

Wyong Local Environmental Plan 2012

under the
Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning and Infrastructure

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Part 1 Preliminary

1.1 Name of Plan [compulsory]

This Plan is **Wyang** Local Environmental Plan 2012.

1.1AA Commencement [compulsory]

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

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **Wyang** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to foster economic, environmental and social well-being so that **Wyang Shire** 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 **Wyang Shire** 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 the Shire of **Wyang**,
 - (f) to conserve, protect and enhance the environmental and cultural heritage (both indigenous and non-indigenous) values of **Wyang Shire**,
 - (g) to protect areas of high scenic landscape value,
 - (h) to maintain and enhance the existing character, amenity and environmental quality of **Wyang Shire**,
 - (i) to minimise risk to the community in areas subject to environmental hazards, including flooding, climate change and bush fires, and
 - (j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas, and
 - (k) to encourage development that increases public transport patronage, walking and cycling.

1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions [compulsory]

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

1.5 Notes [compulsory]

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

1.6 Consent authority [compulsory]

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

1.7 Maps [compulsory]

- (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 Minister 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 Minister when the instruments are made.
- (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 Infrastructure.

1.8 Repeal of planning instruments applying to land [compulsory]

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

Note. The following local environmental plans are repealed under this provision:

Wyang Local Environmental Plan 1991

- (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.

1.9 Application of SEPPs [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 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

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

1.9A Suspension of covenants, agreements and instruments [optional]

- (1) For the purpose of enabling development on land in any zone to be carried

out in accordance with this Plan or with a development 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 prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
 - (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, and/or Fisheries Management Act 1994, 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 Division 6 of Part 4 of the Act..
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 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 [compulsory]

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 [compulsory]

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 [compulsory]

- (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 or, if applicable, Part 3A 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 [compulsory]

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting 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 [compulsory]

- (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 [compulsory]

- (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 [compulsory]

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 [optional]

- (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 (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

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 not suited to urban zones whilst maintaining the rural character of the land.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home occupations; Horticulture; Viticulture

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; 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); Research stations; Roads, Roadside stalls; Rural industries; Rural supplies; Rural worker's dwellings; Sewerage systems; Veterinary hospitals; Waste or resource management facilities; 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 appropriate to the rural character of the land.

2 Permitted without consent

Extensive agriculture; Home-based child care; 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; Cemeteries; Crematoria; Community facilities; Depots; Dual occupancies; Dwelling houses; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Open cut mining; Recreation areas; Recreation facilities (Outdoor); Research stations; Roads; Roadside stalls; Rural industries; Sewerage systems; Veterinary hospitals; Waste or resource management facilities; 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 1916*

3 Permitted with consent

Camping grounds; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (outdoor); Research stations; 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 an undue demand on existing infrastructure and will serve the needs of the local community.
- To ensure development is compatible with the desired future character of the areas covered by this zone.
- To ensure development does not adversely impact on the region's water resources.

2 Permitted without consent

Home-based child care; 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; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Home businesses; Home industries; Home occupations (sex services); Hotel or motel accommodation; Information and education facilities; Kiosks; Markets; Neighbourhood shops; Office premises; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential Care facilities; Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Service stations; Sewerage systems; Shops; Shop top housing; Veterinary hospitals; Waste or resource management facilities; Water supply systems.

4 Prohibited

Any 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 adversely impact upon the conservation/or development potential of land identified for future investigation within the North Wyong Shire Structure Plan and / or Wyong Settlement Strategy.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Air transport facilities; 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 businesses; Home industries; Horticulture; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Research stations; 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 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 and a sense of community.
- To ensure development conforms with the principles of sustainable development.
- To ensure development is compatible with the scale and character of the local area and complements the existing streetscape.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Car parks; Caravan parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Education establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition home; Exhibition village; Flood mitigation works; Group homes; Health services facilities; Home businesses; Home industries; Home occupations (sex services); Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Signage; 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-based child care; 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; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Education establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition village; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Jetties; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi detached dwellings; Sewage reticulation systems; Shop top housing; 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-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Backpackers accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Education establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health services facilities; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (Indoor); Recreation facilities (Outdoor); Residential flat building; Respite day care centres; Roads; Secondary dwellings; Semi detached dwelling; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Take away food and drink premises; Water recycling facilities; Water reticulation systems; Water storage facilities; Wharf or boating facilities

4 Prohibited

Any 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-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodations; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Education establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Jetties; Places of public worship; Recreation areas; Research stations; Respite day care centres; Roads; Sewage reticulation systems; 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

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Hardware and building supplies; Home occupation (sex services); Kiosks; Medical centres; Neighbourhood shops; Respite day care centres; Food and drink premises; Roads; Sewage reticulation systems; Shops; Shop top housing; Water reticulation systems; Water storage facilities; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building or 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; Industries; Industrial retail outlets; Industrial training facilities; Marinas; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; 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 or resource management 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 encourage residential and other accommodation uses while maintaining active retail, business or other non-residential uses at the street level.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building or repair facilities; Bulky goods premises; 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; Industries; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Marinas; Mortuaries; Open cut mining; Plant nurseries; Port facilities; Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Rural supplies; Sewerage systems; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management 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 encourage development and investment in the Wyong central business district.
- To reinforce the role of the Wyong central business district as the major regional centre within Wyong shire.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building or repair facilities; Bulky goods premises; 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; Industries; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Marinas; Mortuaries; Open cut mining; Port facilities; Research stations; Residential accommodation; Rural industries; Sewerage systems; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management 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 allow for residential and other accommodation, while maintaining active retail, business or other non-residential uses at street level.
- To encourage development that supports or complements the primary office and retail functions of the local centre zone.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building or 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; Industries; Industrial retail outlets; Industrial training facilities; Marinas; Mortuaries; Open cut mining; Port facilities; Residential accommodation; 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 or resource management 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 bulky goods 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 the local centre and commercial core zones.
- To enable other complementary land uses that do not detract from the viability of business and warehouse uses, and bulky goods premises within the zone.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bulky goods premises; Child care centres; Educational establishments; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Rural supplies; Self storage units; Sewage reticulation systems; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building or 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; Port facilities; Registered clubs; Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Vehicle body repair workshops; Waste or resource management 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

Home occupations

3 Permitted with consent

Bulky goods premises; 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; Passenger transport facilities; Plant nurseries; Roads; Rural supplies; Serviced apartments; Sewage reticulation systems; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building or 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; Port facilities; Residential accommodation; Retail premises; Rural industries; Sewerage systems; Tourist and visitor accommodation; Waste or resource management 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 allow limited residential accommodation that contributes to the provision of employment opportunities within the zone.

2 Permitted without consent

Nil

3 Permitted with consent

Child care centres; Food and drink premises; Kiosks; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Sewage reticulation systems; Hotel or motel accommodation; Serviced apartments; Shop top housing; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building or 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; Function centres; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupation (sex services); Industrial retail outlets; Industries; Marinas; Mortuaries; Open cut mining; Port facilities; Registered clubs; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Waste or resource management 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; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; 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; Environmental facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm Buildings; Forestry; Function centres; Heavy industries; Heavy industrial storage establishment; 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; Port facilities; Public administration building; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; 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; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Plant nurseries; Roads; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Environmental facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Heavy industrial storage establishments; Home based childcare; Home businesses; Home occupations (sex services); Home occupations; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; 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

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

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose;
Roads

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; 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; Flood mitigation works; Food and drink premises; Function centres; Helipads; 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; Shop top housing; Semi-detached dwellings; Sewage reticulation systems; Tourist and visitor accommodation; Water recreation structures; Water reticulation systems.

4 Prohibited

Any other 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, whilst enhancing urban amenity.
- To enable ancillary development which compliments land zoned for recreational purposes.

2 Permitted without consent

Nil.

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Moorings; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (major) Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Public administration buildings; Sewerage systems; Take away food and drink premises; 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 compatible with the natural environment.
- To allow for alternative uses of open space areas for community purposes compatible with surrounding areas.
- To enable land uses compatible with, and complimentary to, recreational uses.

2 Permitted without consent

Nil.

3 Permitted with consent

Amusement centres; Building identification signs; Business identification signs; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Moorings; Mooring pens; Recreation areas; Recreation facilities (indoor), Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewerage systems; Take away food and drink premises; Waste or resource management facilities; 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 where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.

2 Permitted without consent

Nil.

3 Permitted with consent

Environmental facilities; Environmental protection works; Flood mitigation works; Recreation areas; Research stations; Roads; Sewage reticulation systems; Water reticulation systems.

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 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-based child care; Home occupations.

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings, Farm stay accommodation; Flood mitigation works; Home businesses; Home industries; Horticulture; Information and education facilities; Recreation areas; Research stations; Roads; Roadside stalls; Secondary dwellings; Sewage reticulation systems; Sewage treatment plants; 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 effect on those values.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Bee keeping; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Emergency services facilities; Environmental protection works; Farm buildings; Flood mitigation works; Group homes; Home businesses; Home industries; Home occupations (sex services); Horticulture; Information and education facilities; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Sewage reticulation systems; 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

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 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 facility; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Passenger transport facilities; Research stations; 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 [compulsory]

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (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*.
 - (e) (Repealed)

- (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 or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development [compulsory]

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (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 [compulsory]

- (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 to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (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 Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
 - (a) To ensure minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong Shire.
 - (b) To promote ecologically, socially and economically sustainable subdivision of land.
 - (c) 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 create capacity problems for existing infrastructure through potential cumulative effects.

- (d) 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 individual lots in a strata plan or community title scheme.

4.1AA Minimum subdivision lot size for community title schemes [optional]

- (1) The objectives of this clause are as follows:
 - (a) To ensure that the creation of 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, through its potential cumulative effects, not 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 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

Note 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 specified complying development.

- (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.

4.1B Variation to minimum lot sizes for environmental benefits [optional]

- (1) The objective of this clause is to:
 - (a) secure key conservation land by allowing greater subdivision potential of R5 or E4 land,
 - (b) ensure adequate infrastructure, facilities and services are provided to cater for the increase in lots created.
- (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 either or both Zone E2 Environmental Conservation or Zone E3 Environmental Management not less than the area calculated as follows:

$$\text{Area of E2 and E3 Zone MIN} = (A - [B/2]) \times 5$$

Where:

A is the number of resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living excluding any lot that contains more than 2 hectares of land in these zones.

B is the total area (in hectares) of Zone R5 Large Lot Residential or Zone E4 Environmental Living in all resulting lots excluding lots containing more than 2ha of land in these zones.

Area of E2 and E3 Zone MIN is the minimum area in hectares of any part of the original lot that is 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 resulting lots if:
 - (a) the area of any part of a resulting lot that is in Zone R5 Large Lot Residential or Zone E4 Environmental Living is not less than 0.5 hectares.
 - (b) all land in Zone E2 Environmental Conservation or Zone E3 Environmental Management in the original lot is contained within one resulting lot.
- (4) Before granting consent to development in accordance with this clause, the consent authority must be satisfied that:
 - (a) the subdivision is desirable for achieving key conservation outcomes in the long term, and
 - (b) any resulting lot containing land in either or both Zone E2 Environmental Conservation or Zone E3 Environmental Management will be managed for conservation in the long term, and
 - (c) for resulting lots containing land in Zone R5 Large Lot Residential or Zone E4 Environmental Living, the following services are available or that adequate arrangements have been made to make them available when required:
 - i) the supply of water,
 - ii) the supply of electricity,
 - iii) the disposal and management of sewage,
 - iv) stormwater drainage or on-site conservation,
 - v) suitable road access, and
 - (d) any resulting lot containing land in Zone E2 Environmental Conservation or Zone E3 Environmental Management will not be used for residential accommodation, tourist or visitor accommodation or eco-tourist facilities.
- (5) In this clause:
resulting lot means a lot created in accordance with subclause (3).

4.1C Exceptions to minimum lot sizes for certain residential development [optional]

- (1) The objective of this clause is to encourage housing diversity and to protect residential amenity.
- (2) This clause applies to development on 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 2 or more lots, and
 - (b) the erection of a semi-detached dwelling, or a dwelling house on each lot resulting from the subdivision.
- (4) Before granting consent to development under this clause, the consent authority must be satisfied that each dwelling:
- (a) will be appropriately integrated with other dwellings included within the development application, and
 - (b) will not have a significant adverse impact on adjoining land having regard to visual and overshadowing impacts, and
 - (c) will include adequate pedestrian, vehicular and service access, circulation and parking.

4.2 Rural subdivision [compulsory]

- (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,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.
- (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 Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones [optional]

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development, and
 - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and environmental 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 or dual occupancy on a lot in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot is:
 - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or

- (b) a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
 - (c) 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 or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) an amalgamated lot.
- (4) Development consent must not be granted to a dwelling house or dual occupancy on a lot referred to in subclause (3)(d) unless development for a dwelling house or dual occupancy was permissible on the lot immediately before this Plan commenced.
- 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.
- (5) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:
- (a) 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, or
 - (b) the land would have been a lot referred to in subclause (3) 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, public reserve or for another public purpose, or
 - (iii) a consolidation with adjoining public road, a public reserve or for another public purpose.
- (6) In this clause:

amalgamated lot means the amalgamation into one lot of all lots within an area shown on the Lot Amalgamation Map.

4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
- (a) to establish a maximum height of buildings to enable appropriate development density to be achieved, and
 - (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 the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.
- (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), the maximum height of a building on land shown edged by a thick blue line on the Height Map is not to exceed the following height:
- (a) for land identified as Area 1 on that Map and the actual site area is 1800 square metres or more —20 metres,
 - (b) for land identified as Area 2 on that Map and the actual site area is

- 1800 square metres or more —26 metres,
- (c) for land identified as Area 3 on that Map and any part of a building is within 5m of any lot boundary that has frontage to Alison Road or the Pacific Highway —10 metres.

4.4 Floor space ratio [optional]

- (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, and
 - (c) to facilitate development in certain areas that contributes to the economic growth of the shire.
- (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) Despite subclause (2) the floor space ratio of a building on land shown edged by a thick blue line on the Floor Space Ratio Map and identified as either Area 1 in Wyong or Area 2 in Toukley on that map may be exceeded by the following percentages:
- (a) if the actual site area is 1500 square metres or more, but is less than 2000 square metres — 7.5%,
 - (b) if the actual site area is 2000 square metres or more, but is less than 2500 square metres — 10%,
 - (c) if the actual site area is 2500 square metres or more, but is less than 3000 square metres — 12.5%,
 - (d) if the actual site area is 3000 square metres or more, but is less than 4000 square metres — 15%,
 - (e) if the actual site area is 4000 square metres or more — 20%.
- (2B) Despite subclause (2), any part of the floor area of a building that is a heritage item is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.
- (2C) Subclause (2B) does not apply unless the consent authority is satisfied that the conservation of any heritage item and its setting will be achieved.

4.5 Calculation of floor space ratio and site area [optional]

(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 [compulsory]**

- (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 Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General 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 Director-General 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.
- (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.
 - (d) **clause 4.1B, clause 4.3(2A), clause 4.4(2A), and clause 7.8.**

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (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 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 RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone SP2 Infrastructure and marked "Local road"	Council

Zone SP2 Infrastructure and marked “Drainage”	Council
Zone SP2 Infrastructure and marked “Sewer Buffer ”	Council
Zone SP2 Infrastructure and marked “Health Services Facility”	Health Administration Corporation
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 B4 Mixed Use and marked “Car Park”.	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 land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.

Land	Development
Zone B4 Mixed Use and applicable to land comprising Lots 3,6,8,9,11, DP 14527 and Lot 12A DP 408523, Manning Road, The Entrance	Car Park

5.2 Classification and reclassification of public land [compulsory]

- (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, Crown reserves and commons). 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 Lands Act 1989*).

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 [optional]

- (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 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.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses [compulsory]

(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 [30] 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.

(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**

If development for the purposes of a secondary dwelling is permitted under this Plan, 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.

5.5 Development within the coastal zone [compulsory]

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

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,

- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
 - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
 - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
 - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
 - (iv) recognise and accommodate coastal processes and climate change, and
 - (v) protect amenity and scenic quality, and
 - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
 - (vii) protect and preserve native coastal vegetation, and
 - (viii) protect and preserve the marine environment, and
 - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
 - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
 - (xi) protect Aboriginal cultural places, values and customs, and
 - (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
 - (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and
 - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
 - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
 - (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
 - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
 - (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore, and
 - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
 - (e) how biodiversity and ecosystems, including:
 - (i) native coastal vegetation and existing wildlife corridors, and

- (ii) rock platforms, and
 - (iii) water quality of coastal waterbodies, and
 - (iv) native fauna and native flora, and their habitats, can be conserved, and
 - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
 - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (d) the proposed development will not:
 - (i) be significantly affected by coastal hazards, or
 - (ii) have a significant impact on coastal hazards, or
 - (iii) increase the risk of coastal hazards in relation to any other land.

5.6 Architectural roof features [optional]

Not adopted.

5.7 Development below mean high water mark [compulsory]

- (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 [compulsory]

- (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 Preservation of trees or vegetation [compulsory]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
 - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
unless the Council is satisfied that the proposed activity:
 - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or

heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation [compulsory]

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 Shire**,
- (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 [compulsory]

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 [compulsory]

- (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 [compulsory]

- (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 indigenous 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 indigenous 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.

Part 6 Urban Release Areas

6.1 Arrangements for designated State public infrastructure [optional]

- (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” on the Urban Release Area Map and in zone 1(c) (Non Urban Constrained Lands Zone) immediately before the commencement of Wyong Local Environmental Plan 1991 (Amendment No 163) — 18

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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.

- (2A) Development consent must not be granted for the subdivision of land in an urban release area:
- (a) identified as "Gwandalan South" on the Urban Release Area Map; or
 - (b) identified as "Louisiana Road, Hamlyn Terrace" on the Urban Release Area Map and in zone 10(a) (Investigation Precinct Zone) immediately before the commencement of Wyong Local Environmental Plan 1991 (Amendment No 163),

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 land.

- (3) Subclause (2) does 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.

- (4) 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 93C of the Act).

6.2 Public utility infrastructure [optional]

- (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 Development control plan [optional]

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of active and passive recreation areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause 2) does not apply to any of the following developments:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

6.4 Relationship between Part and remainder of Plan [optional]

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 [local]

- (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.

Class of land	Works
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1	Any works.
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2	Works below the natural ground surface.
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- Works by which the watertable is likely to be lowered.
- 3 Works more than 1 metre below the natural ground surface.
- 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.
- 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 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 Flood Planning [local]

- (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 land's flood

- hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land identified as “Flood planning area” on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
 - (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land; and
 - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
 - (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 clause.
 - (5) In this clause:
 - flood planning area*** means the land shown as “Flood planning area” on the Flood Planning Map.
 - flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

7.3 Foreshore building line [local]

- (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 this clause 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, flora and fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion of 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.
- (4) In this clause:
- foreshore area* means the land between the foreshore building line and the nearest foreshore.
- foreshore building line* means the line shown as the foreshore building line on the Foreshore Building Line Map.

7.4 Development on the foreshore must ensure access [local]

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.

7.5 Airspace operations [local]

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

- (a) to provide for the effective and on-going operation of the Warnervale Airport by ensuring that such 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) This clause shall cease to apply once the Warnervale Airport ceases to be used for the purpose of an air transport facility.
- (6) 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.

7.6 Development in areas subject to aircraft noise [local]

- (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.

7.7 Drinking Water Catchments [local]

- (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, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

7.8 Key Sites [local]

- (1) The objectives of this clause are:
 - (a) to deliver a high standard of design excellence for Key Sites within Wyong Shire.
 - (b) to encourage the amalgamation of Key Sites to provide opportunities for the expansion of, or improvements to, the public domain.
 - (c) to provide a catalyst for the social and economic development of centres within Wyong Shire.
 - (d) to deliver significant public benefit to the community.
- (2) This clause applies to land identified as a “Key Site” on the Key Sites Map.
- (3) Despite clause 4.3(2), development consent may be granted for development up to the maximum height shown for the land on the Key Sites Map provided the consent authority is satisfied that a site specific Development Control Plan has been prepared that ensures development will:
 - (a) achieve the principles of ecologically sustainable development,
 - (b) provide a green building solution,

- (c) demonstrate design excellence,
 - (d) demonstrate a high standard of architectural design, materials and detailing appropriate to the development type and location,
 - (e) contain adequate levels of pedestrian, cycle and vehicular access as well as circulation and parking.
 - (f) improve the quality and amenity of the public domain,
 - (g) permit the development of adjoining sites,
 - (h) be suitable on the site in regards to issues associated with slope, hazard, groundwater, soil capability and mine subsidence,
 - (i) comply with all relevant normal planning merit provisions contained in this instrument, particularly those pertaining to overshadowing, privacy and visual impact.
- (4) This clause applies only to a development application made within 5 years after the commencement of this Plan.
- (5) A development application made, but not determined within 5 years after the commencement of this Plan, is to be determined as if this clause continued to apply to that application.
- (6) In this clause:

design excellence means development that demonstrates that it will benefit the broader community by using expertise in architecture, urban design, landscape design, interior design, art, engineering, historic preservation, construction, security and sustainability.

Green building means a building that incorporates design, construction and operational practices that significantly reduce or eliminate the negative impact of development on the environment, including strategies for addressing:

- (i) energy efficiency,
- (ii) greenhouse gas emission abatement,
- (iii) water conservation,
- (iv) waste avoidance, reuse and recycling,
- (v) pollution prevention,
- (vi) enhanced biodiversity,
- (vii) reduced natural resource consumption,
- (viii) productive and healthier environments,
- (ix) flexible and adaptable spaces.

7.9 Essential services [local]

- (1) 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 road access.

7.10 Development by Council [local]

- (1) Development carried out by, under the authority of, or on behalf of the

Council requires the consent of the Council, except as provided by subclause (2).

- (2) The following development may be carried out by, under the authority of, or on behalf of the Council without development consent:
 - (a) reconstruction, improvement, maintenance or repair of any road except for the re-alignment, relocation or widening (other than within the existing road reserve) of a road, or
 - (b) development which, in the opinion of the Council, constitutes extensions or improvements or maintenance of existing utility installations or a combination of those, or
 - (c) development which, in the opinion of the Council, constitutes improvements or maintenance of existing public facilities or works owned, operated or controlled by the Council, or
 - (d) tree maintenance, filling, landscaping and gardening.
- (3) Development for the purposes of a depot and associated infrastructure (such as garages, fuel sheds, tool houses, storage yards and workers' amenities) may be carried out by Council with consent on land within the following zones:
 - (a) RU1 Primary Production.
 - (b) RU6 Transition.

7.11 Consent for the Purpose of Bottle Shops [local]

- (1) The objectives of this clause are to ensure that:
 - (a) a development application for a bottle shop addresses the likely impact it may have on the safety and amenity of the area; and
 - (b) the consent authority has sufficient information to assess the extent to which a proposed bottle shop will impact on the area concerned.
- (2) Development consent must not be granted to a development for the purpose of a bottle shop unless the consent authority has received a social impact statement that addresses:
 - (a) the community social profile, and the number, location and size of existing bottle shops serving the relevant population catchment, and
 - (b) identifies the proximity of the development to existing residential land and community facilities, the social impacts that are likely to result, and the mitigation methods proposed; and
 - (c) the requirements of the Casino, Liquor and Gaming Control Authority or any other Authority required to license the proposed bottle shop.
- (3) Before determining a development application for a bottle shop, the consent authority must consider the likely impact of the development, including public safety.
- (4) In this clause:

Bottle shop means a retail premises whose principal purpose is the sale of liquor direct to the public, but does not include a pub, cellar door premise, or a food and drink premise.

7.12 Shop top housing in B5 Business Development, B6 Enterprise Corridor, and B7 Business Park zone

- (1) Development consent must not be granted for shop top housing on land in Zone B5 Business Development, B6 Enterprise Corridor, and B7 Business Park if the gross floor area of the housing will exceed 25 percent of the total

gross floor area of the building in which the housing is situated.

7.13 Type 3 Airport

- (1) This clause applies to land shown as Airport Type 3 on the Wyong Local Environmental Plan 2012 Airport Type 3 Map.
- (2) The objective of this clause is to identify land that is identified as a potential site of a Type 3 Airport (limited service airport with a single runway of length of up to 2,600 metres).
- (3) In this clause:
Type 3 Airport means land identified as Airport Type 3 on the Airport Type 3 Map.

Schedule 1 Additional permitted uses

(Clause 2.5)

- 1 Use of certain land within DP 270492, Wilfred Barrett Drive, North Entrance and within DP 270434 Kooindah Boulevard Wyong**
- (1) This clause applies to the following land, shown as “Item 1” and “Item 2” respectively on the Additional Permitted Uses Map, within Zone SP3:
 - (a) lots within DP 270492, Wilfred Barrett Drive, North Entrance (“Item 1”);
 - (b) lots within DP 270434, Kooindah Boulevard Wyong (“Item 2”).
 - (2) The use of tourist and visitor accommodation for residential accommodation is permitted with consent on land to which this clause applies, provided Council is satisfied that the development will not alter the dominant use of the land for tourist and visitor accommodation.
- 2 Use of certain land at The Entrance, Toukley, Tumbi Umbi, Ourimbah, Doyalson, Wyong, Lake Munmorah, Norah Head, Gwandalan, Halekulani, Shelly Beach, Bateau Bay, Gorokan, and Canton Beach**
- (1) This clause applies to the following land zoned RE1 Public Recreation and RE2 Private Recreation, shown as "Item 3" to "Item 22" on the Additional Permitted Uses Map.
 - (2) Development for the purpose of food and drink premises, hotel or motel accommodation, residential care facilities, seniors housing or serviced apartments is permitted with consent on land to which this clause applies if Council is satisfied that the proposed development is integrated with a registered club existing on the land.

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

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 Division 3 of Part 3 of *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

Locality	Description
BATEAU BAY	93R Bateau Bay Road Lot 122 DP 817566
BATEAU BAY	651 The Entrance Road Lot 151 DP 626940
BATEAU BAY	8 Sherry Street Lot 49 DP 771256
BATEAU BAY	46 Stephenson Road Lot 450 DP 39957
BATEAU BAY	1W Grandis Place Lot 33 DP 710255
BATEAU BAY	210W Eastern Road Lot 1 DP 628905
BATEAU BAY	35W Rushby Street Lot 30 DP 260239
BATEAU BAY	36W Anglers Dr Lot 94 DP 239874
BATEAU BAY	6 Tyrrell Place Lot 478 DP 704452
BATEAU BAY	4 Tyrrell Place Lot 479 DP 704452
BATEAU BAY	7W Sir Joseph Banks Dr Lot 281 DP 875780 Lot 282 DP 875780 Lot 283 DP 875780
BATEAU BAY	78W Shannon Parade Lot 1 DP 813773 (Operational) Lot 2 DP 813773(operational) Lot 3 DP 813773 (operational) Lot 216 DP 216319 (operational)
BERKELEY VALE	12W Enterprise Dr Lot 103 DP 262214
BERKELEY VALE	151W Wyong Road Lot 25 DP 869735
BERKELEY VALE	153W Wyong Road Lot 26 DP 869735
BERKELEY VALE	161W Lakedge Avenue Lot 9 DP 29311
BERKELEY VALE	177W Wyong Road Lot 30 DP 863611
BERKELEY VALE	221W Cygnet Dr Lot 310 DP 31935 Lot 311 DP 31935 Lot 312 DP 31935
BERKELEY VALE	259W Lakedge Avenue Lot 108 DP 28859
BERKELEY VALE	271W Wyong Road Lot 10 DP 868163
BERKELEY VALE	2W Clare-Mace Cres Lot 6 DP 617174
BERKELEY VALE	2W Hereford Street Lot 17 DP 255990
BERKELEY VALE	314W Lakedge Avenue Lot 1 DP 881158
BERKELEY VALE	317 Lakedge Avenue Lot 63 DP 31935
BERKELEY VALE	337W Lakedge Avenue Lot 2 DP 881158
BERKELEY VALE	379W Lakedge Avenue Lot 220 DP 222242
BERKELEY VALE	3W Corella Close Lot 100 DP 841453
BERKELEY VALE	9W Enterprise Dr Lot 8 DP 1129690
BERKELEY VALE	19-21 Keren Avenue Lot 10 DP 729014 Lot 3D DP 360650
BERKELEY VALE	29 Keren Avenue Lot 3A DP 360649
BLUE HAVEN	201W Birdwood Dr Lot 201 DP 218002
BLUE HAVEN	41W Olney Dr Lot 996 DP 1035659
BLUE HAVEN	44W McKellar Boulevard Lot 997 DP 1035659 Lot 999 DP 1035659
BLUE HAVEN	46W Olney Dr Lot 998 DP 1035659
BLUE HAVEN	5A Blueridge Drive Lot 132 DP 835900
BUDGEWOI	109-111 Scenic DR Lot 1026 DP 24049 Lot 1027 DP 24049
BUDGEWOI	5W Sonoma Road Lot 1617 DP 24540
BUFF POINT	14W Tirriki Close Lot 774 DP 31830 Lot 775 DP 31830 Lot 776 DP 31830 Lot 777 DP 31830 Lot 778 DP 31830
BUFF POINT	16W Tirriki Close Lot 100 DP 265811
BUFF POINT	260W Scenic Dr Lot 130 DP 836001

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BUFF POINT	46W Vincent Close Lot 16 DP 748761
BUSHELLS RIDGE	435 Bushells Ridge Road Lot 192 DP 1032847
CANTON BEACH	1W Belbowrie Street Lot 1 DP 600961
CHAIN VALLEY BAY	38 Teragalin Drive Lot 23 Dp 201943 Lot 24 DP 201943
CHARMHAVEN	207W Panorama Avenue Lot 158 DP 12615
CHARMHAVEN	4W Hakone Road Lot 5 DP 828041
CHARMHAVEN	30W Moala Parade Lot 1 DP 723309 Lot 85 Sec 2 DP 11824
CHARMHAVEN	135 Mona Road Lot 601 DP 777680
CHITTAWAY POINT	72-76 Geoffrey Road Lot 31 DP 9463 Lot 32 DP 9463 Lot 33 DP 9463
CHITTAWAY POINT	239 Geoffrey Road Lot 19 DP 27793
CRANGAN BAY	465 Pacific Highway Lot 12 DP 598580
CRANGAN BAY	465A Pacific Highway Lot 13 DP 598580
DOORALONG	Jiliby Road Lot 42 DP 1092208
DOYALSON NORTH	170 Tall Timbers Road Lot 1 DP 1042059
DOYALSON NORTH	185 Pacific Highway Lot 1 DP 609208
FOUNTAINDALE	130 Berkeley Road Lot 4 DP 615308
GLENNING VALLEY	2W Bundeena Road Lot 105 DP 805181
GLENNING VALLEY	1 Berkeley Road Lot 8 DP 729013
GLENNING VALLEY	3 Berkeley Road 2261 Lot 7 DP 729013
GOROKAN	19W Brennon Road Lot 104 DP 30327
GOROKAN	22W Brennon Road Lot 106 DP 30327
GOROKAN	23W Dalnott Road Lot 43 DP 21542
GOROKAN	2D Dalnott Road Lot 4 DP 629596
GOROKAN	54W Gascoigne Road Lot 16A DP 28738
GOROKAN	83W Dalnott Road Lot 12 DP 21542
GOROKAN	Coorabin Street Lot 41 DP 24662
GOROKAN	1W The Corso Lot 1 DP 600344
GWANDALAN	136W Gamban Road Lot 31 Sec 24 DP 30228 Lot 32 Sec 24 DP 30228 Lot 33 Sec 24 DP 30228 Lot 34 Sec 24 DP 30228 Lot 35 Sec 24 DP 30228 Lot 36 Sec 24 DP 302228
GWANDALAN	1W Aldinga Road Lot 22 DP 837153
GWANDALAN	50W Parraweena Road Lot 1 DP 1043151
HALEKULANI	43W Ulana Avenue Lot 2 DP 218406
HALEKULANI	45W Ulana Avenue Lot 2 DP 229395 Lot 1 DP 229395
HAMLYN TERRACE	153-155 Minnesota Road Lot 23 DP 843478
HAMLYN TERRACE	44 Birch Dr Lot 157 DP 1045368
HAMLYN TERRACE	Sabre Place Lot 106 DP 1119439
JILLIBY	30W Sandra Street Lot 8 DP 825848
JILLIBY	30W Sandra Stree Lot 8 DP 825848
KANGY ANGY	101W Old Maitland Road Lot 1 DP 732673
KANGY ANGY	76W Old Maitland Road Lot 3 DP 603292
KANGY ANGY	7W Chittaway Road Lot 1 DP 844350
KANGY ANGY	9W Chittaway Road Lot 2 DP 844350
KANGY ANGY	Preston Road Lot 1 DP 603292
KANGY ANGY	361 Pacific Highway Lot 3 DP 591346
KANGY ANGY	90W Old Maitland Road Lot 2 DP 732674
KANGY ANGY	87W Old Maitland Road Lot 4 DP 732673
KANWAL	175 Louisiana Road Lot 1 DP 1154872
KANWAL	280W Wallarah Road Lot 266 DP 829633
KANWAL	2W Walker Avenue Lot 110 DP 825823
KANWAL	8 Sara Jane Close Lot 166 DP 831035
KANWAL	Phyllis Avenue Lot 2 DP 600238
KIAR	305 Bushells Ridge Road Lot 185 DP 823132 Lot 186 DP 823132

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KILLARNEY VALE	205W Lucinda Avenue Lot 2 DP 1125803
KILLARNEY VALE	33W Mawson Dr Lot 895 DP 31660
KILLARNEY VALE	95W Lucinda Avenue Lot 1 DP 1125803
LAKE HAVEN	112W Lake Haven Dr Lot 3 DP 867925
LAKE HAVEN	20W Clarkson Lane Lot 2 DP 867925
LAKE HAVEN	28W Gavin Way Lot 115 DP 812585
LAKE HAVEN	29 Gorokan Dr Lot 95 DP 747946
LAKE HAVEN	32 Christopher Cres Lot 630 DP 816848
LAKE HAVEN	50A Gorokan Dr Lot 41 DP 747946
LAKE HAVEN	70 Chelmsford Road Lot 2 DP 1084245
LAKE HAVEN	70W Chelmsford Road Lot 11 DP 814394
LAKE MUNMORAH	140W Anita Avenue Lot 186 DP 25687
LAKE MUNMORAH	385W Pacific Highway Lot 3 DP 813080
LAKE MUNMORAH	93W Anita Avenue Lot 1 DP 645237
LAKE MUNMORAH	95W Anita Avenue Lot 52 DP 633795
LAKE MUNMORAH	99W Anita Avenue Lot 2 DP 778229
LAKE MUNMORAH	Acacia Avenue Lot 5 DP 634640
LAKE MUNMORAH	Budgerie Avenue Lot 1 DP 813079
LONG JETTY	40 Kitchener Road Lot 31 DP 12442
LONG JETTY	388R The Entrance Road Lot 272 DP 803300
LONG JETTY	36-38 Kitchener Road Lot 300 DP 881468
MANNERING PARK	119W Griffiths Street Lot 115 DP 211856 Lot 34 DP 215174
MANNERING PARK	1W Peveril Street Lot 42 DP 813081
MANNERING PARK	27 Grace Street Lot 137 DP 218427
MANNERING PARK	27W Grace Street Lot 1 DP 811622
MANNERING PARK	2W Peveril Street Lot 41 DP 813081
MANNERING PARK	37W Macquarie Road Lot 38 DP 238646
MANNERING PARK	65W Macquarie Road Lot 1 DP 811621
MANNERING PARK	6W Dunvegan Street Lot 59 DP 31006
MANNERING PARK	220 Tall Timbers Road Lot 23 DP 717226
MARDI	105W Woodbury Park Lot 7 DP 255531
MARDI	115W Woodbury Park Dr Lot 373 DP 880842
MARDI	164 Gavenlock Road Lot 2622 DP 1044264
MARDI	354 Old Maitland Road Lot 101 DP 623289
MARDI	38 Woodbury Park Dr Lot 1149 DP 840180
MARDI	40W Green Close Lot 226 DP 835564
MARDI	48W Gavenlock Road Lot 252 DP 830415
MARDI	50W Gavenlock Road Lot 444 DP 837316
MARDI	571W Old Maitland Road Lot 41 DP 1122514
MARDI	Freemans Glen Lot 369 DP 880842
MARDI	309 Old Maitland Road Lot 4 DP 255531
NORAH HEAD	1W Bald Street Lot 1 DP 530292 Lot 2 DP 530292
NORAH HEAD	11W Bald Street Lot 1 DP 600860
NORAH HEAD	Wilfred Barrett Dr Lot 2 DP 600350 Lot 10 DP 816888
NORAVILLE	444W Main Road Lot 22 DP 717325
NORAVILLE	92W Budgewoi Road Lot 1 DP 600345
NORAVILLE	329W Main Road Lot 1 DP 600540
NORAVILLE	85 Oleander Street Lot 11 DP 632403
NORAVILLE	Wilfred Barrett D Lot 557 DP 44985 Lot 1 DP 859289
OURIMBAH	1 Teralba Street Lot 104 DP 876413
OURIMBAH	12 Ourimbah Creek Road Lot 1 DP 22433 Lot 2 DP 22433 Lot 3 DP 22433 Lot 4 DP 22433 Lot 5 DP 22433 Lot 6 DP 22433 Lot 19 DP 22433
OURIMBAH	1W Pacific Highway Lot 34 DP 1001053
OURIMBAH	23 Shirley Street Lot 3 DP 804485

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OURIMBAH	230 Pacific Highway Lot 1 DP 591573
OURIMBAH	23W Alex Close Lot 59 DP 793766
OURIMBAH	31W Glen Road Lot 3 DP 1039752
OURIMBAH	39 Chittaway Road Lot 1 DP 1122895
OURIMBAH	39W Coachwood Dr Lot 57 DP 830706
OURIMBAH	41 Chittaway Road Lot 14 DP 726244
OURIMBAH	5W Knight Close Lot 16 DP 1001316
OURIMBAH	60W Burns Road Lot 40 DP 787730
OURIMBAH	6W Ann Close Lot 25 DP 816277
OURIMBAH	7 Brush Road Lot 2 DP 1111375
OURIMBAH	10 Ourimbah Creek Road Lot 7 DP 22433
OURIMBAH	15W Footts Road Lot 9 DP 657990 Lot 1 DP 260371 Lot 11 DP 260371 Lot 13 DP 260371 Lot 7 DP 260370 Lot 1 DP 253652 Lot 3 DP 253652 Lot 202 DP 632998 Lot 1 DP 709324 Lot 1 DP 260329 Lot 11 DP 260329 Lot 15 DP 260329 Lot 17 DP 260329 Lot 20 DP 260329 Lot 4 DP 260329 Lot 6 DP 260329 Lot 7 DP 260329 Lot 9 DP 260329 Lot 1 DP 260370 Lot 2 DP 260370 Lot 5 DP 260370 Lot 2 DP 260371 Lot 3 DP 260371 Lot 5 DP 260371
OURIMBAH	213 Pacific Highway Lot 1 DP 604666
PALMDALE	15W Footts Road Lot 61 DP 740793 Lot 3 DP 610179 Lot 4 DP 610179 Lot 3 DP 610179 Lot 1 DP 628827 Lot 13 DP 1071101 Lot 6 DP 708221
SAN REMO	127 Highview Avenue Lot 4 DP 1068216
SAN REMO	2W Callen Avenue Lot 86 DP 828945
SAN REMO	39R Liamena Avenue Lot 1 DP 623469
SAN REMO	39W Liamena Avenue Lot 68 DP 622542
SAN REMO	43W Liamena Avenue Lot 2 DP 706050
SAN REMO	47W Liamena Avenue Lot 23 DP 710297
SAN REMO	48 Liamena Avenue Lot 1 DP 206145 Lot 2 DP 206145 Lot 3 DP 206145 Lot 4 DP 206145 Lot 5 DP 206145 Lot 14 DP 206145
SAN REMO	56W Liamena Avenue Lot 1 DP 814353
SAN REMO	40W Yuruga Avenue Lot 1 DP 598579
SUMMERLAND POINT	102W Yeramba Road Lot 210 DP 830759 Lot 211 DP 830759 Lot 266 DP 830759
SUMMERLAND POINT	32W Murrumbong Road Lot 331 DP 214998
SUMMERLAND POINT	10 Summerland Road Lot 52 DP 785458
SUMMERLAND POINT	173 Kullaroo Rd Lot 23 DP 708344
TACOMA	1W Wolseley Avenue Pt Lot 1 Sec 28 DP 4460 Pt Lot 2 Sec 28 DP 4460 Pt Lot 3 Sec 28 DP 4460 Pt Lot 4 Sec 28 DP 4460 Pt Lot 5 Sec 28 DP 4460 Pt Lot 6 Sec 28 DP 4460 Pt Lot 7 Sec 28 DP 4460 Lot 1 Sec 29 DP 4460
THE ENTRANCE	27R Coral Street Lot 79 DP 803623
THE ENTRANCE	31R Coral Street Lot 2 DP 624459
THE ENTRANCE	3 Boomerang Road Lot 100 DP 734527
TOOWOON BAY	113 Swadling Street Lot 369 DP 755263
TOUKLEY	Bucks Lane Lot 263 DP 540712
TOUKLEY	50W Main Road Lot 4 DP 600545
TOUKLEY	5W Viewpoint Dr Lot 7 DP 247246
TOUKLEY	1W Bucks Lane Lot 263 DP 540712
TUGGERAH	1W Bluegum Close Lot 183 DP 716314
TUGGERAH	2W Bryant Dr Lot 2 DP 1036217
TUGGERAH	2W Tonkiss Street Lot 63 DP 839561
TUGGERAH	8 Titania Avenue Lot 1 DP 11612 Lot 1 DP 301512 Lot 22 DP 4008 Lot 23 DP 4008 Lot 24 DP 4008 Lot 25 DP 4008 Lot 26 DP 4008 Lot 27 DP 4008 Lot 28 DP 4008 Lot 29 DP

	4008 Lot 3 DP 650650 Lot 30 DP 4008 Lot 31 DP 655293 Lot 32 DP 4008 Lot 33 DP 4008 Lot 34 DP 4008 Lot 35 DP 4008 Lot 36 DP 4008 Lot 37 DP 4008 Lot 3A DP 367658 Lot 50 DP 4008 Lot 52 DP 4008 Lot 53 DP 4008 Lot 55 DP 4008 Lot 60 DP 4008
TUGGERAH	90 Church Road Lot 48 DP 4008
TUGGERAH	92 Church Road Lot 47 DP 4008
TUGGERAH	Anniversary Place Lot 2008 DP 848058
TUGGERAH	Bellwood Close Lot 3043 DP 852260 Lot 3042 DP 852260
TUGGERAH	52W Wyong Road Lot 1 DP 591346
TUGGERAH	7 Wyong Road Lot 2 DP 810238
TUMBI UMBI	1 Eastern Road Lot 22 DP 1077897
TUMBI UMBI	1 The Avenue Lot 35 DP 771256
TUMBI UMBI	11W Molsten Avenue Lot 21 DP 806713
TUMBI UMBI	2 Mingara Dr Lot 6 DP 863731
TUMBI UMBI	6W Caralee Place Lot 408 DP 883115
WADALBA	157 Johns Road Lot 321 DP 719530
WADALBA	1R Settlement Dr Lot 129 DP 1046712
WADALBA	437W Pacific Highway Lot 127 DP 1046712
WADALBA	159 Johns Road Lot 310 DP 808521
WATANOBBI	157W Britannia Dr Lot 5948 DP 1046614
WATANOBBI	1W Britannia Dr Lot 3 DP 793403
WATANOBBI	2W West Street Lot 172 DP 804584
WATANOBBI	60H Britannia Dr Lot 6077 DP 835228
WATANOBBI	Cedar Close Lot 9 DP 259184
WATANOBBI	Maple Circle Lot 30 DP 259184
WATANOBBI	222P Pacific Highway Lot 1 DP 562779
WOONGARRAH	15W Sparks Road Lot 26 DP 1043482
WOONGARRAH	5W Sparks Road Lot 500 DP 874312
WOONGARRAH	Cascades Rd Lot 732 DP 1157871
WYONG	17W Sinclair Cres Lot 101 DP 1074707
WYONG	40-50 Pollock Avenue Lot 1 DP 703469 Lot 1 DP 623789
WYONG	Alison Homestead 1 Cape Road Lot 51 DP 788246
WYONG	11 Rose Street Lot 2 DP 614523
WYONG	375-385 Pacific Highway Lot 1 DP 372294 Lot 12 DP 590935
WYONG	12R Pacific Highway Lot 1 DP 731478
WYONG	14W Pacific Highway Lot 1 DP 805693
WYONG	20A Margaret Street Lot 2 DP 1108419 Lot 14 Sec 9 DP 3136 Lot 1 DP 11131 Lot 1 DP 1108419 Lot 3 DP 1108419
WYONG	14W Woodward Avenue Lot 8 DP 706917
WYONG	361W Pacific Highway Lot 1 DP 571964
WYONG	37W Crystal Cres Lot 1 DP 223729
WYONG	7 Rose Street Lot 103 DP 788404
WYONG	4I Thome Street Lot 1 DP 244800 Lot 19 DP 5012 Lot 2 DP 244800 Lot 20 DP 5012 Lot 21 DP 5012 Lot 22 DP 5012 Lot 23 DP 5012 Lot 24 DP 5012 Lot 25 DP 5012 Lot 26 DP 5012
WYONG	7 Levitt Street Lot 1013 DP 831978
WYONG	9 Levitt Street Lot 1012 DP 831978
WYONG	13 Rose Street Lot 1 DP 512134
WYONG	7W Woodward Ave Lot 10 DP 234632
WYONGAH	57W Stanley Street Lot 181 DP 22768
WYONGAH	79W Stanley Street Lot 100 DP 21973 Lot 182 DP 22768
WYONGAH	104W Tuggerawong Road Lot 46 DP 18766
YARRAMALONG	Bunning Creek Road Lot 31 DP 777032
YARRAMALONG	1474 Yarramalong Road 2259 Lot 16 DP 4222

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

Locality	Description	Any trusts etc not discharged
BATEAU BAY	10A Cynthia Stree Lot 900 DP 786123	Nil
BATEAU BAY	173W Bateau Bay Road Lot 183 DP 24329	Nil
BATEAU BAY	18W Rushby Street Lot 31 DP 260239 Lot 60 DP 260926	Nil
BATEAU BAY	37W Rotherham Street Lot 26 DP 717696	Nil
BATEAU BAY	48W Berne Street Lot 4 DP 717462	Nil
BATEAU BAY	5 Grandis Place Lot 32 DP 710255	Nil
BATEAU BAY	7W Lincoln Close Lot 111 DP 712623	Nil
BATEAU BAY	9 Parkview Place Lot 64 DP 261267	Nil
BATEAU BAY	94W Cresthaven Avenue Lot 29 DP 260201	Nil
BATEAU BAY	97W Cresthaven Avenue Lot 28 DP 260201	Nil
BATEAU BAY	9W Belshaw Place Lot 49 DP 739917	Nil
BATEAU BAY	138W Cresthaven Avenue Lot 13 DP 262568	Nil
BATEAU BAY	13W Grandis Place Lot 34 DP 710255	Nil
BATEAU BAY	14W Banks Close Lot 105 DP 262204	Nil
BATEAU BAY	11W Tumbi Creek Road Lot 35 DP 261981	Nil
BERKELEY VALE	149W Wyong Road Lot 4 DP 718577	Nil
BERKELEY VALE	14W Greenwood Avenue Lot 13 DP 730803	Nil
BERKELEY VALE	15W Lakedge Avenue Lot 171 DP 27302	Nil
BERKELEY VALE	16W Apprentice Dr Lot 12 DP 263796	Nil
BERKELEY VALE	16W Bon-Mace Close Lot 122 DP 719820	Nil
BERKELEY VALE	17W Apprentice Dr Lot 9 DP 263796	Nil
BERKELEY VALE	17W Enterprise Dr Lot 104 DP 262214	Nil
BERKELEY VALE	18W Clare-Mace Cres Lot 17 DP 262404	Nil
BERKELEY VALE	19W Enterprise Dr Lot 1 DP 43420 Lot 2 DP 43420 Lot 1 DP 614522 Lot 2 DP 614522 Lot 1 DP 615308 Lot 3 DP 615308 Lot 5 DP 615308 Lot 7 DP 615308 Lot 9 DP 615308 Lot 10 DP 615308 Lot 14 DP 615308	Nil
BERKELEY VALE	19W Marlborough Place Lot 313 DP 31935	Nil
BERKELEY VALE	1W Enterprise Dr Lot 60 DP 818089	Nil
BERKELEY VALE	1W Hereford Street Lot 18 DP 255990	Nil
BERKELEY VALE	2-18 Newbridge Road Lot 3 DP 262772 Lot 51 DP 609432	Nil
BERKELEY VALE	21W Bon-Mace Close Lot 121 DP 719820	Nil
BERKELEY VALE	22W Greenwood Avenue Lot 20 DP 262327	Nil
BERKELEY VALE	231W Lakedge Avenue Lot 122 DP 27299	Nil
BERKELEY VALE	247W Lakedge Avenue Lot 121 DP 27299	Nil
BERKELEY VALE	271 Lakedge Avenue Lot 109 DP 628381	Nil
BERKELEY VALE	2W Kilkenny Parade Lot 48 DP 260591	Nil
BERKELEY VALE	2W Stornaway Cres Lot 17 DP 262327	Nil
BERKELEY VALE	2W Wyong Road Lot 7 DP 736047 Lot 8 DP 736047	Nil

Locality	Description	Any trusts etc not discharged
BERKELEY VALE	30W Greenwood Avenue Lot 41 DP 263868	Nil
BERKELEY VALE	38W Wombat Street Lot 79 DP 241571	Nil
BERKELEY VALE	3W Eric Place Volume 15031 Folio 222	Nil
BERKELEY VALE	4-6 Lorraine Avenue Lot 4 DP 264171 Lot 5 DP 264171	Nil
BERKELEY VALE	5 Sunnyhills Terrace Lot 12 DP 730803	Nil
BERKELEY VALE	55W Lakedge Avenue Lot 170 DP 27302	Nil
BERKELEY VALE	5W Enterprise Dr Lot 7 DP 259648	Nil
BERKELEY VALE	6W Enterprise Dr Lot 2 DP 618884	Nil
BERKELEY VALE	7W Enterprise Dr Lot 400 DP 817567	Nil
BERKELEY VALE	7W Sunnyhills Terrace Lot 18 DP 262327	Nil
BERKELEY VALE	85W Lakedge Avenue Lot 403 DP 28398	Nil
BERKELEY VALE	8W Enterprise Dr Lot 62 DP 262025	Nil
BERKELEY VALE	9W Greenwood Avenue Lot 19 DP 262327	Nil
BERKELEY VALE	2W Kilkenny Parade Lot 17 DP 259708	Nil
BLUE BAY	156W Ocean Parade Lot 2 DP 633946	Nil
BLUE HAVEN	123W Birdwood Dr Lot 208 DP 218002	Nil
BLUE HAVEN	63W Birdwood Dr Lot 203 DP 218002	Nil
BUDGEWOI	207 Scenic Dr Lot 27 DP 243577	Nil
BUDGEWOI	96W Scenic Circle Lot 187 DP 802586	Nil
BUDGEWOI	98W Scenic Circle Lot 188 DP 802586	Nil
BUFF POINT	12W Tirriki Close Lot 4090 DP 837259	Nil
BUFF POINT	1W Girraween Street Lot 352 DP 816884	Nil
BUFF POINT	1W Nicoli Close Lot 3 DP 713924	Nil
BUFF POINT	22W Kyong Avenue Lot 20 DP 788646	Nil
BUFF POINT	270W Scenic Dr Lot 4088 DP 837259	Nil
BUFF POINT	291W Buff Point Avenue Lot 4089 DP 837259	Nil
BUFF POINT	29W Karangal Cres Lot 68 DP 713835	Nil
BUFF POINT	41W Moola Road Lot 7 DP 258490	Nil
CANTON BEACH	14W Montgomery Avenue Lot 55 DP 27001	Nil
CHAIN VALLEY BAY	2W Mulloway Road Lot 2 DP 806503	Nil
CHARMHAVEN	40W Panorama Avenue Lot 251 DP 27286	Nil
CHARMHAVEN	75W Panorama Avenue Lot 190 DP 25586	Nil
CHITTAWAY BAY	91 Chittaway Road Lot 79 DP 705573	Nil
CHITTAWAY BAY	46W Thomas Walker Dr Lot 150 DP 263470	Nil
CHITTAWAY POINT	24W Hyles Street Lot 11 DP 255146	Nil
DOYALSON	1W David Street Lot 10 DP 264311	Nil
FOUNTAINDALE	7W Berrys Lane Lot 20 DP 775684	Nil
GLENNING VALLEY	13W Palm Springs Avenue Lot 43 DP 263868 Lot 44 DP 263868	Nil
GLENNING VALLEY	3W Palm Springs Avenue Lot 2 DP 718577	Nil
GOROKAN	11W Lake Haven Dr Lot 119 DP 26922	Nil
GOROKAN	120W Marks Road Lot 58 DP 26073	Nil
GOROKAN	13W Grandview Parade Lot 41 DP 27056	Nil
GOROKAN	198W Wallarah Road Lot 275 DP 27201	Nil
GOROKAN	23W Malvina Parade Lot 535 DP 25851	Nil
GOROKAN	2W Stone Street Lot 211 DP 778608	Nil

Locality	Description	Any trusts etc not discharged
GOROKAN	40W Durham Road Lot 110 DP 223805	Nil
GOROKAN	46W Robson Avenue Lot 60 DP 232569	Nil
GOROKAN	59W Coraldeen Avenue Lot 741 DP 28352	Nil
GOROKAN	59W Grandview Parade Lot 120 DP 26922	Nil
GOROKAN	61W Brennon Road Lot 103 DP 30327	Nil
GOROKAN	79W Ocean View Road Lot 184 DP 31019	Nil
GWANDALAN	40W Aldinga Road Lot B DP 28961	Nil
GWANDALAN	56W Imga Street Lot 54 Sec 13 DP 31334	Nil
GWANDALAN	70 Gamban Road Lot 1 DP 800051 Lot 2 DP 28962	Nil
HALEKULANI	113W Sunrise Avenue Lot 1455 DP 24541	Nil
JILLIBY	20A Holloway Dr Lot 33 DP 740438	Nil
JILLIBY	231W Hue Hue Road Lot 16 DP 228750	Nil
JILLIBY	32W Sandra Street Lot 6 DP 246727	Nil
JILLIBY	8A Burlington Avenue Lot 4 DP 740438	Nil
JILLIBY	Sparks Road Lot 7 DP 880403	Nil
KANWAL	106 Phyllis Avenue Lot 79 DP 245685	Nil
KANWAL	759 Pacific Highway Lot 16 DP 23235	Nil
KILLARNEY VALE	12W Ferndale Street Lot 38 DP 217800	Nil
KILLARNEY VALE	17W Ruskin Row Lot 18 DP 242649	Nil
KINGFISHER SHORES	29W Lakeshore Avenue Lot 78 DP 31322	Nil
KULNURA	Greta Road Lot 5 DP 239975 Lot 6 DP 239975	Nil
LAKE HAVEN	101W Malvina Parade Lot 191 DP 12248	Nil
LAKE HAVEN	11W Alisa Close Lot 67 DP 778433	Nil
LAKE HAVEN	1W Merro Close Lot 73 DP 789413	Nil
LAKE HAVEN	43W Christopher Cres Lot 619 DP 816848	Nil
LAKE HAVEN	6W Kylie Close Lot 68 DP 778433	Nil
LAKE HAVEN	83W Gorokan Dr Lot 739 DP 840089	Nil
LAKE MUNMORAH	108W Anita Avenue Lot 189 DP 25687	Nil
LAKE MUNMORAH	120W Anita Avenue Lot 188 DP 25687	Nil
LAKE MUNMORAH	132W Anita Avenue Lot 187 DP 25687	Nil
LAKE MUNMORAH	15W Fortune Cres Lot 18 DP 243777	Nil
LAKE MUNMORAH	18W Andrew Street Lot 36 DP 203495 Lot 69 DP 210951	Nil
LAKE MUNMORAH	19W Rosemount Avenue Lot 65 DP 241949	Nil
LAKE MUNMORAH	1B Acacia Avenue Lot 82 DP 221815	Nil
LAKE MUNMORAH	30 Rosemount Avenue Lot 2 DP 206779 Lot 64 DP 241949	Nil
LAKE MUNMORAH	30W Elizabeth Bay Dr Lot 14 DP 240216	Nil
LAKE MUNMORAH	74W Anita Avenue Lot 83 DP 221815	Nil
LAKE MUNMORAH	9W Rodney Close Lot 56 DP 262652	Nil
LAKE MUNMORAH	10 Alister Avenue Lot 185 DP 25687	Nil
LONG JETTY	17W Wyong Road Lot 47 DP 217941	Nil
MAGENTA	5W Magenta Dr Lot 14 DP 270492	Nil
MANNERING PARK	129W Griffiths Street Lot 88 DP 220400	Nil
MANNERING PARK	18W Dunvegan Street Lot 154 DP 218427	Nil
MANNERING PARK	1W Spencer Road Lot 2 DP 502447	Nil
MANNERING PARK	31W Macquarie Road Lot 88 DP 31204	Nil
MANNERING PARK	3W Macquarie Road Lot 87 DP 31204	Nil
MANNERING PARK	6W Catherine Street Lot 6 DP 215174	Nil

Locality	Description	Any trusts etc not discharged
MANNERING PARK	2W Dunvegan Street Lot 126 DP 31006 Lot 155 DP 218427	Nil
MARDI	5 Woolmers Cres Lot 320 DP 880842	Nil
NORAVILLE	27W Irene Parade Lot 15 Sec D DP 25692 Lot 8 Sec D DP 25957	Nil
NORAVILLE	33W Beulah Road Lot 99 DP 27229	Nil
OURIMBAH	1W Coachwood Dr Lot 100 DP 794320	Nil
OURIMBAH	40W Coachwood Dr Lot 58 DP 830706	Nil
OURIMBAH	56 Coachwood Dr Lot 56 DP 830706	Nil
OURIMBAH	6W Ironbark Close Lot 59 DP 830706	Nil
OURIMBAH	89 Baileys Road Lot 13 DP 826966	Nil
SAN REMO	30W Yuruga Avenue Lot 276 DP 28798 Lot 817 DP 31892	Nil
SUMMERLAND POINT	168W Cams Boulevard Lot 24 DP 708344	Nil
SUMMERLAND POINT	40W Kullaroo Road Lot 515 DP 217781	Nil
SUMMERLAND POINT	53W Kullaroo Road Lot 514 DP 217781	Nil
TACOMA	28W Braithwaite Road Lot 109 DP 30070	Nil
THE ENTRANCE	10 Lakeside Parade Lot 61 DP 24151 Lot 63 DP 24151	Nil
THE ENTRANCE	2W Benelong Street Lot 2 DP 614907	Nil
THE ENTRANCE	44 Marine Parade , Lot 1 DP 348428	Nil
THE ENTRANCE NORTH	48W Curtis Parade Lot 73 DP 227174	Nil
THE ENTRANCE NORTH	61W Curtis Parade Lot 74 DP 227174	Nil
TOUKLEY	78W Main Road Lot 370 DP 815190	Nil
TUGGERAH	10W Tambelin Street Lot 14 DP 258178 Pt Lot 2 DP 605627	Nil
TUGGERAWONG	468W Tuggerawong Road Lot 37 DP 27690	Nil
TUMBI UMBI	14W Benjamin Close Lot 14 DP 807655	Nil
TUMBI UMBI	28W Roberta Street Lot 30 DP 607911	Nil
TUMBI UMBI	39W Palm Valley Road Lot 39 DP 778320	Nil
TUMBI UMBI	5W Pescud Close Lot 22 DP 735022	Nil
TUMBI UMBI	6W Victor Close Lot 45 DP 778320	Nil
TUMBI UMBI	7W Benjamin Close Lot 15 DP 807655	Nil
TUMBI UMBI	435W Brush Rd Lot 6 DP 241138	Nil
TUMBI UMBI	8W Palm Valley Road Lot 21 DP 735022	Nil
WADALBA	10W Figtree Boulevard Lot 197 DP 1006789	Nil
WARNERVALE	2W Warnervale Road Lot 15 DP 27175	Nil
WATANOBBI	152W Pacific Highway Lot 3 DP 541094	Nil
WOONGARRAH	19W Sparks Road Lot 19 DP 1044428	Nil
WYONG	19 Woodward Avenue Lot 5 DP 705966	Nil
WYONG	1W Lucca Road Lot 21 DP 243037	Nil
WYONG	28W Marathon Street Lot 3 DP 582389	Nil
WYONG	2W Lucca Road Lot 1 DP 243037	Nil
WYONG	4W Walter Close Lot 5 DP 749065	Nil
WYONG	9W Cohen Street Lot 37 DP 709238	Nil
WYONG	43 Cutler Dr Lot 207 DP 248954	Nil

Part 3 Land classified, or reclassified, as community land

Locality	Description
Nil	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	LOT LOT	2 3			DP DP	13209 13209	Local	I1
Cedar Brush Creek	Stone House, Timber Slab Barn & Fencing	611	Brush Creek Road	LOT	8			DP	543157	Local	I2
Chittaway Bay	Aboriginal Scar Tree	Opposite Chittaway Bay Motel,	Burragah Road							Local	I3
Chittaway Bay	Dwelling	24	Moloki Avenue	LOT	107			DP	27887	Local	I4
Dooralong	Dooralong Community Hall	1020	Dooralong Road	LOT	275			DP	875029	Local	I5
Dooralong	Dooralong Public School	1046	Dooralong Road	LOT LOT	218 219			DP DP	755271 755271	Local	I6
Dooralong	Dwelling	1021	Dooralong Road, Opp Hall	LOT	1			DP	166426	Local	I7
Dooralong	Livestock Farm Buildings	905	Jilliby Road	LOT	13			DP	841815	Local	I8
Dooralong	Post Office & Attached Residence	1053, Opposite School	Dooralong Road, Adjacent 1061	LOT	1			DP	550080	Local	I9
Dooralong	St Anne's Church (former)	1052	Dooralong Road	LOT	13			DP	6635	Local	I10
Glenning Valley	Dwelling	90	Glenning Road, Cnr Livistonia Road	LOT	B			DP	355956	Local	I11
Glenning 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, Cnr Hue Hue Road	LOT	7005			DP	1030922	Local	I16
Jilliby	Jilliby Public School	352	Jilliby Road	LOT LOT	1 179			DP DP	578580 755271	Local	I17

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Suburb	Item Name	Address		Property Description						Significance	Item No
Jilliby	Silos & Dairy Shed	2	Watagan Forest Drive	LOT LOT	43 RP			DP LI	755271 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			DP	801076	Local	I23
Long Jetty	Amaroo' - Dwellings	156	Gladstan Avenue, Cnr Tuggerah Parade	LOT	1			DP	528165	Local	I24
Long Jetty	Dwelling	6	Gordon Road	LOT	3A			DP	397515	Local	I25
Long Jetty	Dwelling	25-27	Surf Street	LOT LOT	140 141			DP DP	17030 17030	Local	I26
Long Jetty	Dwelling	24	Pacific Street	LOT	29	SEC	6	DP	10984	Local	I27
Long Jetty	Dwelling	58	Swadling Street	LOT	107			DP	17030	Local	I28
Long Jetty	Dwelling	142	Tuggerah Parade	LOT LOT	61 62	SEC SEC	1 1	DP DP	13225 13225	Local	I29
Long Jetty	Dwelling	20	Elsiemer Street	LOT	2			DP	518226	Local	I30
Long Jetty	Dwellings	129	Tuggerah Parade	LOT	13	SEC	1	DP	13225	Local	I31
Long Jetty	Group of Trees (Araucaria Heterophylla)	Swadling Reserve	160 Bay Road	LOT	197			DP	755263	Local	I32
Long Jetty	Long Jetty		Tuggerah Parade								I33
Long Jetty	Long Jetty Hotel	407	The Entrance Road, Cnr Pacific Street	LOT LOT LOT	27 22 26	SEC SEC SEC	1 1 1	DP DP DP	13225 13225 13225	Local	I34
Long Jetty	Mr Parry's Jetty		Tuggerah Parade, Opposite Gladstan Avenue							Local	I35
Long Jetty	Savoy Theatre (former)	391	The Entrance Road, Cnr Thompson Street	LOT	8	SEC	1	DP	13225	Local	I36
Long Jetty	Shop	264-266	The Entrance Road	LOT	11			DP	9304	Local	I37

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Suburb	Item Name	Address		Property Description					Significance	Item No	
Long Jetty	Water Reservoir	61-67	Gilbert Street	LOT LOT LOT	69 70 71			DP DP DP	20749 20749 20749	Local	I38
Mannering Park	Bulk Store Building	464	Rutleys Road	LOT	11			DP	1091396		I39
Mardi	Dwelling	30	Mardi Road	LOT	188			DP	755263	Local	I40
Mardi	Woodbury's Inn Park	62	Yarramalong Road	LOT LOT	1 B			DP DP	587932 363291	Local	I41
Norah Head	Norah Head		Bush Street							Local	I42
Norah Head	Norah Head Lightstation Group	40	Bush Street	LOT LOT LOT LOT	1 2 3 4			DP DP DP DP	847750 847750 847750 847750	State	I43
Noraville	Noraville Cemetery & Edward Hargraves' Grave	105	Wilfred Barrett Drive, Cnr. Oleander Street	LOT	7304			DP	1146150	Local	I44
Noraville	Noraville General Store	446	Main Street, Cnr Pandora Parade	LOT	1			DP	533976	Local	I45
Noraville	Noraville, House & Garden	3-7	Elizabeth Drive	LOT	72			DP	27889	State	I46
Ourimbah	Bangalow Creek' Farm House	119	Cutrock Road	LOT	118			DP	705847	Local	I47
Ourimbah	Dwelling	2	Burns Road	LOT	18			DP	663083	Local	I48
Ourimbah	Dwelling	23	Pacific Highway	LOT	4			DP	20283	Local	I49
Ourimbah	Dwelling	25	Pacific Highway	LOT	14			DP	1112458	Local	I50
Ourimbah	Dwelling	27	Pacific Highway	LOT	13			DP	1112458	Local	I51
Ourimbah	Dwelling	29	Pacific Highway	LOT	12			DP	1112458	Local	I52
Ourimbah	Dwelling	100	Shirley Street	LOT LOT	1 101			DP DP	823716 871404	Local	I53
Ourimbah	Dwelling	133	Pacific Highway	LOT	1			DP	1033687	Local	I54
Ourimbah	Group of Araucaria Trees	35	Chittaway Road	LOT LOT	15 151			DP DP	658434 736245	Local	I55
Ourimbah	Hillside' - Dwelling	7	Peach Orchard Road (RMB 5035)	LOT	2			DP	553513	Local	I56
Ourimbah	Homestead Complex	37	Howes Road	LOT	22			DP	2244	Local	I57
Ourimbah	Nellie Ville' - Dwelling	35	Chittaway Road	LOT	15			DP	658434	Local	I58
Ourimbah	Ourimbah Methodist Church	111	Pacific Highway	LOT	10			DP	1102355	Local	I59

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Suburb	Item Name	Address		Property Description					Significance	Item No	
Ourimbah	Ourimbah Public School	121	Pacific Highway	LOT LOT	13 100			DP DP	1097319 1129450	Local	I60
Ourimbah	Ourimbah Railway Station & Station Master's House	1	Mill Street	LOT	100				1119697	Local	I61
Ourimbah	Post Office & Residence	1	Station Street	LOT	1			DP	431282	Local	I62
Ourimbah	Shop	21	Pacific Highway	LOT	5				20283	Local	I63
Ourimbah	Sunnybank' - Dwelling	16	Chittaway Road	LOT	422			DP	731394	Local	I64
Ourimbah	Utility Structure	1A	Jaques Road, Cnr Glen Road	LOT	7			DP	20285 20283	Local	I65
Ourimbah	World War I Monument	1	Mill Street (near Railway Station)	LOT	100			DP	1119697	Local	I66
Palm Grove	Hoop Pines	700	Ourimbah Creek Road	PART LOT	49			DP	2244	Local	I67
Palm Grove	Ourimbah Post Office (former)	700	Ourimbah Creek Road	PART LOT	49			DP	2244	Local	I68
Palmdale	Palmdale Road Bunya Pines		Palmdale Road							Local	I69
Palmdale	'Palmdale House' including Grounds	148	Palmdale Road	LOT	64			DP	739592	Local	I70
Ravensdale	Dwelling	25	Ravensdale Road	LOT LOT	47 13			DP DP	665330 251953	Local	I71
Ravensdale	Old Ravensdale Road	25	Ravensdale Road							Local	I72
Ravensdale	Ravensdale Public School (former)	227	Ravensdale Road	LOT	273			DP	755271	Local	I73
Ravensdale	Silos	457	Ravensdale Road, 4.2 km North of Junction	LOT LOT LOT LOT LOT LOT	1012 1011 1013 1014 1015 RP			DP DP DP DP DP LI	876511 876511 876511 876511 876511 30/41	Local	I74
South Tacoma	Boatshed & Landing	14-15	South Tacoma Road	LOT LOT	3 14			DP DP LI	4065 11202 60/90	Local	I75
South Tacoma	Dwelling	13	South Tacoma Road	LOT	1			DP	261746	Local	I76
South Tacoma	Dwelling	11	South Tacoma Road	LOT	3			DP	261746	Local	I77

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Suburb	Item Name	Address		Property Description					Significance	Item No	
South Tacoma	South Tacoma Public School (former)	Rear 40	South Tacoma Road	LOT	14			DP	4065	Local	178
South Tacoma	'Tarella' - Dwelling	14	South Tacoma Road	LOT LOT	3 14			DP DP LI	4065 11202 60/90	Local	179
The Entrance	Boat Shed & Norfolk Island Pines	10	The Entrance Road	LOT	395			DP LI LI	39469 308396 313600	Local	180
The Entrance	Carnival incl Carousel & Alfred Bruder Organ	46	Marine Parade	LOT	7040			DP	1030784	Local	181
The Entrance	Catholic School House	40-48	The Entrance Road	LOT LOT LOT LOT LOT	1 G H J K			DP DP DP DP DP	31794 103807 103807 103807 395161	Local	182
The Entrance	Concrete Groyne		Off Marine Parade							Local	183
The Entrance	Drinking Fountain	Adjacent Surf Club	Marine Parade							Local	184
The Entrance	Dwelling	5	Bent Street	LOT	1			DP	507785	Local	185
The Entrance	Edith Ring Rest		Ocean Parade							Local	186
The Entrance	Ferry Master's Cottage	101	The Entrance Road	LOT	4			DP	21088	Local	187
The Entrance	Our Lady of the Rosary Catholic Church	239-243	The Entrance Road	LOT	100			DP	1020271	Local	188
The Entrance	Police Station	12	Dening Street, Cnr Short Street	LOT	17			DP	17377	Local	189
The Entrance	Restaurant/ Residence	11-29	The Entrance Road	LOT LOT LOT	1 2 3			DP DP DP	571197 571197 571197	Local	190
The Entrance	Shop & Residence	1	Coral Street	LOT	A			DP	387728	Local	191
The Entrance	St Andrews Presbyterian Church	134-136	The Entrance Road	LOT LOT	22 23			DP DP	10294 10294	Local	192
The Entrance	The Entrance Hotel	71-78	The Entrance Road	LOT	10			DP	1133880	Local	193
The Entrance	The Entrance Ocean Pools	92CR	Ocean Parade	LOT	366			DP LI	755263 366632	State	194
The Entrance	The Entrance Surf Club	44	Marine Parade	LOT	1			DP	348428	Local	195
The Entrance	The Lakes Hotel	199-209	The Entrance Road	LOT	1			DP	854737	Local	196
The Entrance	World War 1 Monument	1	Marine Parade,	LOT LOT	7038 7039			DP DP	1030098 1030098	Local	197

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Suburb	Item Name	Address		Property Description					Significance	Item No	
			Cnr The Entrance Road								
The Entrance North	Church	74A	Hutton Road	LOT	43			DP	17615	Local	I98
The Entrance North	Dwelling	33	Hutton Road	LOT	101			DP	1018917	Local	I99
The Entrance North	Dwelling	27	Hutton Road	LOT	104			DP	1018917	Local	I100
The Entrance North	Group of Trees	Karagi Point Reserve	1CR Hutton Road	LOT	7313			DP	1147369	Local	I101
Toukley	Old Toukley Bridge									Local	I102
Tuggerah	Tuggerah Pioneer Dairy	2-70	Lake Road (Enter off Bryant Drive)	LOT LOT LOT LOT	1 31 7316 7317			DP DP DP DP	206598 1096069 1155188 1155188	Local	I103
Tuggerawong	Dwelling	229	Tuggerawong Road	LOT	37	SEC	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, Cnr Eric Malouf Close	LOT	1			DP	748413	Local	I106
Wadalba	Dwelling	70	Jensen Road, Opposite Braithwaite Rd	LOT	B			DP	33532	Local	I107
Warnervale	Warnies Railway Café & General Store	1-13	Warnervale Road	LOT	1			DP	958084	Local	I108
Watanobbi	Dwelling	204-214	Pacific Highway	LOT	33			DP	21032	Local	I109
Wyong	Alison Homestead	1	Cape Road	LOT	51			DP	788246	Local	I110
Wyong	Brisbane Water Ambulance Station	128	Pacific Highway	LOT	2			DP	203172	Local	I111
Wyong	Chapman's Store	14-16	Alison Road, Cnr Hely Street	LOT LOT	6 7	SEC SEC	2 2	DP DP	3136 3136	Local	I112
Wyong	Commercial Office Building	21	Rankens Court, Cnr Bakers Lane	LOT	1			DP	319879	Local	I113
Wyong	Court House (former)	17	Alison Road	LOT	10			DP	838107	Local	I114
Wyong	Dwelling	33	Margaret Street, Cnr North Road	LOT	B			DP	346046	Local	I115
Wyong	Dwelling	8	Hope Street	LOT	1			DP	1015344	Local	I116

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Suburb	Item Name	Address		Property Description						Significance	Item No
Wyong	Dwelling	46	Alison Road	LOT	4	SEC	9	DP	3136	Local	I117
Wyong	Dwelling	34	Margaret Street	LOT	15	SEC	8	DP	3136	Local	I118
Wyong	Dwelling	12	Church Street (also Arthur Mollett Reserve, 6 Rankens Court)	LOT LOT	1 1			DP DP	942380 663618	Local	I119
Wyong	Dwelling	37	Byron Street	LOT	A			DP	372004	Local	I120
Wyong	Dwelling	127	Pollock Avenue	LOT	7			DP	1056384	Local	I121
Wyong	Dwelling	28A	Hope Street	LOT	51			DP	838300	Local	I122
Wyong	Dwellings	8	Panonia Road	LOT	35			DP	522480	Local	I123
Wyong	Eleanor Duncan Aboriginal Health Centre	1	Pacific Highway	LOT	13			DP	1012870	Local	I124
Wyong	Fire Station	5	Hely Street	LOT	1			DP	203172	Local	I125
Wyong	General Store	6	Warner Avenue	LOT	10			DP	10813	Local	I126
Wyong	McKinnon Hall	19	Rankens Court	PART LOT	16	SEC	3	DP	3136	Local	I127
Wyong	Milepost	Opposite Railway Station	Pacific Highway							Local	I128
Wyong	Police Station & Quarters	10-12	Alison Road	LOT LOT	4 5	SEC SEC	2 2	DP DP	3136 3136	Local	I129
Wyong	Robely House - Eye Surgery	24-26	Hely Street	LOT LOT LOT	1 2 15		7	DP DP DP	133369 133369 3136	Local	I130
Wyong	Rural Bank (former)	98	Pacific Highway, Cnr Bakers Lane	LOT	1			DP	1119567	Local	I131
Wyong	Shop	74	Pacific Highway	LOT	1			DP	654662	Local	I132
Wyong	Shopping Complex	1-4	Railway Square, Pacific Highway	LOT	103			DP	816247	Local	I133
Wyong	Shops (including Turton Building)	54;56-64;66-68;70;72	Pacific Highway, Cnr Church Street	LOT LOT LOT LOT LOT	81 1 2 3 0			DP DP DP DP SP	801747 24475 24475 24475 32653	Local	I134
Wyong	St Cecilia's Catholic Church Group	21-23	Byron Street	LOT	37	SEC	1	DP	4361	Local	I135
Wyong	Strathavon Country Club' - Guest House	31	Boyce Avenue	LOT	42			DP	551571	Local	I136

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Suburb	Item Name	Address		Property Description						Significance	Item No	
Wyong	Streetscape	64-70; 78	Pacific Highway	LOT LOT LOT PART LOT LOT	1 2 3 9 1		SEC	3	DP DP DP DP DP	24475 24475 24475 3136 654662	Local	I137
Wyong	World War 1 & 2 Monument	Wyong Town Park	10 Rankens Court	LOT	171				DP	727765	Local	I138
Wyong	Wyong Dairy Co-Operative (former)	141-145	Alison Road	LOT LOT LOT LOT LOT LOT LOT LOT LOT	12 13 14 15 16 31 32 33 7				DP DP DP DP DP DP DP DP DP	255532 255532 255532 255532 255532 5019 5019 5019 21462	Local	I139
Wyong	Wyong Public School (former)	8	Rankens Court	LOT LOT LOT	11 1 172				DP DP DP	838107 940960 727765	Local	I140
Wyong	Wyong Railway Station & Station Master's Cottage	7 & 8 Railway Square	Pacific Highway	LOT	2				DP	1002949	Local	I141
Wyong	Wyong Underbridge		Concrete Bridge At 98.779 Km								Local	I142
Wyong Creek	Bangalow' - Dwelling	64	Boyds Lane	LOT LOT LOT LOT LOT LOT	85 213 5 4 170 103				DP DP DP DP DP DP	755271 755271 251953 251953 755271 1133862	Local	I143
Wyong Creek	Ebenezer's Cottage' (former) - Dwelling & Sawmill	1036	Yarramalong Road	LOT LOT	401 402				DP DP	838393 838393	Local	I144
Wyong Creek	Farm House, Silos & Farm Shed	798	Yarramalong Road	LOT	2321				DP	1035727	Local	I145
Wyong Creek	'Fernbank'	756	Yarramalong Road	LOT	1				DP	562175	Local	I146
Wyong Creek	Gracemere' - Dwelling	20	Kidmans Lane	LOT LOT	91 1				DP DP LI	755271 198963 32492	Local	I147
Wyong Creek	Hillview' - Dwelling	1376	Yarramalong Road	LOT	622				DP	1115049	Local	I148
Wyong Creek	Wyong Creek Community Hall	791	Yarramalong Road	LOT	1				DP	945671	Local	I149
Wyong Creek	Wyong Creek Public School	583	Yarramalong Road	LOT LOT	1 2				DP DP	795369 795369	Local	I150
Wyongah	Dwelling	88	Tuggerawong Road	LOT	20				DP	18766	Local	I151

Suburb	Item Name	Address		Property Description					Significance	Item No	
Yarramalong	Homeleigh' - Dwelling	1650	Yarramalong Road	LOT	111			DP	1050930	Local	I152
Yarramalong	Linga Longa' Guest House (former) - Dwelling	1614	Yarramalong Road	LOT	3			DP	1020527	Local	I153
Yarramalong	Retail Store & Residence	1629A	Yarramalong Road, Opposite Bumble Hill Road	LOT	4			DP	870128	Local	I154
Yarramalong	Salmon House' (former) - Dwelling	1208	Yarramalong Road	LOT	310			DP	854680	Local	I155
Yarramalong	St Barnabas' Church & Cemetery	1669 & 1671 (RMB 1359)	Yarramalong Road	LOT LOT	12 7006			DP DP	613900 1021292	State	I156
Yarramalong	Yarramalong Cemetery	1474	Yarramalong Road	LOT	16			DP	4222	Local	I157
Yarramalong	Yarramalong Public School	1560	Yarramalong Road	LOT LOT LOT PART LOT LOT	15 60 1 91 16			DP DP DP DP DP DP	755224 755224 782407 755224 755224	Local	I158
Yarramalong	Yarramalong School of Arts	1640	Yarramalong Road, Cnr Leewood Close	LOT	12			DP	1151293	Local	I159

Part 2 Heritage Conservation Areas

Description	Identification on Heritage Map	Significance	Item No
Oakland Avenue Heritage Conservation Area	Shown by red hatching and marked "C1"	Local	C1
Wyong Town Centre Heritage Conservation Area*	Shown by red hatching and marked "C2"	Local	C2

Part 3 Archaeological Sites

Suburb	Site Name	Address	Property Description	Significance	Item No
Nil					

Dictionary

(Clause 1.4)

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 2012 Acid Sulfate Soils Map.

Additional Permitted Uses Map means the Wyong Local Environmental Plan 2012 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*.

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.

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 means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or 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 the vertical distance between ground level (existing) and 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.

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (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,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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 146 (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.

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.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational,

- religious or sporting activity, or
- (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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 the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

Coastal Hazard Planning Map means the **Wyang** Local Environmental Plan **2012** Coastal Hazard Planning Map.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

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 **Wyong Shire 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.

Crown reserve means:

(a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or

(b) a common within the meaning of the *Commons Management Act 1989*, or

(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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 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.

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 2012** 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 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.

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 making or generating electricity.

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 for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

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, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of *intensive livestock agriculture*—see the definition of that term 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 Map means the **Wyang** Local Environmental Plan 2012 Flood Planning Map.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the **Wyang** Local Environmental Plan 2012 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.

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 2012 Foreshore Building Line Map.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any 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 2012 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 Division of the Government Service 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 2012 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 dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business 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 more than 2 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 exposure to view, from any adjacent premises or from any public place, of any unsightly matter, 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, except for goods produced at the dwelling or building,

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 a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (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,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

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 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 or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (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 2012 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 2012 Land Application Map**.

Land Reservation Acquisition Map means the **Wyong Local Environmental Plan 2012 Land Reservation Acquisition Map**.

Land Zoning Map means the **Wyong Local Environmental Plan 2012 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.

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, derived principally from surrounding districts, 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.

Lot Amalgamation Map means the **Wyong Local Environmental Plan 2012 Lot Amalgamation Map**.

Lot Size Map means the **Wyong Local Environmental Plan 2012 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 the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

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 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.

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.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

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*.

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.

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.

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.

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.

Prohibited Access Map means the **Wyong** Local Environmental Plan 2012 Prohibited Access Map.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

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*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or

- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department 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, Government Department, 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, takeaway 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) bulky goods premises,
- (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,
- (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.

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 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, 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.

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.

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.

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 Map means the **Wyang** Local Environmental Plan 2012 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.

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, dosing facilities and water supply reservoirs.

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, sedgelands, 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, sedgelands 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 receival, 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.