



New South Wales

Wyong Local Environmental Plan 1991 (Amendment No 104)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N93/00303/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 238

Clause 1 Wyong Local Environmental Plan 1991 (Amendment No 104)

Wyong Local Environmental Plan 1991 (Amendment No 104)

1 Name of plan

This plan is *Wyong Local Environmental Plan 1991 (Amendment No 104)*.

2 Aims of plan

This plan aims to amend various controls relating to business and industrial zones under *Wyong Local Environmental Plan 1991* in order to implement the *Wyong Shire Retail Centres Strategy*.

3 Land to which plan applies

This plan applies to the land in the local government area of Wyong to which *Wyong Local Environmental Plan 1991* applies.

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

Insert in alphabetical order in clause 7 (1):

building products sales room or showroom means a building or place used for the display or sale of materials or goods used as fixed components of residential construction.

large scale commercial premises means a building or place, or part of a building or place, which has a minimum gross floor area of 200m² and is used for the purposes of an office or other business or commercial purposes by a single occupancy, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.

large scale retail establishment means a building or place, or part of a building or place, which has a minimum gross floor area of 200m² and is used for retail sales as a single retail outlet by an individual occupant, but does not include such a building or place used for the purposes of:

- (a) a supermarket or other foodstuffs or produce sales (excluding that sold by a restaurant), and
- (b) clothing sales or display (other than clothing essential for sporting activity and sold in conjunction with sporting goods).

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are also sold or displayed in conjunction with the use.

plant hire establishment means a building or place used for the display and hire of machinery, tools or equipment which requires:

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

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- (b) direct vehicle access to the site of the building or place for the purpose of loading or unloading the machinery, tools or equipment, into or off vehicles, prior to or following their hire.

self storage establishment means a building or group of buildings operated as a single entity which provides individual enclosed storage of non-hazardous goods, merchandise or materials.

[2] Clause 7 (1), definition of “special retail premises”

Omit the definition.

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

Insert in appropriate order:

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[4] Clause 9 Zones indicated on the map

Omit the matter relating to Zone No 3 (a). Insert instead:

Zone No 3 (a) (Business Centre Zone)—identified with heavy black edging and lettered “3 (a)”.

[5] Clause 9

Insert in appropriate order:

Zone No 3 (b) (Centre Support Zone)—identified with heavy black edging and lettered “3 (b)”.

Zone No 4 (c) (Business Park Zone)—identified with heavy black edging and lettered “4 (c)”.

[6] Clause 9

Omit the matter relating to Zones Nos 3 (c) and 4 (d).

[7] Clause 10 Zone objectives and development control table

Insert in alphabetical order in Item 4 of the matter relating to Zones Nos 1 (a), 1 (c), 1 (d) and 7 (b) in the Table to the clause the words “building products sales rooms or showrooms;”, “large scale commercial premises;”, “large scale retail establishments;”, “motor showrooms;”, “plant hire establishments;” and “self storage establishments;”.

[8] Clause 10, Table

Omit “special retail premises;” wherever occurring from Item 4 of the matter relating to Zones Nos 1 (a), 1 (c), 1 (d) and 7 (b).

[9] Clause 10, Table

Omit the matter relating to Zones Nos 3 (a), 3 (c), 3 (d), 4 (a), 4 (b), 4 (d) and 4 (e).

[10] Clause 10, Table

Insert in appropriate order:

Zone No 3 (a) (Business Centre Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the primary opportunity for the development of retail and commercial activities that are appropriate to the character and needs of individual business centres within the retail hierarchy as established by a development control plan prepared by the Council for the purpose, and
- (b) to provide for higher intensity retail and commercial uses, while allowing for low intensity retail and commercial uses in other business zones, and
- (c) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.

2 Without development consent

Nil.

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3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; building products sales rooms or showrooms; camping or caravan sites; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those attached to other permitted buildings); exhibition homes; extractive industries; generating works; hazardous industries; hazardous storage establishments; industries; intensive agriculture; light industries; materials recycling depots; mining; motor showrooms; offensive industries; offensive storage establishments; plant hire establishments; residential flat buildings (other than those attached to other permitted buildings); road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; stock and sale yards; tourist accommodation that is not attached to other permitted buildings or used in conjunction with other permitted uses; toxic waste incinerators; transport depots; vehicle body repair workshops; vehicle repair stations; warehouses.

Zone No 3 (b) (Centre Support Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for development having relatively low traffic generating characteristics but not high turnover shops and offices that might more properly be located in Zone No 3 (a) (the Business Centre Zone), and
- (b) to provide for relatively low intensity commercial and retail uses with extensive floor space requirements, but not including supermarkets or other food or produce markets, and

- (c) to provide for development which does not have the potential to result in a detrimental impact on uses in Zone No 3 (a), and
- (d) to create opportunities for development within district and regional business centres which support and enhance the range of retail opportunities within those centres, and
- (e) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; camping or caravan sites; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted business and situated on the same land as the permitted business); exhibition homes; extractive industries; general stores; generating works; group homes; hazardous industries; hazardous storage establishments; hospitals; industries; intensive agriculture; light industries; materials recycling depots; mining; offensive industries; offensive storage establishments; plant hire establishments; residential flat buildings; road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; shops; stock and sale yards; tourist accommodation; toxic waste incinerators; transitional group homes; transport depots; vehicle body repair workshops; warehouses.

Zone No 3 (d) (Tourist Business Zone)

1 Objectives of zone

The objectives are:

- (a) to encourage development providing accommodation, services, entertainment and attractions for tourists, and
- (b) to complement the functions of a town's centre the subject of this zone, and
- (c) to ensure that development is of a type and scale that is appropriate to a tourist oriented character, and enables the maintenance of the area's attraction to tourists.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted business and situated on the same land as the permitted business); education establishments; exhibition homes; extractive industries; generating works; group homes; hazardous industries; hazardous storage establishments; heliports; hospitals; industries; intensive agriculture; light industries; materials recycling depots; medical centres; mining; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; places of worship; plant hire establishments; plant nurseries; residential flat buildings (other than those attached to other permitted buildings); road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; service stations; stock and sale yards; toxic waste incinerators;

transitional group homes; transport depots; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; warehouses.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for the development of large scale industrial, service and storage activities which by nature of their operations should be isolated from residential areas, and
- (b) to restrict commercial, retail or other development other than where it is ancillary to the use of land within this zone for industrial, service or storage purposes, and
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Aerodromes; agriculture; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; group homes; hazardous industries; hazardous storage establishments; hospitals; hotels; intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire

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establishments; plant nurseries; reception establishments; registered clubs; residential flat buildings; restaurants; roadside stalls; rural industries; self storage establishments; service stations; shops; tourist accommodation; toxic waste incinerators; transitional group homes.

Zone No 4 (b) (Light Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for the development of a wide range of industrial, service and storage activities which do not have a materially detrimental effect on the amenity of adjoining residential areas, and
- (b) to restrict commercial, retail or other development other than where it is ancillary to the use of land within this zone for light industrial, service or storage purposes, and
- (c) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; boarding houses; bulky goods sales rooms or showrooms; camping or caravan sites; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; generating works; group homes; hazardous industries; hazardous storage establishments; hospitals; industries (other than light industries); intensive agriculture; large scale commercial premises; large scale retail establishments; medical centres;

motels; offensive industries; offensive storage establishments; palliative day care centres; reception establishments; residential flat buildings; restaurants; roadside stalls; rural industries; sawmills; shops; tourist accommodation; toxic waste incinerators; transitional group homes.

Zone No 4 (c) (Business Park Zone)

1 Objectives of zone

The objectives are:

- (a) to provide for the integrated development of an industrial business park, and
- (b) to allow for large scale commercial development which is not in conflict with sustaining and developing commercial zones, and
- (c) to encourage development appropriate to an industrial business park which generates multi-sectoral employment, and
- (d) to enable the Council to provide more detailed guidelines about industrial development in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; commercial premises; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); exhibition homes; generating works; group homes; hazardous industries; hazardous storage establishments; hospitals; industries (other

than light industries); intensive agriculture; large scale retail establishments; materials recycling depots; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments; palliative day care centres; plant hire establishments; reception establishments; residential flat buildings; restaurants; roadside stalls; rural industries; sawmills; self storage establishments; service stations; shops; stock and sale yards; tourist accommodation; toxic waste incinerators; transitional group homes; vehicle body repair workshops; vehicle repair stations.

Zone No 4 (e) (Regional Industrial and Employment Development Zone)

1 Objectives of zone

The objectives are:

- (a) to provide land to cater primarily for the special requirements of major industrial or employment-generating development which is within convenient distances to support population growth within the urban centres of the local government area of Wyong and has good road and rail access links, and
- (b) to facilitate major industrial and employment-generating activities by permitting development which:
 - (i) generates significant new employment on-site, or
 - (ii) requires a large site area but has a significant multiplier effect on the regional economy, and
- (c) to facilitate other industrial and employment-generating activities only where:
 - (i) the development requires location with other major industries or activities within this zone, or
 - (ii) the development requires a location with convenient access to the freeway or railway, and
- (d) to provide that new industrial development and other development does not present unacceptable risks by limiting development which:
 - (i) exposes residences and the natural environment to unacceptable levels of pollution or hazard risk and does not incorporate adequate safeguards to mitigate any potential threats, or

- (ii) involves a process which generates toxic waste products the disposal of which cannot be properly managed either on-site or otherwise, or
- (iii) limits the potential employment capacity of this zone through mitigation measures by sterilising large areas of land through buffer or isolation requirements, and
- (e) to promote environmentally sustainable development by limiting development that:
 - (i) contributes to the degradation of the Tuggerah Lakes or Lake Macquarie systems, or
 - (ii) involves the transportation of hazardous or offensive materials through or in proximity to residential or environmentally sensitive areas, and
- (f) to provide for commercial and retail development:
 - (i) that is ancillary to the main use of land within this zone, and
 - (ii) that meets the day-to-day needs of occupants and employees of the buildings within this zone.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; boarding houses; brothels; building products sales rooms or showrooms; bulky goods sales rooms or showrooms; camping or caravan sites; community facilities; dwellings (other than those used in conjunction with a permitted industry and situated on the same land as the permitted industry); entertainment facilities; exhibition homes; group homes; hazardous industries; hazardous storage establishments; hospitals; hotels; intensive agriculture; large scale retail establishments; medical centres; motels; motor showrooms; offensive industries; offensive storage establishments;

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palliative day care centres; plant hire establishments; reception establishments; recreation facilities; registered clubs; residential flat buildings; restaurants; roadside stalls; rural industries; self storage establishments; shops; tourist accommodation; toxic waste incinerators; transitional group homes; vehicle body repair workshops; vehicle repair stations.

[11] Clause 42

Omit the clause. Insert instead:

42 Floor space ratio

- (1) This clause applies to land within Zone No 3 (a) that is identified as a local or neighbourhood centre in any development control plan applying to the land.
- (2) The ratio of so much of the gross floor area of a building erected on land to which this clause applies as is not used for residential purposes to the site area must not exceed 0.5:1.

[12] Clauses 42A, 56, 57 and 62

Omit the clauses.

BY AUTHORITY