

3.4 Rezoning Requests - RZ/18/2009 - 1 London Drive, North Wyong, RZ/19/2009 - 13-15 Hereford Street, Berkeley Vale and RZ/20/2009 - 1 Bryant Drive, Tuggerah

TRIM REFERENCE: F2004/00526 - D02199252

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SUMMARY

Reporting on the receipt of three priority rezoning applications requesting the insertion of enabling clauses into Schedule 2 of the Wyong Local Environmental Plan (WLEP) 1991 to permit:

- A service station development at North Wyong.
- A plant hire establishment at Berkeley Vale.
- Commercial premises at Tuggerah.

Desktop assessments have been undertaken for each proposal, having regard for local and state strategies and policies, in addition to applicable legislative requirements. These desktop assessments have identified that the proposals have merit and should be supported.

Rezoning Application: RZ/18/2009

Applicant: Doug Eaton

Owner: A Van Stappen Pty Ltd

Description of Land: Lot 1 DP 1100416, 1 London Drive, North Wyong

Proposed Development: Enabling Clause under Schedule 2 of *Wyong Local Environmental Plan 1991* to permit 'Service Station' development

Site Area: Approximately 10,630m²

Zoning: 4(a) (General Industrial)

Existing Use: Light industrial, storage and vehicle parking.

Rezoning Application: RZ/19/2009

Applicant: R B Smyth (Smyth Planning)

Owner: Hereford Properties Pty Ltd

Description of Land: Lots 9 and 10 DP 255990, 15 and 13 Hereford Street, Berkeley Vale

Proposed Development: Enabling Clause under Schedule 2 of *Wyong Local Environmental Plan 1991* to permit 'Plant hire establishment' activities

Site Area: 2,625m² and 2,575m² respectively

Zoning: 4(a) (General Industrial)

Existing Use: General industrial - Storage of larger-size hire items including large plant machines, road barriers and portable toilets

Rezoning Application: RZ/20/2009

Applicant: Mariners FC Unit Trust

Owner: Wyong RSL Sub Branch Club Pty Ltd and Wyong Shire Council

Description of Land: Lot 21 DP 654119, Lot 24-25 DP 25373 and Lots 80-84 DP 8004 1 Bryant Drive, Tuggerah

Proposed Development: Enabling Clause under Schedule 2 of *Wyong Local*

**3.4 Rezoning Requests - RZ/18/2009 - 1 London Drive, North Wyong,
RZ/19/2009 - 13-15 Hereford Street, Berkeley Vale and RZ/20/2009 - 1
Bryant Drive, Tuggerah (contd)**

Site Area:	<i>Environmental Plan 1991 to permit commercial premises</i> 7.44ha
Zoning:	4(b) (Light Industrial), 1(c) (Non-Urban Constrained Land) and 5(a) (Special Uses – Sewerage Buffer)
Existing Use:	Club Tuggerah, a registered sporting club with associated sporting fields, tennis courts, amenities, car parking and landscaping.

RECOMMENDATION

- 1 That Council prepare planning proposals to insert the following into Schedule 2 - Development for Certain Purposes of Wyong Local Environmental Plan 1991:**
 - a Lot 1 DP1100416, 1 London Drive, North Wyong as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 – 'Service Station'".**
 - b Lots 9 and 10 DP 255990 – Hereford Street, Berkeley Vale as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 – 'Plant Hire Establishment'".**
 - c Use of up to 3,500m² for the purposes of commercial premises on Lot 21 DP 654119 and Lots 24–25 DP 25373 Bryant Drive, Tuggerah.**
- 2 That Council, subject to the determination of the Gateway process and Director General's approval, undertake community consultation regarding the planning proposals.**
- 3 That Council, subject to there being no objections received that cannot be resolved by minor amendments to the planning proposals, request the Department of Planning (DoP) to prepare the draft Local Environmental Plan Instruments and the Minister be requested to make the plans.**

REZONING REQUEST RZ/18/2009 – 1 LONDON DRIVE, NORTH WYONG

Locality Plan



Rezoning Description

This Local Environmental Plan (LEP) Amendment request seeks to introduce an enabling clause to permit the development of a service station on Lot 1, DP 1100416, 1 London Drive, North Wyong.

Schedule 2 (Development for certain additional purposes) of WLEP 1991 enables development which is not ordinarily permissible on certain land due to zoning to be carried out. These clauses are commonly referred to as enabling clauses.

Figure 1: LEP Amendment Request Site Plan



Strategic Context

The subject site is irregular (but essentially rectangular) in shape and has a total area of approximately 10,630 square metres. The site is relatively flat, clear of any significant vegetation and contains general industrial, storage and vehicle parking development/uses. The site is well provisioned in relation to service infrastructure. It has good vehicular access due to abutting the Pacific Highway.

Electricity, sewer, water supply and telecommunications infrastructure are available at the site.

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).

**3.4 Rezoning Requests - RZ/18/2009 - 1 London Drive, North Wyong,
RZ/19/2009 - 13-15 Hereford Street, Berkeley Vale and RZ/20/2009 - 1
Bryant Drive, Tuggerah (contd)**

- 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, Woongarra and Wadalba residential suburbs (to the north and east) and Wyong and Watanobbi (to the south and west).

The surrounding land uses 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) and has good regional connections, via the Pacific Highway.

Discussion

This LEP Amendment request, in respect of Wyong Local Environmental Plan (WLEP) 1991, for the purpose of introducing an enabling clause to permit the development of a service station on Lot 1, DP 1100416, 1 London Drive, North Wyong, has been assessed and is supported by Council Staff. Initial discussions with staff at the local office of the Department of Planning (DoP) have indicated that the DoP does not have any major concerns with the proposal.

This request is supported on the basis that:

- It provides for an employment generating development of a service station, employing 11.7 full-time/long term equivalent positions.
- 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 town planning practice in regard to 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 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 mitigated.
- The subject lands do not possess any known significant environmental sensitivities that could not be 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 passive security surveillance for the industrial area in which it is located.
- The subject lands have access to all relevant infrastructure and services.
- 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 (DCP) 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 Planning Policies (SEPPs).
- It is consistent with all relevant s117 (Ministerial) Directions.
- It is consistent with key components of the Central Coast Regional Strategy.
- It is consistent with all of the DoP's criteria for spot rezonings.
- Given there is no proposal to establish a stand alone fast food development there is no inconsistency with Council's endorsed Retail Strategy and DCP.

CONCLUSION

It is considered that the LEP Amendment request RZ/18/2009 should be supported for assessment via the Gateway Process (see below for a description of this process) and the following wording be inserted into Schedule 2 - Development for Certain Purposes (Clause 52 - WLEP 1991):

'Lot 1 DP 1100416, 1 London Drive, North Wyong as shown edged heavy black on the map marked WLEP 1991 – Service Station.'