Nil
Lake Munmorah	Lot 185, DP 25687, 10 Alister Avenue	Nil
Lake Munmorah	Lot 36, DP 203495 and Lot 69, DP 210951, 18W Andrew Street	Nil
Lake Munmorah	Lot 83, DP 221815, 74W Anita Avenue	Nil
Lake Munmorah	Lot 189, DP 25687, 108W Anita Avenue	Nil
Lake Munmorah	Lot 188, DP 25687, 120W Anita Avenue	Nil
Lake Munmorah	Lot 187, DP 25687, 132W Anita Avenue	Nil
Lake Munmorah	Lot 14, DP 240216, 30W Elizabeth Bay Drive	Nil
Lake Munmorah	Lot 18, DP 243777, 15W Fortune Crescent	Nil
Lake Munmorah	Lot 56, DP 262652, 9W Rodney Close	Nil
Lake Munmorah	Lot 65, DP 241949, 19W Rosemount Avenue	Nil
Lake Munmorah	Lot 2, DP 206779 and Lot 64, DP 241949, 30 Rosemount Avenue	Nil
Long Jetty	Lot 47, DP 217941, 17W Wyong Road	Nil
Magenta	Lot 14, DP 270492, 5W Magenta Drive	Nil
Manning Park	Lot 6, DP 215174, 6W Catherine Street	Nil
Manning Park	Lot 126, DP 31006 and Lot 155, DP 218427, 2W Dunvegan Street	Nil
Manning Park	Lot 154, DP 218427, 18W Dunvegan Street	Nil
Manning Park	Lot 88, DP 220400, 129W Griffiths Street	Nil

Manning Park	Lot 87, DP 31204, 3W Macquarie Road	Nil
Manning Park	Lot 88, DP 31204, 31W Macquarie Road	Nil
Manning Park	Lot 2, DP 502447, 32W Warwick Avenue	Nil
Mardi	Lot 320, DP 880842, 5 Woolmers Crescent	Nil
Noraville	Lot 99, DP 27229, 33W Beulah Road	Nil
Noraville	Lot 15, Section D, DP 25692 and Lot 8, Section D, DP 25957, 27W Irene Parade	Nil
Ourimbah	Lot 13, DP 826966, 89 Baileys Road	Nil
Ourimbah	Lot 100, DP 794320, 1W Coachwood Drive	Nil
Ourimbah	Lot 58, DP 830706, 40W Coachwood Drive	Nil
Ourimbah	Lot 56, DP 830706, 56 Coachwood Drive	Nil
Ourimbah	Lot 59, DP 830706, 6W Ironbark Close	Nil
San Remo	Lot 276, DP 28798 and Lot 817, DP 31892, 30W Yuruga Avenue	Nil
Summerland Point	Lot 24, DP 708344, 168W Cams Boulevard	Nil
Summerland Point	Lot 515, DP 217781, 40W Kullaroo Road	Nil
Summerland Point	Lot 514, DP 217781, 53W Kullaroo Road	Nil
Tacoma	Lot 109, DP 30070, 28W Braithwaite Road	Nil
The Entrance	Lot 61, DP 24151 and Lot 63, DP 24151, 10 Lakeside Parade	Nil
The Entrance	Lot 1, DP 348428, 44 Marine Parade	Nil
The Entrance North	Lot 73, DP 227174, 48W Curtis Parade	Nil

The Entrance North	Lot 74, DP 227174, 61W Curtis Parade	Nil
Toukley	Lot 370, DP 815190, 78W Main Road	Nil
Tuggerah	Lot 14, DP 258178 and Part Lot 2, DP 605627, 10 Tambelin Street	Nil
Tuggerawong	Lot 37, DP 27690, 468W Tuggerawong Road	Nil
Tumbi Umbi	Lot 15, DP 807655, 7W Benjamin Close	Nil
Tumbi Umbi	Lot 14, DP 807655, 14W Benjamin Close	Nil
Tumbi Umbi	Lot 6, DP 241138, 435W Brush Road	Nil
Tumbi Umbi	Lot 21, DP 735022, 8W Palm Valley Road	Nil
Tumbi Umbi	Lot 39, DP 778320, 39W Palm Valley Road	Nil
Tumbi Umbi	Lot 22, DP 735022, 5W Pescud Close	Nil
Tumbi Umbi	Lot 30, DP 607911, 28W Roberta Street	Nil
Tumbi Umbi	Lot 45, DP 778320, 6W Victor Close	Nil
Wadalba	Lot 197, DP 1006789, 10W Figtree Boulevard	Nil
Warnervale	Lot 15, DP 27175, 2W Warnervale Road	Nil
Watanobbi	Lot 3, DP 541094, 152W Pacific Highway	Nil
Woongarah	Lot 19, DP 1044428, 19W Sparks Road	Nil
Wyong	Lot 37, DP 709238, 9W Cohen Street	Nil
Wyong	Lot 207, DP 248954 and Lot 8, DP 706917, 43 Cutler Drive	Nil
Wyong	Lot 21, DP 243037, 1W Lucca Road	Nil
Wyong	Lot 1, DP 243037, 2W Lucca Road	Nil

Wyong	Lot 3, DP 582389, 28W Marathon Street	Nil
Wyong	Lot 5, DP 749065, 4W Walter Close	Nil
Wyong	Lot 5, DP 705966, 19 Woodward Avenue	Nil

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

### Schedule 5 Environmental heritage

(Clause 5.10)

#### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Buff Point	Castle Rose	54-56 Buff Point Avenue	Lots 2 and 3, DP 13209	Local	11
Cedar Brush Creek	Stone house, timber slab barn and fencing	611 Brush Creek Road	Lot 8, DP 543157	Local	12
Chittaway Bay	Aboriginal Scar Tree	Burrarah Road (opposite Chittaway Bay Motel)		Local	13
Chittaway Bay	Dwelling	24 Moloki Avenue	Lot 107, DP 27887	Local	14
Dooralong	Dooralong Community Hall	1020 Dooralong Road	Lot 275, DP 875029	Local	15
Dooralong	Dwelling	1021 Dooralong Road, Opposite Hall	Lot 1, DP 166426	Local	17
Dooralong	Dooralong Public School	1046 Dooralong Road	Lots 218 and 219, DP 755271	Local	16
Dooralong	St Anne's Church (former)	1052 Dooralong Road	Lot 13, DP 6635	Local	110
Dooralong	Post office and attached residence	1053 Dooralong Road (opposite school)	Lot 1, DP 550080	Local	19

Dooralong	Livestock farm buildings	905 Jilliby Road	Lot 13, DP 841815	Local	I8
Glennings Valley	Dwelling	90 Glennings Road (corner Livistonia Road)	Lot B, DP 355956	Local	I11
Glennings Valley	The Palms—dwelling	12–14 Palm Springs Avenue	Lot 8, DP 401042	Local	I12
Gorokan	Dwelling	19 Nichols Avenue	Lot 121, DP 1146695	Local	I13
Gorokan	Dwelling	1 The Corso	Lot 1, DP 781786	Local	I14
Hamlyn Terrace	Warnervale Regional Uniting Church	271–273 Warnervale Road	Lot 1, DP 304957	Local	I15
Jilliby	Jilliby Cemetery	15 Jilliby Road, Corner Hue Hue Road	Lot 7005, DP 1030922	Local	I16
Jilliby	Jilliby Public School	352 Jilliby Road	Lot 1, DP 578580; Lot 179, DP 755271	Local	I17
Jilliby	Silos and dairy shed	2 Watagan Forest Drive	Lot 43, DP 755271; Lot RP, LI 30/12	Local	I18
Kangy Angy	Felton Mathew's Tree	Old Maitland Road		Local	I19
Kangy Angy Mountain	Old Maitland Road	Old Maitland Road		Local	I20
Kanwal	Church (former)—dwelling	685 Pacific Highway	Lot 1, DP 307558	Local	I21
Kulnura to Jilliby (Off Great North Road)	Simpsons Track			Local	I22
Lake Munmorah	Farm homestead complex	89 Carters Road	Lot 42, DP801076	Local	I23
Long Jetty	Group of trees ( <i>Araucaria heterophylla</i> )	160 Bay Road (Swadling Reserve)	Lot 197, DP 755263	Local	I32
Long Jetty	Dwelling	20 Elsiemer Street	Lot 2, DP 518226	Local	I30
Long Jetty	Water reservoir	61–67 Gilbert Street	Lots 69–71, DP 20749	Local	I38
Long Jetty	"Amaroo"—dwellings	156 Gladstan Avenue (corner Tuggerah Parade)	Lot 1, DP 528165	Local	I24
Long Jetty	Dwelling	6 Gordon Road	Lot 3A, DP 397515	Local	I25

Long Jetty	Dwelling	24 Pacific Street	Lot 29, Section 6, DP 10984	Local	127
Long Jetty	Dwelling	25-27 Surf Street	Lots 140 and 141, DP 17030	Local	126
Long Jetty	Dwelling	58 Swadling Street	Lot 107, DP 17030	Local	128
Long Jetty	Shop	264-266 The Entrance Road	Lot 11, DP9304	Local	137
Long Jetty	Savoy Theatre (former)	391 The Entrance Road (corner Thompson Street)	Lot 8, Section 1, DP 13225	Local	136
Long Jetty	Long Jetty Hotel	407 The Entrance Road, Corner Pacific Street	Lots, 22, 26 and 27, Section 1, DP 13225	Local	134
Long Jetty	Long jetty	Tuggerah Parade		Local	133
Long Jetty	Mr Parry's jetty	Tuggerah Parade (opposite Gladstan Avenue)		Local	135
Long Jetty	Dwellings	129 Tuggerah Parade	Lot 13, Section 1, DP 13225	Local	131
Long Jetty	Dwelling	142 Tuggerah Parade	Lots, 61 and 62, Section 1, DP 13225	Local	129
Manning Park	Bulk store building	464 Rutleys Road	Lot 11, DP 1091396	Local	139
Mardi	Dwelling	30 Mardi Road	Lot 188, DP 755263	Local	140
Mardi	Woodbury's Inn Park	62 Yarramalong Road	Lot 1, DP 587932; Lot B, DP 363291	Local	141
Norah Head	Norah Head Reserve	Bush Street	Lot 4, DP 847750	Local	142
Norah Head	Norah Head Lightstation group	40 Bush Street	Lots 1-4, DP 847750	State	143
Noraville	Noraville, house and garden	3-7 Elizabeth Drive	Lot 72, DP 27889	State	146
Noraville	Noraville General Store	446 Main Street (corner Pandora Parade)	Lot 1, DP 533976	Local	145
Noraville	Noraville Cemetery and Edward Hargraves' grave	105 Wilfred Barrett Drive (corner Oleander Street)	Lot 7304, DP 1146150	Local	144
Ourimbah	Dwelling	2 Burns Road	Lot 18, DP 663083	Local	148

Ourimbah	“Sunnybank”—dwelling	16 Chittaway Road	Lot 422, DP 731394	Local	164
Ourimbah	“Nellie Ville”—dwelling	35 Chittaway Road	Lot 15, DP 658434	Local	158
Ourimbah	Group of Araucaria trees	35 Chittaway Road	Lot 15, DP 658434; Lot 151, DP 736245	Local	155
Ourimbah	“Bangalow Creek”—farm house	119 Cutrock Road	Lot 118, DP 705847	Local	147
Ourimbah	Homestead complex	37 Howes Road	Lot 22, DP 2244	Local	157
Ourimbah	Utility structure	1A Jaques Road (corner Glen Road)	Lot 7, DP 20285; DP 20283	Local	165
Ourimbah	Ourimbah Railway Station and stationmaster’s house	1 Mill Street	Lot 100, DP 1119697	Local	161
Ourimbah	WWI monument	1 Mill Street (near railway station)	Lot 100, DP 1119697	Local	166
Ourimbah	Shop	21 Pacific Highway	Lot 5, DP 20283	Local	163
Ourimbah	Dwelling	23 Pacific Highway	Lot 4, DP 20283	Local	149
Ourimbah	Dwelling	25 Pacific Highway	Lot 14, DP 1112458	Local	150
Ourimbah	Dwelling	27 Pacific Highway	Lot 13, DP 1112458	Local	151
Ourimbah	Dwelling	29 Pacific Highway	Lot 12, DP 1112458	Local	152
Ourimbah	Ourimbah Methodist Church	111 Pacific Highway	Lot 10, DP 1102355	Local	159
Ourimbah	Ourimbah Public School	121 Pacific Highway	Lot 13, DP, 1097319; Lot 100 DP 1129450	Local	160
Ourimbah	Dwelling	133 Pacific Highway	Lot 1, DP 1033687	Local	154
Ourimbah	“Hillside”—dwelling	7 Peach Orchard Road (RMB 5035)	Lot 2, DP 553513	Local	156
Ourimbah	Dwelling	100 Shirley Street	Lot 1, DP 823716; Lot 101, DP 871404	Local	153
Ourimbah	Post office and residence	1 Station Street	Lot 1, DP 431282	Local	162



Palm Grove	Hoop Pines	700 Ourimbah Creek Road	Part Lot 49, DP 2244	Local	167
Palm Grove	Ourimbah Post Office (former)	700 Ourimbah Creek Road	Part Lot 49, DP 2244	Local	168
Palmdale	Palmdale Road Bunya Pines	Palmdale Road		Local	169
Palmdale	“Palmdale House” including grounds	148 Palmdale Road	Lot 64, DP 739592	Local	170
Ravensdale	Dwelling	25 Ravensdale Road	Lot 47, DP 665330; Lot 13, DP 251953	Local	171
Ravensdale	Old Ravensdale Road	25–99 Ravensdale Road		Local	172
Ravensdale	Ravensdale Public School (former)	227 Ravensdale Road	Lot 273, DP 755271	Local	173
Ravensdale	Silos	457 Ravensdale Road (4.2 km north of junction)	Lots 1011–1015, DP 876511; Lot RP, LI 30/41	Local	174
South Tacoma	Dwelling	11 South Tacoma Road	Lot 3, DP 261746	Local	177
South Tacoma	Dwelling	13 South Tacoma Road	Lot 1, DP 261746	Local	176
South Tacoma	“Tarella”—dwelling	14 South Tacoma Road	Lot 3, DP 4065; Lot 14, DP 11202; LI 60/90	Local	179
South Tacoma	Boat shed and landing	14–15 South Tacoma Road	Lot 3, DP 4065; Lot 14 DP 11202; LI 60/90	Local	175
South Tacoma	South Tacoma Public School (former)	Rear 40 South Tacoma Road	Lot 14, DP 4065	Local	178
The Entrance	Dwelling	5 Bent Street	Lot 1, DP 507785	Local	185
The Entrance	Shop and residence	1 Coral Street	Lot A, DP 387728	Local	191
The Entrance	Police station	12 Dening Street (corner Short Street)	Lot 17, DP 17377	Local	189
The Entrance	Concrete groyne	Off Marine Parade		Local	183
The Entrance	Drinking fountain	Marine Parade (adjacent to Surf Club)		Local	184

The Entrance	WWI monument	1 Marine Parade (corner The Entrance Road)	Lots 7038 and 7039, DP 1030098	Local	197
The Entrance	The Entrance Surf Club	44 Marine Parade	Lot 1, DP 348428	Local	195
The Entrance	Carnival including carousel and Alfred Bruder Organ	46 Marine Parade	Lot 7040, DP 1030784	Local	181
The Entrance	Edith Ring Rest	Ocean Parade		Local	186
The Entrance	The Entrance ocean pools	92CR Ocean Parade	Lot 366, DP 755263; LI 366632	State	194
The Entrance	Boat shed and Norfolk Island Pines	10 The Entrance Road	Lot 395, DP 39469; LI 308396; LI 313600	Local	180
The Entrance	Restaurant/residence	11-29 The Entrance Road	Lots, 1-3, DP 571197	Local	190
The Entrance	Catholic School House	40-48 The Entrance Road	Lot 1, DP 31794; Lots G, H and J, DP 103807; Lot K, DP 395161	Local	182
The Entrance	The Entrance Hotel	71-78 The Entrance Road	Lot 10, DP 1133880	Local	193
The Entrance	St Andrew's Presbyterian Church	134-136 The Entrance Road	Lots 22 and 23, DP 10294	Local	192
The Entrance	The Lakes Hotel	199-209 The Entrance Road	Lot 1, DP 854737	Local	196
The Entrance	Our Lady of the Rosary Catholic Church	239-243 The Entrance Road	Lot 100, DP 1020271	Local	188
The Entrance North	Group of trees	1CR Hutton Road (Karagi Point Reserve)	Lot 7313, DP 1147369	Local	1101
The Entrance North	Dwelling	27 Hutton Road	Lot 104, DP 1018917	Local	1100
The Entrance North	Dwelling	33 Hutton Road	Lot 101, DP 1018917	Local	199
The Entrance North	Church	74A Hutton Road	Lot 43, DP 17615	Local	198
Toukley	Old Toukley Bridge			Local	1102
Tuggerah	Tuggerah Pioneer Dairy (former)	1897 South Tacoma Road	Lot 3, DP 1186260; Lot 1, DP 585323	Local	1103

Tuggerawong	Dwelling	229 Tuggerawong Road	Lot 37, Section 2, DP 11710	Local	I104
Tumbi Umbi	Church (former)—dwelling	44 Tumbi Road	Lot 2, DP 866378	Local	I105
Tumbi Umbi	Dwelling	212 Tumbi Road (corner Eric Malouf Close)	Lot 1, DP 748413	Local	I106
Wadalba	Dwelling	70 Jensen Road (opposite Braithwaite Road)	Lot B, DP 33532	Local	I107
Warnervale	Warnies Railway Cafe and General Store	1-13 Warnervale Road	Lot 1, DP 958084	Local	I108
Wyong	Wyong underbridge			Local	I142
Wyong	Police station and quarters	10-12 Alison Road	Lots 4 and 5, Section 2, DP 3136	Local	I129
Wyong	Chapman's Store	14-16 Alison Road (corner Hely Street)	Lots 6 and 7, Section 2, DP 3136	Local	I112
Wyong	Court house (former)	17 Alison Road	Lot 10, DP 838107	Local	I114
Wyong	Dwelling	46 Alison Road	Lot 4, Section 9, DP 3136	Local	I117
Wyong	Wyong Dairy Co-Operative (former)	141-145 Alison Road	Lots, 12-16, DP 255532; Lots 31-33, DP 5019; Lot 7 DP 21462	Local	I139
Wyong	Strathavon Country Club'—guest house	31 Boyce Avenue	Lot 42, DP 551571	Local	I136
Wyong	St Cecilia's Catholic Church Group	21-23 Byron Street	Lot 37, Section 1, DP 4361	Local	I135
Wyong	Dwelling	37 Byron Street	Lot A, DP 372004	Local	I120
Wyong	Alison Homestead	1 Cape Road	Lot 51, DP 788246	Local	I110
Wyong	Dwelling	12 Church Street (Arthur Mollett Reserve, 6 Rankens Court)	Lot 1, DP 942380; Lot 1, DP 663618	Local	I119
Wyong	Fire station	5 Hely Street	Lot 1, DP 203172	Local	I125
Wyong	Robely House—Eye Surgery	24-26 Hely Street	Lots 1 and 2, DP 133369; Lot 15, Section 7, DP 3136	Local	I130
Wyong	Dwelling	8 Hope Street	Lot 1, DP 1015344	Local	I116

Wyong	Dwelling	28A Hope Street	Lot 51, DP 838300	Local	I122
Wyong	Dwelling	33 Margaret Street (corner North Road)	Lot B, DP 346046	Local	I115
Wyong	Dwelling	34 Margaret Street	Lot 15, Section 8, DP 3136	Local	I118
Wyong	Milepost	Pacific Highway (opposite railway station)		Local	I128
Wyong	Stationmaster's cottage (former)	1 Pacific Highway	Lot 13, DP 1012870	Local	I124
Wyong	Shops (including Turton Building)	54, 56-64, 66-68, 70 and 72 Pacific Highway (corner Church Street)	Lot 81, DP 801747; Lots 1-3, DP 24475; Lot 0, SP 32653	Local	I134
Wyong	Streetscape	64-70 and 78 Pacific Highway	Lots 1-3, DP 24475; Part Lot 9, Section 3, DP 3136; Lot 1, DP 654662	Local	I137
Wyong	Shop	74 Pacific Highway	Lot 1, DP 654662	Local	I132
Wyong	Rural bank (former)	98 Pacific Highway (corner Bakers Lane)	Lot 1, DP 1119567	Local	I131
Wyong	Brisbane Water Ambulance Station	128 Pacific Highway	Lot 2, DP 203172	Local	I111
Wyong	Dwellings	8 Panonia Road	Lot 35, DP 522480	Local	I123
Wyong	Dwelling	127 Pollock Avenue	Lot 7, DP 1056384	Local	I121
Wyong	Shopping complex	1-4 Railway Square and Pacific Highway	Lot 103, DP 816247	Local	I133
Wyong	Wyong Railway Station and stationmaster's cottage	7 and 8 Railway Square and Pacific Highway	Lot 2, DP 1002949	Local	I141
Wyong	Wyong Public School (former)	8 Rankens Court	Lot 11, DP 838107; Lot 1, DP 940960; Lot 172, DP 727765	Local	I140
Wyong	WWI and WWII Monument	Wyong Town Park and 10 Rankens Court	Lot 171, DP 727765	Local	I138

Wyong	McKinnon Hall	19 Rankens Court	Part Lot 16, Section 3, DP 3136	Local	I127
Wyong	Commercial office building	21 Rankens Court (corner Bakers Lane)	Lot 1, DP 319879	Local	I113
Wyong	General store	6 Warner Avenue	Lot 10, DP 10813	Local	I126
Wyong Creek	"Bangalow"—dwelling	64 Boyds Lane	Lots 85 and 213, DP 755271; Lots 4 and 5, DP 251953; Lot 170 DP 755271; Lot 103 DP 1133862	Local	I143
Wyong Creek	"Gracemere"—dwelling	20 Kidmans Lane	Lot 91, DP 755271; Lot 1, 198963; LI 32492	Local	I147
Wyong Creek	Wyong Creek Public School	583 Yarramalong Road	Lots 1 and 2, DP 795369	Local	I150
Wyong Creek	"Fernbank"	756 Yarramalong Road	Lot 1, DP 562175	Local	I146
Wyong Creek	Wyong Creek Community Hall	791 Yarramalong Road	Lot 1, DP 945671	Local	I149
Wyong Creek	Farm house, silos and farm shed	798 Yarramalong Road	Lot 2321, DP 1035727	Local	I145
Wyong Creek	"Ebenezer's Cottage" (former)—dwelling and sawmill	1036 Yarramalong Road	Lots 401 and 402, DP 838393	Local	I144
Wyong Creek	"Hillview"—dwelling	1376 Yarramalong Road	Lot 622, DP 1115049	Local	I148
Wyongah	Dwelling	88 Tuggerawong Road	Lot 20, DP 18766	Local	I151
Yarramalong	"Salmon House" (former)—dwelling	1208 Yarramalong Road	Lot 310, DP 854680	Local	I155
Yarramalong	Yarramalong Cemetery	1474 Yarramalong Road	Lot 16, DP 4222	Local	I157
Yarramalong	Yarramalong Public School (former)	1560 Yarramalong Road	Lots 15, 16, 60 and 91, DP 755224; Part Lot 1, DP 782407	Local	I158
Yarramalong	"Linga Longa" guest house (former)—dwelling	1614 Yarramalong Road	Lot 3, DP 1020527	Local	I153

Yarramalong	Retail store and residence	1629A Yarramalong Road (opposite Bumble Hill Road)	Lot 4, DP 870128	Local	I154
Yarramalong	Yarramalong School of Arts	1640 Yarramalong Road (corner Leewood Close)	Lot 12, DP 1151293	Local	I159
Yarramalong	"Homeleigh"—dwelling	1650 Yarramalong Road	Lot 111, DP 1050930	Local	I152
Yarramalong	St Barnabas' Church and cemetery	1669 and 1671 (RMB 1359) Yarramalong Road	Lot 12, DP 613900; Lot 7006, DP 1021292	State	I156

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">Heritage Map</a>	Significance	Item no
Oakland Avenue Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local	C1
Wyong Town Centre Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local	C2

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the [Marine Estate Management Act](#)

2014,

(b) land declared as a marine park under the *Marine Estate Management Act 2014*.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

## **Division 2 Operational requirements**

### **2 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### **3 Pond-based aquaculture that is also intensive aquaculture—pond design**

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

### **4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges**

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

### **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

### **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

## **Part 2 Extensive pond-based aquaculture**

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

(1) Must not be carried out on the following land, except to the extent necessary to gain access to water—

(a) land declared an area of outstanding biodiversity value under the *Biodiversity*

*Conservation Act 2016,*

- (b) vacant Crown land,
- (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

**8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

**Division 2 Operational requirements**

**9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

**10 Pond design**

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

**11 Culture water**

Must use freshwater.

**Dictionary**

(Clause 1.4)

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Plan.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.



**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note—**

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Acid Sulfate Soils Map** means the [Wyong Local Environmental Plan 2013 Acid Sulfate Soils Map](#).

**Additional Permitted Uses Map** means the [Wyong Local Environmental Plan 2013 Additional Permitted Uses Map](#).

**advertisement** has the same meaning as in the Act.

**Note—**

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note—**

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note—**

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include

a livestock processing industry.

**Note—**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note—**

Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note—**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at

least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note—**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note—**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note—**

Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note—**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note—**

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note—**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note—**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—**

Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility

(such as a gymnasium) to care for children while the children's parents are using the facility, or

- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**classified road** has the same meaning as in the [Roads Act 1993](#).

**Note—**

The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#).

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in Schedule 1 to [State Environmental Planning Policy \(Coastal Management\) 2018](#).

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).



**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the [Local Government Act 1993](#).

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the [Crimes \(Administration of Sentences\) Act 1999](#), including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5(1) of the [Children \(Detention Centres\) Act 1987](#),

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Central Coast Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note—**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Drinking Water Catchment Map** means the [Wyong Local Environmental Plan 2013 Drinking Water Catchment Map](#).

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note—**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**Dwelling Density Map** means the [Wyong Local Environmental Plan 2013 Dwelling Density Map](#).

**dwelling house** means a building containing only one dwelling.

**Note—**

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note—**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,

- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note—**

The term is defined as follows—

**estuary** means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note—**

See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not

significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

(a) oysters and other aquatic molluscs, and

(b) crustaceans, and

(c) echinoderms, and

(d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5

metre freeboard.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Wyong Local Environmental Plan 2013 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**foreshore area** means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

**foreshore building line** means the line shown the foreshore building line on the [Foreshore Building Line Map](#).

**Foreshore Building Line Map** means the [Wyong Local Environmental Plan 2013 Foreshore Building Line Map](#).

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note—**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated

supplies, and items associated with the construction and maintenance of outdoor areas,

- (b) pets and pet supplies,
- (c) fresh produce.

**Note—**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external



walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note—**

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies.

**Note—**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies.

**Note—**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note—**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note—**

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the [Wyong Local Environmental Plan 2013 Height of Buildings Map](#).

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note—**

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance—

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
  - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note—**

An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the [Wyong Local Environmental Plan 2013 Heritage Map](#).

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,

(e) rest areas and public amenities.

**home-based child care** means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note—**

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,

- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note—**

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note—**

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note—**



Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note—**

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**Key Sites Map** means the [Wyong Local Environmental Plan 2013 Key Sites Map](#).

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note—**

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the [Wyong Local Environmental Plan 2013 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Wyong Local Environmental Plan 2013 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Wyong Local Environmental Plan 2013 Land Zoning Map](#).

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,

(c) artisan food and drink industry.

**Note—**

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note—**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Note—**

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Note—**

Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

**Lot Amalgamation Map** means the [Wyong Local Environmental Plan 2013 Lot Amalgamation Map](#).

**Lot Size Map** means the [Wyong Local Environmental Plan 2013 Lot Size Map](#).

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an

intermittent or occasional basis.

**Note—**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—**

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note—**

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows—

**moveable dwelling** means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note—**

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for

meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—**

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the [Local Government Act 1993](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**public utility infrastructure**, in relation to an urban release area, includes infrastructure for any of the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which

the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence,



and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note—**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note—**

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note—**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

**Note—**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,

(m) timber yards,

(n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note—**

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note—**

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

(a) agricultural produce industries,

(b) livestock processing industries,

(c) composting facilities and works (including the production of mushroom substrate),

(d) sawmill or log processing works,

(e) stock and sale yards,

(f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note—**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note—**

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note—**

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note—**

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note—**

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note—**

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for—

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note—**

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note—**

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—**

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**Note—**

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note—**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for

proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the *Liquor Act 2007*.

**Note—**

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note—**

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note—**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level

next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note—**

The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note—**

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note—**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.



**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,

(e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note—**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**urban release area** means the area of land identified as “Urban Release Area” on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Wyong Local Environmental Plan 2013 Urban Release Area Map](#).

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note—**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note—**

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note—**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note—**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note—**

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note—**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note—**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.