



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

Application No.: RZ/18/2009

Property Details:

Real Description: Lot 1 / DP1100416

Street Address: 1 London Drive, North Wyong

Owners: A Van Stappen Pty Ltd

Site Area: 10,630 square metres

Current Zoning: 4(a) (General Industrial) – Wyong Local Environmental Plan 1991

Existing Uses: General Industrial, Office, Storage and Vehicle Parking



Contents

Part 1 Objectives or Intended Outcomes	4
Part 2 Explanation of Provisions	4
Part 3 Justification	4
<i>Section A – Need for the Planning Proposal</i>	<i>4</i>
<i>Section B – Relationship to strategic planning framework</i>	<i>6</i>
<i>Section C – Environmental, Social and Economic Impact</i>	<i>12</i>
<i>Section D – State and Commonwealth Interests</i>	<i>14</i>
Part 4 Community Consultation	16
Part 5 Conclusion	17
Attachments and Supporting Documentation	18

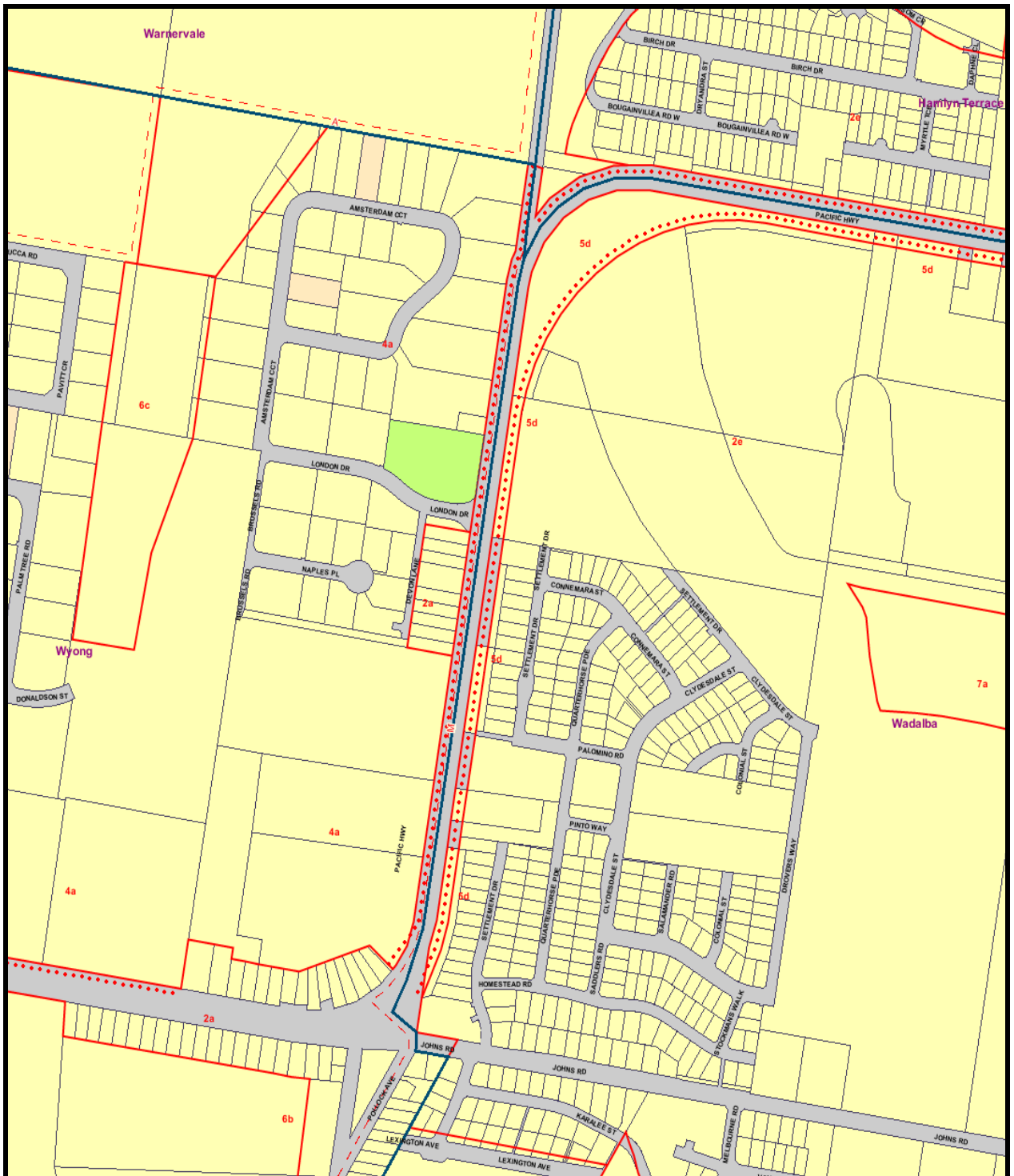


Figure 1 Planning Proposal Locality Plan

Part 1 Objectives or Intended Outcomes

To insert an enabling clause into the Wyong Local Environmental Plan 1991, to make 'service station' a permissible use on the property 1 London Drive, North Wyong, Lot 1 / DP1100416.

Part 2 Explanation of Provisions

To insert the following into Schedule 2 (Development for Certain Purposes) of the Wyong Local Environmental Plan 1991:

Lot 1 / DP1100416, 1 London Drive, North Wyong, as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 – 'Service Station'".

Part 3 Justification

Section A – Need for the Planning Proposal

1. *Is the Planning Proposal a result of any Strategic Study or report?*

No.

However, the Planning Proposal complies with various State and local (Council) strategies and resolutions. Refer *Section B* for discussion on how this Planning Proposal complies with these strategies and resolutions.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes.

The Planning Proposal for this LEP amendment is the only means of providing for the additional employment generating use of a service station in the North Wyong Industrial Estate, an appropriate development / use for the subject site (1 London Drive, North Wyong, Lot 1 / DP1100416).

3. *Is there a net community benefit?*

Yes

The ability to develop the subject site (1 London Drive, North Wyong, Lot 1 / DP1100416) for the use of a service station will provide an additional development/use that would provide the local community with additional employment opportunities. The rezoning request, submitted by the applicant, demonstrates that the planning proposal will potentially result in facilitating a development/use that will provide approximately 12 new local job opportunities.

The planning proposal also facilitates an additional development/use that would provide additional facilities/services that will benefit the local community.

Strategic Context

The subject lands are relatively flat and abut the Pacific Highway.

The subject lands are approximately:

- 1.6 kilometres from the nearest service station on the opposite side of the Pacific Highway (to the south-west).
- 2.3 kilometres from the nearest service station on the same side of the Pacific Highway (to the south-west).
- 3.40 kilometres from the next nearest service station (approved and currently under construction) on the same side of the Pacific Highway (to the south-west).
- 4.40 kilometres from another service station on the same side of the Pacific Highway (in Wyong Township).
- The nearest service station to the north of the subject lands is at Charmhaven, approximately 7 kilometres away.
- Within 3 kilometres of the residential suburbs of Hamlyn Terrace, Wongarra and Wadalba residential suburbs (to the north and east) and Wyong and Watanobbi (to the south and west).

The planning proposal is compatible with and supportive of surrounding land uses which include:

- A variety of general industrial uses to the north and west.
- Low density residential uses to the north, south and east.

The site is located within a general industrial area (i.e., North Wyong Industrial Estate).

The site has good regional connections, via the Pacific Highway.

Refer to Figure 2 for a visual presentation of the above descriptions.

Site Characteristics

The subject site is irregular (but essentially rectangular) in shape and has a total area of approximately 10,630 square metres.

The subject lands are relatively flat, clear of any significant vegetation and contain general industrial, office, storage and vehicle parking development / uses.

The subject lands abut the Pacific Highway and are well provisioned in relation to service infrastructure. Electricity, sewer, water supply, stormwater drainage and telecommunications infrastructure are available at the site. The subject lands also have good and safe vehicular access to the Pacific Highway.

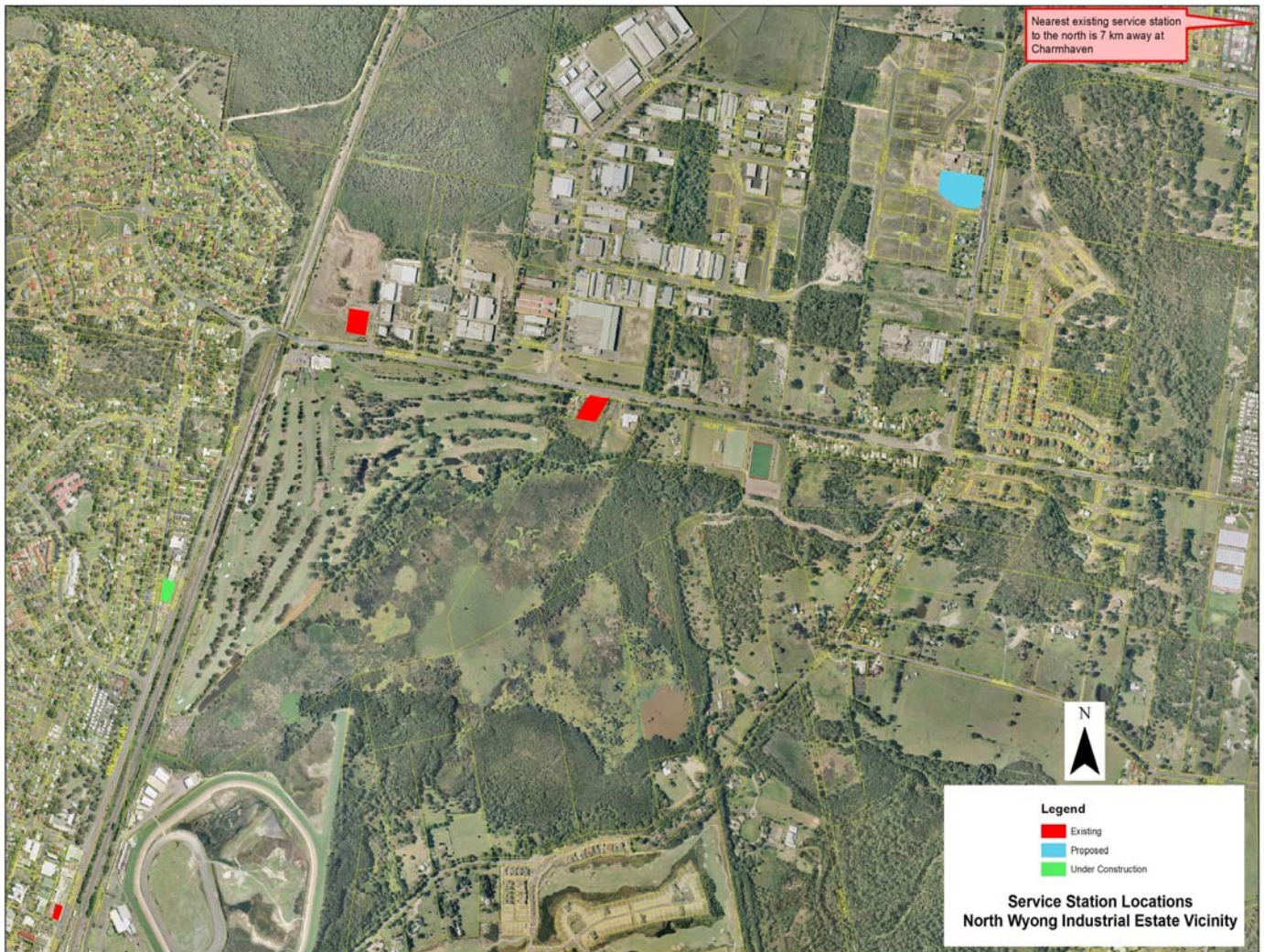


Figure 2 – Service Station Locations in the North Wyong Industrial Estate Vicinity

Section B – Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the Department of Planning in July 2008. The CCRS provides the framework for preparing new comprehensive local environmental plans under the NSW Government Standard Instrument (Local Environmental Plans) Order 2006.

The CCRS identifies the population targets of the Central Coast expected over the next 25 years, and employment capacity targets. The strategy also identifies actions to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The subject lands are located in the North Wyong Industrial Estate and North Wyong Structure Plan area and currently contain the land development / uses of a hardware store, office(s) and vehicle parking.

This request to amend Wyong LEP 1991 to make the development / use of a service station permissible on the subject lands is considered to be consistent with the CCRS.

The subject lands are located within the North Wyong Industrial Estate and North Wyong Structure Plan area, and are identified as employment lands under the North Wyong Structure Plan, in the CCRS. The rezoning request demonstrates that the development / use of a service station on the subject lands will equate to employing an additional 11.7 equivalent full time persons and is compliant with Council's criteria (being over 10 long-term equivalent jobs) to be classified an employment generating proposal.

The request is also consistent with a key objective of the CCRS, with the potential to increase the current level of employment self-containment, by providing for economic development that will potentially increase local employment, fundamental to reducing the proportion of workers living on the Central Coast, but commuting to employment outside the Central Coast Region.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Wyong Local Environmental Plan (WLEP) 1991

The subject lands are currently zoned 4(a) (General Industrial) and contain general industrial uses, including an existing hardware store, office block, storage facilities and vehicle parking development.

The mooted amendment to the Wyong Local Environmental Plan 1991 is considered to have merit and is supported on the grounds that:

- Service stations are commonly permissible uses in General Industrial Zones and are listed as '*Permitted only with development consent*' in the neighbouring local government areas of Newcastle, Lake Macquarie, Cessnock and Gosford.
- Will provide an additional facility that will service the northern localities of the Wyong Shire Council area.
- The proposed service station use is compatible with and will further the objectives of the 4(a) General Industrial Zone in which it would be located.
- The proposed service station use is compatible with and will support the other permissible development /uses in the 4(a) General Industrial Zone in which it would be located.

Wyong Development Control Plan (DCP) 2005: Development Controls for Wyong Shire

Any development application on the subject lands will be required to comply with the relevant controls of Wyong Development Control Plan 2005, in particular, the following Chapters:

- 36: North Wyong Industrial Area, and particularly, but not conclusively, clauses:
 - o 2.2 - Design and Appearance of Buildings
 - o 2.3 – Landscaping
 - o 2.4 – Signage
 - o 2.6 – Parking and Access

- o 3.2 – Pacific Highway Setbacks
 - o 3.3 – Future Residential Amenity
 - o 4 – Land Use Controls for Regulated Emissions Industries
- 50: Guidelines for Advertising Signs.
- 75: Industrial Development.
- 61: Car Parking.
- 67: Engineering Requirements for Development.
- Draft Chapter 97 – Water Sensitive Urban Design.

It is considered that it is possible for an appropriate service station development, on the subject lands, to comply with the requirements of Wyong Development Control Plan 2005.

Wyong Retail Centres Strategy

The Wyong Retail Centres Strategy provides strategic guidance for retail development in the Shire.

The development of a service station in the North Wyong Industrial Estate is consistent with the strategic direction of the Wyong Retail Centres Strategy, as it will support industrial, retail, commercial and residential land uses, with good connections to a major transport link (the Pacific Highway) servicing the northern localities of the Wyong Shire Council area.

At a Councillor briefing session on 8 August 2007, Council's consultant was questioned as to whether Council should be planning for pad sites to allow for the provision of fast food outlets/service stations north of Wyong, especially along the Pacific Highway as there was an opinion, within Council, that there was a need to identify properties for pad sites, especially service stations, to alleviate what appears to be a shortage of stations along major transport routes. In addition, it was noted by Councillors that there was a shortfall of opportunities for fast food outlets north of Wyong, although the demand is obvious in areas around Lake Haven and Tuggerah.

Council's consultant advised that Council could create a policy to enable more fast food outlets/service stations to occupy pad sites in the northern part of the Shire to overcome the perceived shortfall, and that such a policy should follow the criteria mentioned below.

This LEP Amendment request appears to generally meet the below-mentioned criteria as it:

- Is located along the Pacific Highway in the North Wyong Structure Plan Area.
- Is close to planned retail centres of Wadalba and Warnervale (Hamlyn Terrace / Woongarra).
- Is located more than the minimum 1km from the nearest service station (refer discussion, 'Strategic Context' section above).
- Has potential to co-locate complimentary small fast food/convenience outlets with a service station on the subject lands, without excessive clustering around a major intersection.

Council, at its meeting on 12 December 2007, in relation to its consideration of the Wyong Retail Centres Strategy, resolved to prepare a draft policy to address the provision of pad sites, including service stations, in the northern part of the Wyong Shire, particularly along the Pacific Highway, and in accordance with the following criteria:

- Avoid excessive clustering of such services around major intersections.
- Identify such sites in close to planned Retail Centres such as San Remo and Warnervale.
- Locate sites at least one kilometre from each other.
- Co-locate outlets with service stations to maximise amenity, traffic and transport considerations, thereby minimising single use pad sites.

To date, such a draft policy has not been prepared due primarily to lack of resource availability. However, when prepared and adopted, it is intended that such a policy would eventually feed into the North Wyong Structure Plan and Council's Settlement Strategy for the northern part of the Shire.

This planning proposal appears to satisfy the abovementioned policy making criteria and therefore would comply with any future policy based on such criteria.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

State Environmental Planning Policies and Regional Environmental Plans

The proposal has been assessed having regard for State Environmental Planning Policies and Regional Environmental Plans.

State Environmental Planning Policies

The only SEPPs relevant to this rezoning request are SEPP No.55 – Remediation of Land and SEPP 64 – Advertising and Signage.

SEPP	Consistency
SEPP 55 – Remediation of [contaminated] Land This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or the environment.	The subject lands have been used for light industrial (Hardware store), office, storage and vehicle parking purposes. The existing general industrial (hardware) operations on the subject lands are unlikely to have potentially caused land contamination. Consequently, it is considered that this LEP amendment request does not need to be supported by a preliminary contaminated land assessment and report, to satisfy the requirements of SEPP 55 (Remediation of [Contaminated] Land).
SEPP 64 – Advertising and Signage Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP also regulates outdoor advertising in transport corridors. The SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors.	It is considered that an approved service station development, permissible under this LEP Amendment request, could comply with the requirements of this SEPP.

Regional Environmental Plans

There are no Regional Environmental Plans that are relevant to this rezoning request.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Section 117 Directions

The proposal has been assessed having regard for the Section 117 Directions [issued to Councils under s117(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act)], relevant to the proposed LEP amendment. The findings were as follows:

Direction	Consistency
1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	This LEP Amendment request is consistent with this direction as the request contributes to the retention of areas and locations of an existing industrial zone (it is located within the North Wyong Industrial Estate and provides potential for increased employment self-containment) and should, therefore, support the viability of the North Wyong Industrial Estate, which is located within the North Wyong Structure Plan area, and is identified as employment lands by the Central Coast Regional Strategy.
4.4 Planning for Bushfire Protection This direction provides requirements to be fulfilled for draft LEPs that affect land mapped as bushfire prone land. The objectives of this direction are to protect life, property and the environment from bushfire hazard by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.	It is considered that this LEP Amendment request can be made consistent with this direction. While the subject lands are marginally affected by a bushfire buffer area, the most likely location for a service station development on the subject lands would be clear of this buffer area. In any event, it is considered that the development could be designed and constructed to adequately mitigate the bushfire threat. It is considered that all future development on the subject lands could be made consistent with the document <i>Planning for Bushfire Protection 2006</i>, as part of the future development assessment process.
5.1 Implementation of Regional Strategies The objective of this Direction is to ensure that draft LEPs are consistent with regional strategies, such as the Central Coast Regional Strategy.	This LEP Amendment request is considered consistent with the Central Coast Regional Strategy (CCRS). The subject lands are located within the North Wyong Industrial Estate, an area identified as employment lands under the North Wyong Structure Plan, in the CCRS. The request demonstrates that the development / use of a service station on the subject lands will equate to the employment of an additional 11.7 equivalent full time persons. This is compliant with Council's criteria (being over 10 long-term equivalent jobs) to be classified an employment generating proposal. The request is also consistent with a key objective of the CCRS, to increase the current level of employment self-containment, by providing economic development that will potentially increase local employment,, fundamental to reducing the proportion of workers living on the Central Coast, but who commute to places of employment outside the Central Coast Region.

Department of Planning's Criteria for Spot Rezoning

The proposal has been assessed having regard for the Department of Planning's *LEP Pro-forma Evaluation Criteria-Category 1: Spot Rezoning LEP*, which provides criteria for consideration for any draft LEP. This LEP Amendment request is assessed against these criteria in the table below.

Criteria	Consistency
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800m of a transit node)?	The LEP Amendment request is compatible with the Central Coast Regional Strategy in regard to contributing to the retention of an area / location of an existing industrial zone, being located within the North Wyong Industrial Estate. The request also provides potential for increased employment self-containment and should, therefore, support the viability of the North Wyong Industrial Estate, which is identified as employment lands by the Central Coast Regional Strategy.
Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	As mentioned above this LEP Amendment request will support the economic objectives of the Central Coast Regional Strategy and relevant S.117 Directions.
Is the LEP located in a global / regional city, strategic centre or corridor nominated within the metropolitan Strategy or other regional / sub-regional strategy?	No.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP Amendment request will facilitate an employment generating activity. It demonstrates the employment of an additional 11.7 equivalent full time persons, which is compliant with Council's criteria (being over 10 long-term equivalent jobs) to be classified as an employment generating proposal.
Will the LEP be compatible / complementary with surrounding land uses?	The surrounding land uses are predominantly general industrial. The proposed service station use will support these existing permissible uses. There is existing residential development to the south and east of the subject lands, but it is considered that a service station development / use on the subject lands could operate without unreasonable impact on these residential properties, but will provide needed additional facilities.

Criteria	Consistency
Is the LEP likely to create a precedent, or create or change in the expectations of the landowner or other landowners?	Possibly. The expectations of landowners in the North Wyong Industrial Estate or in other general industrial zoned areas, could potentially be raised for the extension of a similar amendment for similar development / use. However, other properties in the North Wyong Industrial Estate do not have the same Pacific Highway exposure which could be perceived as essential for the success of a service station. Also, Council has resolved to prepare a draft policy to address the provision of pad sites, including service stations, in the northern part of the Wyong Shire, particularly along the Pacific Highway, subject to certain criteria. It is considered that the proposed service station use will support other uses in the vicinity. Refer above under discussion on the Wyong Retail Centres Strategy. In relation to the other general industrial zoned areas, it is noted in this report that the omission of service stations in general industrial zone appears to be an anomaly. It is considered that service stations should be made permissible in the general industrial zone, during the conversion of Wyong LEP 1991 to Wyong LEP 2011 [Standard Instrument (Local Environmental Plans) Order 2006 format].
Will the LEP deal with a deferred matter in an existing LEP?	No.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezonings in the immediate vicinity of the locality that, it is considered, will have adverse cumulative effects.

Section C – Environmental, Social and Economic Impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The following issues have been identified as being relevant to this LEP amendment request.

Hazard Issues

It is considered that the LEP amendment request will not unreasonably be affected by bushfire or flood hazard or contribute to those hazards.

While Council mapping indicates that the subject lands are marginally affected by a bushfire buffer area, the most likely location for a service station development would be clear of this buffer area. In any event, it is considered that such development could be designed and constructed to adequately mitigate the bushfire threat.

The existing general industrial operations (hardware, office, storage and vehicle parking) on the subject lands are unlikely to have potentially caused land contamination. Consequently, this LEP amendment request will not need to be supported by a preliminary contaminated land assessment and report, to satisfy the requirements of SEPP 55 (Remediation of [Contaminated] Land).

Relevant Council personnel have advised that, with the latest Protection of the Environment (Underground Petroleum Storage System) Regulations, they are of the opinion, that that all appropriate/required environmental safeguards can be incorporated when a development application for a proposed service station is lodged.

Environmental Issues***Significant vegetation***

The subject lands do not contain any significant vegetation.

Threatened Species

There is low risk potential for the presence of any threatened fauna and flora species on the subject lands.

The subject lands have been substantially cleared / disturbed, and while technically there is still a low potential for threatened species to be or establish on the site, it is considered that the long-term viability for the survival of any such species would be virtually unachievable.

Landscape character (Visual Amenity)

It is considered that any future development of the subject lands for a service station would not result in any significant adverse changes to the existing visual presentation of the area, particularly from surrounding streets, residential areas and other important viewpoints. Such development of the subject lands is likely to improve the amenity of the vicinity via attractive development design and accompanying landscaping treatments.

Any impacts could potentially be moderated through the retention/planting of screening / framing vegetation and the development and implementation of appropriate development controls to ensure that new development is sympathetic to the built form and character of the existing area.

These controls could include building envelope location, building colour, building materials, appropriate building setbacks, and a requirement for the strategic placement of appropriate landscaping, sensitive to the surrounding vicinity.

General Environmental Health / Protection Matters

Relevant Council personnel have advised:

- No objection in principle to the proposed LEP amendment from an environmental protection perspective.
- The opinion that, with the new Protection of the Environment (Underground Petroleum Storage System) Regulations, all environmental safeguards can be addressed when a development application for a proposed service station is lodged.
- That they are satisfied that the issues relating to noise, air, water, land contamination, odour, waste, etc, can be addressed when a development application is lodged.

10. *How has the planning proposal adequately addressed any social and economic effects?*

Social Issues

The establishment of a service station, including the retail sales of small consumable goods, on the subject lands will provide residents in the northern parts of the shire with needed additional facilities.

The proposed service station use is compatible with and will support the other permissible development /uses in the 4(a) General Industrial Zone, in which it would be located.

A development, such as a 24 hour operating service station, would also have additional benefits, such as passive security surveillance for the industrial and general area.

Economic Issues

The submission for rezoning, suggests that the proposed rezoning will generate 11.7 long-term equivalent full-time jobs in addition to providing additional short-term jobs during the construction of a service station development on the subject site.

Consequently, this LEP amendment request meets Council's criteria (being over 10 long-term equivalent jobs) to be classified as an employment generating proposal.

The LEP Amendment request is compatible with the Central Coast Regional Strategy in regard to contributing to the retention of an area / location of an existing industrial zone, being located within the North Wyong Industrial Estate.

The request also provides potential for increased employment self-containment (an objective of the Central Coast Regional Strategy) and should support the viability of the North Wyong Industrial Estate, which is identified as employment lands by the Central Coast Regional Strategy.

Section D – State and Commonwealth Interests

11. *Is there adequate public infrastructure for the planning proposal?*

Services (Water, Sewer and Drainage)

The subject lands are located near to existing industrial and residential development, indicating a capacity for service provision in the vicinity of the site.

Relevant Council personnel have advised that:

- The subject lands are capable of supporting the operation of a service station.

- The site is currently connected to Council's water supply and sewerage system. Further assessment of applicable loading on water supply and the sewerage system can only realistically be properly undertaken during assessment of a development application, when essential details are known.
- Any potential impacts on water and sewer infrastructure due to construction and structural loading can only realistically be properly assessed during the development application stage, when essential details are known.

Roads, Traffic and Transport

The subject lands have frontage to a two public roads, the Pacific Highway and London Drive.

Relevant Council personnel have advised of no objection in principle, but:

- That the most appropriate location for access to the subject lands would be via the access shown on the Staged Development Plan DO1, Revision C, which was approved as part of a staged masterplan layout (refer DA/527/2007) on 22 September 2009.
- No additional access should be permitted between the Pacific Highway and the access shown on the Staged Development Plan DO1, Revision C.
- Any future development will have to be investigated in more detail, in regard to its associated traffic / road impacts.
- That further information would be required to assess a development application on the subject lands. The details required include:
 - A revised Traffic Report addressing the following:
 - o The AM peak turning volumes. They are incorrect in the Traffic Report. The AM peak hour turning volumes need to be a mirror reverse of the PM peak volumes.
 - o Analysis is required for both the Pacific Highway/London Drive and London Drive/Subject Lands Access intersections.
 - o An electronic copy of the SIDRA file for both the intersections is required.
 - o An up to date intersection count for the London Drive/Pacific Highway intersection is required to determine the through traffic volume on the Highway.
 - o A 10 year projected traffic growth of 1.5% pa needs to be added to the through traffic volumes.
 - o Revised plans showing the correct location of the development and its access etc, and addressing the issues identified below:
 - Need to identify the queue lengths/number of cars that can queue at each of the bowsters.
 - The entry turning paths for the semi-trailer needs to be modified so that it does not encroach on the egress lane at the London Drive access.
 - Need to provide turning paths for semi-trailers doing the left turn from London Drive into the development, without encroaching on neither the London Drive westbound carriageway nor the exit lane at the London Drive access.
 - Need to identify, provide turning paths, to show how B-Doubles will enter, access through and depart the development in a forward manner, for both directions to and from London Drive, without encroaching on the egress lane at the London Drive access.

- Fuel filling points need to be identified on the plans.
 - Adequate height clearance for delivery/service vehicles within the site being provided.
 - The second (western) right turn lane shown on Plan SK03b in London Drive should be deleted.
- The details regarding access geometry will need to be ascertained during the preparation of a development application for a service station on the subject lands.
 - The provision of any dedicated turn lanes in London Drive are likely to mean the installation of no-stopping zones along the verges in London Drive between the Pacific Highway and the access shown on the Staged Development Plan DO1, Revision C. This is also a matter for consideration during the preparation of a development application for a service station on the subject lands.
 - All relevant turning movements, particularly in relation to fuel tankers, will need to be investigated thoroughly during the preparation of a future development application for a service station on the subject lands.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

None sought to date.

Under the Gateway process the views of State and Commonwealth public authorities will not be known until after the initial Gateway determination. This section of the planning proposal will be completed following consultation with those public authorities identified in the initial Gateway determination.

Part 4 Community Consultation

None sought to date.

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination.

This section of the planning proposal will be completed after the initial Gateway determination has specified the level of community consultation required for this planning proposal type.

It is envisaged, however, that the community consultation to be undertaken will be as follows:

Exhibition period	• 28 days Maximum
Public Notice	• In a newspaper that circulates in the area affected by the planning proposal (i.e., The Community Express). • On Wyong Shire Council's Website.

	• In writing to adjoining landowners.
Written Notice	• Provide a brief description of the objectives / intended outcomes of the planning proposal. • Indicate the land affected by the planning proposal. • State where the when the planning proposal can be inspected. • Give Wyong Shire Council's (the responsible planning authority) name and address for the receipt of submissions. • Indicate the last date for submissions.
Exhibition Material	• The planning proposal, in the form approved for community consultation by the Director General of Planning • The Gateway Determination. • Any studies relied upon by the planning proposal.
Consideration of submissions and public hearing (if required).	• Following public exhibition period, by Wyong Shire Council. • Wyong Shire Council may vary the planning proposal (if required following consideration of submissions / public hearing).

Part 5 Conclusion

This Local Environmental Plan Amendment request, in respect of Wyong Local Environmental Plan 1991, for the purpose of introducing an enabling clause to permit the development of a service station on Lot 1 / DP1100416, 1 London Drive, North Wyong, is supported by Wyong Council, as:

- It provides for an employment generating development of a service station, employing 11.7 full-time / long term equivalent positions, which is above Council's threshold criteria of 10 full-time / long term equivalent jobs, to be classified as an employment generating proposal.
- It is consistent with all of Council's locational criteria for service station development / use, which was recommended by Council's consultant on retail matters.
- It is consistent with common town planning practice of service stations being permissible developments / uses in a general industrial zone, as evidenced by service station development / use being '*Permitted only with development consent*' in such zones, in the neighbouring local government areas of Newcastle, Lake Macquarie, Cessnock and Gosford.
- The subject lands are not unreasonably affected by any significant hazards that could not be reasonably mitigated.
- The subject lands do not possess any known significant environmental sensitivities that could not be reasonably mitigated.
- It supports the development / use of a 24 hour service station, which would provide support for surrounding land uses without unacceptable adverse impact(s) and provide passive security surveillance for the industrial and general area in which is located.
- The subject lands have access to all relevant service infrastructure.
- The subject lands can be provided with adequate access arrangements.

- The future development / use of a service station on the subject lands could comply with all the relevant Chapters of Wyong Development Control Plan 2005.
- The future development / use of a service station on the subject lands could comply with all the relevant provisions of the Wyong Retail Centres Strategy.
- It is consistent with all relevant State Environmental Protection Policies.
- It is consistent with all relevant s117 Directions.
- It is consistent with key components of the Central Coast Regional Strategy.
- It is consistent with all of the Department of Planning's criteria for spot rezonings.

Consequently, it is recommended that the following wording be inserted into Schedule 2 - Development for Certain Purposes (Clause 52 - Wyong Local Environmental Plan 1991):

Lot 1 DP1100416, 1 London Drive, North Wyong – Service Station.

In addition to the above, and following the assessment of this LEP Amendment request, it is also considered that that service stations should be made permissible developments / uses in the General Industrial Zone, as well as other various industrial zones when converting the Wyong LEP 1991 to the Wyong LEP 2011 [Standard Instrument (Local Environmental Plans) Order 2006 format], but permitted only with development / use consent to ensure that all relevant environmental, amenity and other essential requirements are met.

The omission of service stations as permissible developments / uses in the General Industrial Zone in the Wyong LEP 1991 appears an anomaly. It is quite common for service stations to be permissible uses in general industrial zones as evidenced by their inclusion as 'permissible only with development consent' in the neighbouring Council areas of Newcastle, Lake Macquarie, Cessnock and Gosford.

Attachments and Supporting Documentation

- LEP Amendment Request - 14 July 2009, Douglas Eaton (Applicant).
- North Wyong Rezoning Traffic Impact Assessment - Final Report – November 2008, Cardno Eppell Olsen (Authors).
- Council Report – 14 April 2010.
- Council Resolution – 14 April 2010.