



New South Wales

Wyong Local Environmental Plan 1991 (Amendment No 178)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(10/21506)

TOM GELLIBRAND

As delegate for the Minister for Planning and Infrastructure

2011 No 528

Clause 1 Wyong Local Environmental Plan 1991 (Amendment No 178)

Wyong Local Environmental Plan 1991 (Amendment No 178)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wyong Local Environmental Plan 1991 (Amendment No 178)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to the land shown edged heavy black on the map marked “Land Application Map Wyong Local Environmental Plan 1991 (Amendment No 178)” deposited in the office of the Council of the Shire of Wyong.

Schedule 1 Amendment of Wyong Local Environmental Plan 1991

[1] Clause 7 Definitions

Insert in appropriate order in the definition of *the map*:

Wyong Local Environmental Plan 1991 (Amendment No 178)

[2] Part 3 Special provisions

Insert after clause 42G:

Division 3A Wyong Town Centre

42H Floor space ratio

- (1) This clause applies to the land shown edged heavy black on the map marked “Floor Space Ratio Map Wyong Local Environmental Plan 1991 (Amendment 178)” (*the floor space ratio map*).
- (2) The maximum floor space ratio for a building on any land to which this clause applies is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (3) Despite subclause (2), when calculating the maximum floor space ratio for a building on land to which this clause applies, the site area is taken to be increased by the following percentages:
 - (a) if the actual site area is 1500m² or more, but is less than 2000m²—7.5%,
 - (b) if the actual site area is 2000m² or more, but is less than 2500m²—10%,
 - (c) if the actual site area is 2500m² or more, but is less than 3000m²—12.5%,
 - (d) if the actual site area is 3000m² or more, but is less than 4000m²—15%,
 - (e) if the actual site area is 4000m² or more—20%.

42I Height of buildings

- (1) This clause applies to the land shown edged heavy black on the map marked “Building Height Map Wyong Local Environmental Plan 1991 (Amendment No 178)” (*the Building Height Map*).
- (2) The building height of a building on land to which this clause applies is not to exceed the maximum height shown for the land on the Building Height Map.

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- (3) Despite subclause (2), the maximum building height is 7m in respect of any part of a building that:
- (a) is on land that is marked with yellow hatching on the Building Height Map, and
 - (b) is within 5m of any lot boundary that has frontage to Alison Road or the Pacific Highway.
- (4) In this clause, **building height** means the vertical distance from natural ground level at any point within a building to the top-most ceiling of the building directly above that point.

[3] Clause 53A

Insert after clause 53:

53A Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land 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 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 No 6 (c) (Proposed Open Space and Recreation Zone)	Council

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Schedule 1

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- (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.
- (4) In this clause *Land Acquisition Map* means the map marked “Land Acquisition Map Wyong Local Environmental Plan 1991 (Amendment No 178)”.

[4] Schedule 3 Classification or reclassification of public land as operational land

Insert in alphabetical order of locality in Part 2 in columns 1, 2 and 3 respectively:

Wyang

Lot 2, DP 1108419

Nil.