



Wyong Local Environmental Plan 1991 (Amendment No 147)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00214/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 106

Clause 1 Wyong Local Environmental Plan 1991 (Amendment No 147)

Wyong Local Environmental Plan 1991 (Amendment No 147)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wyong Local Environmental Plan 1991 (Amendment No 147)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies to Zone No 2 (c) (Medium Density Residential Zone) under *Wyong Local Environmental Plan 1991*, and
- (b) to amend the definition of ***building height map*** in that plan, and
- (c) to allow the erection of a medium or high-rise building on the land to which this plan applies subject to the Wyong Shire Council's being satisfied of certain matters.

3 Land to which plan applies

This plan applies to certain land situated in the local government area of Wyong, being Lot 622, DP 877750, as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 (Amendment No 147)" deposited in the office of Wyong Shire Council.

4 Amendment of Wyong Local Environmental Plan 1991

Wyong Local Environmental Plan 1991 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Definitions

Omit the definition of *building height map* from clause 7 (1).

Insert instead:

building height map means:

- (a) in relation to clauses 42B, 42C and 42CA, the map marked “Building Heights Map—Wyong Local Environmental Plan 1991 (Amendment No 118)”, and
- (b) in relation to clause 42E, the map marked “Building Heights Map—Wyong Local Environmental Plan 1991 (Amendment No 147)”.

[2] Clause 7 (1), definition of “the map”

Insert in appropriate order:

Wyong Local Environmental Plan 1991 (Amendment No 147)

[3] Clause 42CA Setbacks for certain buildings fronting The Entrance Road

Omit “map marked ‘Building Heights Map—Wyong Local Environmental Plan 1991 (Amendment No 118)’” from clause 42CA (1).

Insert instead “building height map”.

[4] Clause 42E

Insert after clause 42D:

42E Erection of medium or high-rise building at Woodbury Park Drive, Mardi

- (1) This clause applies to Lot 622, DP 877750, Woodbury Park Drive, Mardi.
- (2) The Council may consent to the erection of a medium or high-rise building on the land to which clause applies, but only if it is satisfied that:

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Schedule 1 Amendments

- (a) when viewed from public spaces, the proposed building will generally be framed by the trees on the ridge to the north of the site, and
- (b) any roof structure over and above the height nominated for the land beneath it on the building height map is designed and incorporated into the building in a way that is both interesting and attractive, and
- (c) due regard has been given in the design of the building to any other matters that may be specified in a development control plan applying to the land.

- (3) For the purposes of this clause:

a ***building height*** is the vertical distance from natural ground level at any point within a building to the top-most ceiling of the building directly above that point.

medium or high-rise building means a building with a building height greater than 10 metres but no building height of which at any point exceeds the height nominated for the land at that point on the building height map.

BY AUTHORITY
