



PCU025774

RZ-10-2242/2

31 August 2011

The Regional Director
Sydney Region West
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA 2124

Department of Planning
Received

7 SEP 2011

Scanning Room

Attention: Gilead Chen

Dear Sir,

Revised Planning Proposal to Rezone Lots 1 & 2, Section 2, DP 5094, H/N 291-293 Rooty Hill Road North, Plumpton from 2(a) Residential to 3(b) General Business to permit the development of a service station.

On 20 June 2011 a Planning Proposal to amend Clause 41A of the Blacktown Local Environmental Plan (LEP) 1988 to permit the development of a service station incorporating a convenience store was submitted for a Gateway Determination. On 14 July 2011 it was determined by Department of Planning and Infrastructure (DPI) that the Planning Proposal should proceed subject to the following variations:

1. An amendment to Clause 41 of the Blacktown Local Environmental Plan 1988 to permit the development of a service station incorporating a convenience store is not supported in this instance.
2. To proceed with a Planning Proposal by rezoning the subject site to an appropriate Business Zone under the provisions of the Blacktown Local Environmental Plan 1988.
3. Undertake an assessment of the revised Planning Proposal against all relevant s117 Directions, SEPPs, and the broader strategic planning framework and provide this assessment and justification for any inconsistencies with the revised Planning Proposal.
4. Undertake an assessment of the net community benefit of the rezoning planning proposal demonstrating a need for this use in this location and provide this assessment and justification for any inconsistencies with the revised planning proposal, including the proposal's compatibility with and potential impacts on surrounding development, and how these potential impacts will be mitigated.

In response to the determination Council is submitting a revised Planning Proposal which removes reference to an enabling clause and instead proposes the rezoning of the site to 3(b) Special Business. In addition, the proposal addresses the matters above including a net community benefit assessment in relation to the rezoning. The revised Planning Proposal is accompanied with supplementary studies (attached in appendices) addressing the proposal's compatibility with and potential impacts on surrounding developments, and how these potential impacts will be mitigated.

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I:\PPS\LEP Files\LEP 231 - 291-293 Rooty Hill Road North\Gateway Documents\Revised PP - 291-293 Rooty Hill Road North Referral Letter.Doc

Council Officers have considered the revised Planning Proposal and are satisfied that the proposed LEP amendment is considered appropriate for a number of reasons, being:

- The site is currently used for a storage yard for scrap metal and lawn mower parts which is a non-conforming activity and is unsightly. Re-development of the site as a service station will allow the site to be fully remediated with appropriate landscaping, design strategies and acoustic buffers to mitigate potential visual and noise impact that will improve the situation.
- It is unlikely that the site will be redeveloped for residential purposes as a result of its location. This site fronts onto the main road whereas the neighbouring residential properties fronts onto internal streets such as a cul-de-sac or other secondary streets. In addition, given that its current usage is for non-conforming purposes, it would require a higher level of site remediation to convert it to a residential use compared to the proposed use as a service station.
- The proposed service station will offer services to both the travelling public and the local community. The site is also in close proximity to the M7 and the Transitway with good road and bus access to the site.
- It is consistent with the key directions of the Metro Strategy and draft North West Sub-Regional Strategy in relation to providing local employment opportunities. It is estimated that the rezoning will generate temporary construction work and some part time and permanent full time jobs.

Attached for your reference and information are:

- A copy of the Revised Planning Proposal itself (dated August 2011), which contains a detailed justification and deals with the issues relating to this draft LEP.
- A draft LEP map prepared by Council which shows the proposed new zoning.

Should you require any further information regarding this matter, please contact Council's Team Leader Planning Policy, Sue Galt on 9839 6216 or Strategic/Policy Planner, Kaushal Nair on 9839 6094.

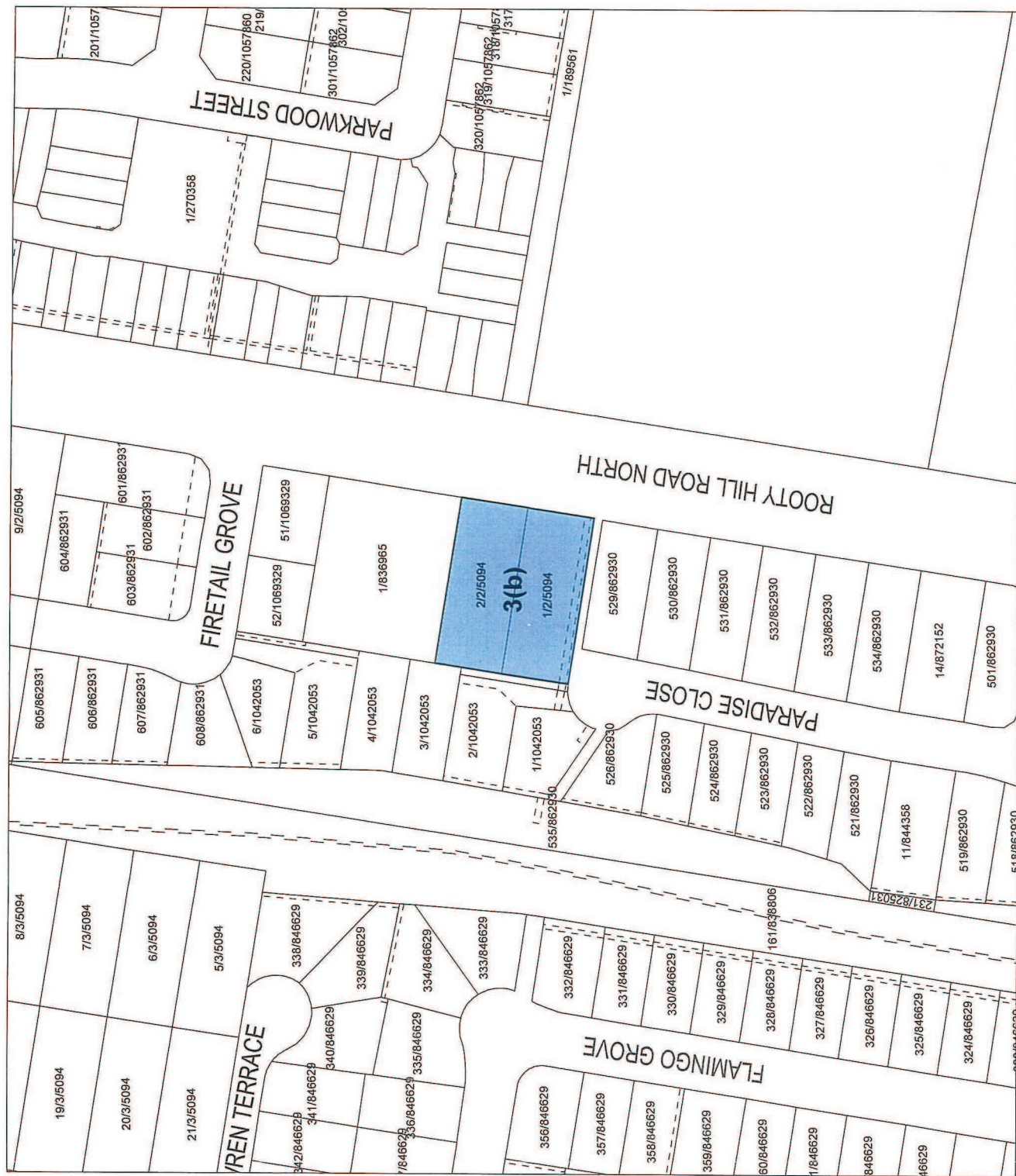
Yours faithfully,



Trevor Taylor
Manager Development Policy & Regulation

ZONES

Zone No 3(b) Special Business



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

BLACKTOWN LOCAL ENVIRONMENTAL
PLAN 1988
(Draft Amendment No 231)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

This plan amends Blacktown Local Environmental Plan 1988 over the land edged in heavy black lines.

Certified in accordance with the Environmental Planning & Assessment Act 1979.

General Manager
Date: 2/9/11

NOTE: Do not scale from this map. Use D.P. information for accurate dimensions.

Plot date: 01/09/2011

Checked Ave Galt 1/9/2011	Planning Officer Kathryn Nair 1/9/2011	Council File No. RZ-10-2224	Certificate Plan No.	Date	Dept. File No.	Locality Plumpton	Scale 1:1250	County Cumberland
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Printed by: Haric

Planning Proposal

Plumpton

Prepared By: Lin Armstrong
Date: August 2011

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Section 1.0

Introduction

This report has been prepared by Stevens Group in support of an application to rezone 291-293 Rooty Hill Road North at Plumpton to permit a service station. The site is within the Local Government Area (LGA) of Blacktown. The subject land is located on the western side of Rooty Hill Road, adjacent to Paradise Close. The property was previously used as an "Ampol" Service Station and is now used in association with lawn mower sales and repairs. The land is zoned Residential 2(b) (Residential "B" Zone) and approval is sought to rezone the land to permit a Service Station with development consent.

The Department of Planning & Infrastructure (DPI), has issued a Gateway Determination to permit the development. However, in making this determination the DPI advised Council that the site should be rezoned to an appropriate business zone. Further the DPI determined that the surrounding community should be provided with the opportunity to comment on the proposed change of zoning. Council have advised that an appropriate zoning would be 3(b) Special Business under Blacktown Local Environmental Plan 1988.

The Report has been prepared in accordance with the NSW Department of Planning's "Guide to Preparing Planning Proposals" and more specifically in accordance with the DPI's determination on 14 July 2011 which was as follows:

1. An amendment to Clause 41 of the Blacktown Local Environmental Plan 1988 to permit the development of a service station incorporating a convenience store is not supported in this instance.
2. To proceed with a planning proposal by rezoning the subject site to an appropriate Business Zone under the provisions of the Blacktown Local Environmental Plan 1988.
3. Undertake an assessment of the revised planning proposal against all relevant s117 Directions, SEPPs, and the broader strategic planning framework and provide this assessment and justification for any inconsistencies with the revised planning proposal.
4. Undertake an assessment of the net community benefit of the rezoning planning proposal demonstrating a need for this use in this location and provide this assessment and justification for any inconsistencies with the revised planning proposal, including the proposal's compatibility with and potential impact on surrounding development, and how these potential impacts will be mitigated.

This report describes the proposed development, the social and physical context in which it is proposed to be established and makes an assessment of the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended), to assist Council in its determination of the rezoning request. An assessment of State, Regional and Local Environmental Planning Policies, both gazetted and Draft, along with an assessment of all relevant Section 117 Ministerial Directions is also provided.

This report should be read in conjunction with the following plans and documentation:

- Site Location Plan, attached at **Appendix 1**
- Proposed Development Plans, prepared by GWH, attached at **Appendix 2**
- Stormwater Drainage and Engineering Plans, including On-site Stormwater Detention Calculations, attached at **Appendix 3**
- Proposed Landscape Concept Plans, prepared by Site Image, attached at **Appendix 4**
- Traffic Impact Assessment, prepared by Thompson Stanbury, attached at **Appendix 5**
- Acoustic Assessment, prepared by Reverb Acoustics, attached at **Appendix 6**
- Site Survey prepared by Trehy Ingold Neate Surveyors and Engineers, attached at **Appendix 7**
- Crime Prevention Through Environmental Design (CPTED) Report by Barker, Ryan, Stewart Consulting, attached at **Appendix 8**.
- Site Validation Report attached at **Appendix 9**.

It is considered having regard to the assessment undertaken that the site is suitably located for the form of development proposed. The site is also physically and environmentally capable and suitable for the development.

Section 2.0

The Site

This section of the report identifies the proposed site of the development, describes its physical and social setting, thus placing the rezoning and development proposal in context.

2.1 Site Location

The site is located on the western side of Rooty Hill Road North at Plumpton, (see Site Location Plan attached at **Appendix 1**). Residential development adjoins the site to the south and west. A lawn mower sales and repair business operates to the north under existing use rights. Residential development lies further to the north and opposite on Rooty Hill Road.

2.2 Physical Description

The property comprises two separate allotments each with a frontage to Rooty Hill Road of 20.115m and a depth of 20.630m. The site has a total area of 2,023m². A concrete footpath provides for pedestrian movements along the southern boundary of the site and links to Paradise Close which lies adjacent to the property's south western corner.

An easement to drain water, 2 metres wide runs the full length of the southern boundary. An easement to drain water 1m wide runs the full length of the western boundary.

Levels over the site vary from 49.85m at the Rooty Hill Road frontage to 49.3m at the western (rear) boundary of the property. The land is therefore near level and has been previously used as a service station and more recently for lawn mower sales and repairs in association with the land immediately adjoining to the north, being Lot1 in DP 836965.

The land has been previously cleared of vegetation and partially sealed with bitumen.

A concrete driveway abuts the rear boundary of the property and serves residential development to the west.

All services are available to the property and are shown on the Survey attached at **Appendix 7**.

2.3 Real Property Description

The Real Property Description for the land is:-

Lots 1 & 2 in DP 5094

The site is known as 291-293 Rooty Hill Road, North Plumpton.

Section 3.0

Future Development

This section of the report describes the proposed development in order to provide Council with sufficient information to assess the rezoning application. In this regard, the site is currently zoned Residential 2(b) (Residential "B" Zone) under the provisions of Blacktown Local Environmental Plan 1988. Council was requested to consider enabling the development of a "Service Station" via a site specific enabling Clause within the Local Environmental Plan. The DPI however has now advised Council that a commercial zone should be identified for the site, rather than a site specific use. Council has indicated that a 3(b) Special Business Zone under Blacktown LEP 1988 would be the most appropriate zone. Accordingly, Council is requested to consider rezoning the land to 3(b) Special Business.

3.1 Description of the Proposed Development

The rezoning is sought to permit a stand-alone service station incorporating:

- 3 Fuel dispensing bowsers
- Underground fuel storage tanks
- A 166m² convenience store
- Parking for 8 vehicles including 1 space for people with disabilities
- A fuel canopy of 225m (9x25m)
- An LPG exchange bottle cage
- Ice vending machine
- Direct Access and Egress to Rooty Hill Road
- Hard stand manoeuvring area
- A single pylon sign/Price board
- Directional Signage
- Landscaping
- Utility Services

Demolition of all existing improvements and Site remediation also form part of the proposal.

The proposal is demonstrated on the plans prepared by GWH attached at **Appendix 2**.

Notwithstanding that a service station is the use proposed for the land, the 3(b) Special Business Zone being requested would also permit a range of other uses.

The objectives of the 3(b) zone are:

- a) to ensure that identified centres are encouraged to grow to a level commensurate with the preferred hierarchy of centres for the City of

Blacktown by providing sufficient land to cater for required commercial expansion and ancillary development.

- b) to support general retail development of land within Zone No 3 (a) in identified centres by providing land adjoining the centres for the purposes of bulky goods retail establishments.
- c) to support general retail and commercial development of land within Zone No 3 (a) in identified centres by providing land for additional commercial office development in proximity to those centres, and
- d) to support general retail and commercial development of land within Zone No 3 (a) in identified centres by providing land for uses which service the needs of activities carried on in those centres.

The zoning prohibits the following uses:

Amusement centres; brothels; caravan parks; extractive industries; gas holders; generating works; hazardous industries; hazardous storage establishments; industries (other than light industries); institutions; intensive lot feeding of livestock; junk yards; landscape supply businesses; liquid fuel depots; manufactured home estates; methadone dispensaries; mineral sand mines; mines; offensive industries; offensive storage establishments; professional consulting rooms; professional offices; roadside stalls; rural industries; rural worker's dwellings; sawmills; shops (other than which service the daily convenience needs of the locality); stock and sale yards; storage yards; timber yards.

These provisions permit the service station as proposed and aim to prohibit uses, such as shops (other than daily convenience), that would threaten the viability of Council's 3(a) General Business lands.

Section 4.0

The Planning Proposal

This Report has been prepared in accordance with the NSW Department of Planning's 'Guide to Preparing Proposals'.

PART 1

Objectives or Intended Outcomes of the proposed LEP.

- To enable the redevelopment of 291-293 Rooty Hill Road North for a standalone service station with convenience store.

PART 2

An explanation of the provisions that are to be included in the proposed LEP.

- Amendment to the Blacktown Local Environmental Plan 1988 by rezoning 291-293 Rooty Hill Road North, Plumpton (being Lots 1 and 2 in DP 5094) to 3(b) Special Business Zone to permit a service station with convenience store.
- Service Stations are a defined use under Blacktown LEP. The definition contained in the LEP differs only slightly from the definition contained in the "Standard Instrument". In this regard Blacktown LEP defines a Service Station to "*mean a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products whether or not the building or place is also used for any one or more of the following purposes:*"
 - a) *The sale by retail of spare parts and accessories for motor vehicles;*
 - b) *Washing and greasing of motor vehicles;*
 - c) *Installation of motor vehicle accessories;*
 - d) *Repairing and servicing of motor vehicles (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration);*
 - e) *The sale by retail of grocery items and the like involving a floor area (including staff amenities, storage, office, machinery rooms, cooler rooms, etc) of not more than 250m².*

The definition of a "Service Station" contained in the Standard Instrument is as follows:

"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.*

The proposal does not involve any vehicle repairs nor does the convenience store component exceed the maximum floor area permitted under the Blacktown Local Environmental Plan. Whilst the rezoning will permit "other" uses, the proposal is for a service station with convenience store. Any future application for other uses permitted in the 3(b) Zone would need to be considered on their merits.

PART 3

The Justification for the objectives, outcomes and provisions and the process for their implementation.

SECTION A – NEED FOR THE PLANNING PROPOSAL

Is the planning proposal a result of any strategic study or report

No.

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

Yes. The proposed rezoning will permit the establishment of the service station on the subject land.

Is there a net community benefit?

The Net Community Benefit Test is set out in the Draft Centres Strategy and has been adapted here. The assessment is set out in the following table:-

Table 1: Net Community Benefit Test

Net Community Benefit Test	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?	The proposed rezoning is consistent with two key principles of the Metro Strategy and the draft North West Sub-Regional Strategy by: 1. Providing local employment opportunities; and 2. Realising potential for economic development in close proximity to the M7 Motorway. The proposal is also consistent with the draft Retail Centres Policy by ensuring that there is sufficiently zoned land to always accommodate market demand, to help facilitate new entrants into the market and promote competition.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The site is located within the North West Sub-Region of the Global City of Sydney. Rooty Hill Road connects directly to the M7 Motorway and employment lands.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. There are limited large landholdings in the locality that could be zoned for the use. The proposed rezoning will rectify the current undesirable use of the site.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. There are no other comparative spot rezonings that would cause a cumulative effect in the locality.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	It is estimated that the rezoning will generate only a small number of full time and part time jobs. The activity will however service the local community.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The land is currently used for a non conforming activity and is unlikely to be re-developed for residential purposes as a result of its location.

Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access?	There is good road and bus access to the site. Given that the site has been previously used as a service station, it can be reasonably expected that all utility services have capacity to service the development.
Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes, regular bus services occur along Rooty Hill Road.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Yes. The provision of a service station does not reduce greenhouse gas emissions or travel distances however it services the needs of residents for fuel locally. The convenience store component however will reduce emissions and travel distances by catering for the daily convenience needs of local residents.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The site is in close proximity to the M7 and the Transitway. These investments in infrastructure provide convenient access to the locality.
Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No.
Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community?	Yes. The report has identified that the proposed rezoning will complement surrounding land uses, generate significant social and economic benefits and cause minimal environmental impacts.
Will the public domain improve?	Yes. The current use of the site is unsightly and derelict with visible external storage of mowers and parts. Landscaping, new buildings, buffer zones and decontamination will improve the situation.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Yes.

• If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No. The site will be fully developed under the proposal.
• What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposed establishment of a service station on the subject land will offer services to both the travelling public and the local community. The site is located on a Main road and immediately adjoins land being used for a non conforming purpose in the residential 2(b) zone. It is considered unlikely that the land would be redeveloped for residential purposes given its location on a main road and the fact its highest and best use is currently reflected in its use for non-conforming purposes, in association with the neighbouring land. Re-development of the site as a service station will allow the site to be fully remediated with all new tanks and bowers complying with today's high standards in terms of fuel security in double skinned tanks, vapour recovery systems etc. Appropriate landscape and acoustic buffers can be provided to mitigate potential visual and noise impacts. It is considered that the re-development of the land will improve the amenity of the local area by removing an activity that is unsightly from the locality. The social and economic benefits therefore are considered to outweigh the potential negative effects which can be mitigated by design strategies.

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?

To ensure equitable access to Sydney's infrastructure and services, the New South Wales Government, in December 2005, launched "*City of Cities – A Plan for Sydney's Future*". City of Cities outlines the objectives of the Metropolitan Strategy. It proposes concentrating growth in centres, to meet the target of ensuring Sydney's residents do not have to travel more than one hour a day for jobs, services, higher order medical and legal services, major cultural and entertainment venues, or regional open space for recreational opportunities. In doing so, it proposes building the role of centres right across the metropolitan area, not just in the Sydney CBD – hence the name City of Cities.

The key actions of the strategy which have been implemented include:

- The creation of a global economic corridor served by public transport between North Sydney and Macquarie Park;
- A new Western Sydney employment area near the corner of the M4 and M7 motorways;
- Funding for a series of regional recreational walking trails;
- The conversion of Sydney Olympic Park for a predominately sporting venue into a vibrant mixed-use community;
- Delivery of homes and jobs connected to new infrastructure in Sydney's Northwest and Southwest growth centres;
- Relocation of cargo and imported vehicle movements from Sydney Harbour to Port Kembla, freeing up space for the Barangaroo Development.

The New South Wales Government is currently undertaking a scheduled 5 year review of the Metropolitan Strategy and has released a discussion paper entitled 'Sydney Towards 2036'.

The minor nature of the current proposed rezoning is not of particular relevance under the Metropolitan Strategy however it is noted that the proposed service station lies within an area of residential development within 3km of the M7 Motorway and employment lands under the Strategy.

Plumpton is in Blacktown LGA and as such it is within the Northwest Subregion of the Metropolitan Strategy. A draft Subregional Strategy has been prepared by the NSW Department of Planning.

One of the key directions for Sydney's Northwest is to plan to meet employment and housing capacity targets. In this regard the clustering of industries around the new M7 Motorway and the development of the Western Sydney Employment Hub is integral to achieving these targets. As noted above, the subject land is located on a main road that links directly to the M7 and services a large residential catchment. The provision of a fuel station and convenience store in this location will service the needs of the travelling public and the day to day convenience needs of local residents. The proposal is not inconsistent with the Sydney Metropolitan Strategy nor the exhibited Draft Subregional Strategy for the Northwest.

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

The proposal does not raise any issues of relevance to any Council Community or other Local Strategic Plan.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies? (SEPPs)

SEPP No. 55 – Remediation of Land

Clause 6 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated prior to rezoning land.

The site is currently being used for the storage of disused machinery associated with the neighbouring mower sales and repairs business. Whilst the site was previously used as a Service Station by Ampol the tank farm has been removed and the site was remediated when that use ceased. Any contamination that is present now is likely to be minor in nature and would be remediated prior to construction of the new service station. A copy of the main body of the Validation Report is attached at **Appendix 9**.

The site is currently zoned Residential which requires a higher level of site remediation than the proposed use as a service station. Accordingly, further contamination testing is not considered necessary at this stage, however a further Validation Report will be prepared should the rezoning proceed and the site be re-developed for a new service station.

7. Is the planning proposal consistent with applicable Ministerial Directions made under s.117?

The Minister has issued Directions under Section 117(2) of the Environmental Planning and Assessment Act. These Directions are to be taken into consideration in the determination of a rezoning application. The following section of this report addresses those directions that are of relevance to the current proposal:-

SUMMARY OF RELEVANT S117 DIRECTIONS	COMMENT
1.1 Business and Industrial Zones Objectives: 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.	The proposed rezoning will generate short term construction jobs and a small number of permanent full time jobs. The site is a relatively large landholding under single ownership. The site is considered to be suitable for the proposed service station, being located on a main road and relatively isolated from residential development by roads, pedestrian pathways and other uses, Further, there is considerable scope to provide a landscape buffer and noise attenuation within the development parcel to mitigate any potential negative impacts. In the event that the site is developed in the future for another purpose permitted in the 3(b) zone, the buffers provided will ensure that the amenity of residences nearby is maintained. Further, the uses would need to satisfy the zone objectives.
2.1 Environmental Protection Zones Objective: The objective of this direction is to protect and conserve environmentally sensitive areas.	The site is not identified as being “environmentally sensitive”.
2.3 Heritage Conservation Objective: The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is not identified as being part of, or containing any environmental heritage or ecologically significant items or areas, having been previously developed for the purposes of a service station.
3.1 Residential Zones Objectives: The objective of this direction are:	The existing 2(b) zoning generally only permits detached housing. Whilst the development of a service station will reduce the amount of residential land available, it will

To encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.	provide a service to residents and will not have a detrimental impact on housing supply.
3.4 Integrating Land Use and Transport Objective: The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: Improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport and reducing the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.	As above, the new convenience store will reduce travel times for local residents that currently drive their cars to fulfil their convenience shopping requirements. The site is well serviced by public transport and readily accessible by pedestrian and cycle paths.
6.1 Approval and Referral Requirements Objective: The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Noted.
7. Metropolitan Planning Objective: The objective of this direction is to give legal effect to the vision, land use policy strategy, outcomes and actions contained in the Metropolitan Strategy.	Noted. The Metropolitan Strategy has been considered as part of this report.

Category 1 Spot Rezoning Criteria

	Criteria	Yes/No
1	Will the LEP be compatible with agreed State and Regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)? <i>Explain: The proposal is consistent with the Metro Strategy (Draft North West Sub-Region); and the draft Centres Policy.</i>	Yes.
2	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (S.117) directions?	N/A.
3	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? <i>Explain: The site is located within the North West Sub-Region of the Global City of Sydney.</i>	Yes.
4	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? <i>Explain: The LEP will facilitate a limited number of permanent jobs.</i>	Yes. It will create permanent employment opportunities.
5	Will the LEP be compatible/complementary with surrounding land uses? <i>Explain: As outlines throughout the report the LEP will be compatible with surrounding land uses and in particular the surrounding residential land which will be in walking distance of the proposed local shops.</i>	Yes. The facility will be complementary to existing residential development by providing a service to local residents. Whilst a service station may not be compatible with residential development in terms of built form, landscaping, noise etc, these potential impacts have been addressed in the design and are mitigated by the site's location.
6	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	No.

	<i>Explain: No. There is limited land available in the vicinity of the site of a similar area that has the capacity to be developed as a local service station.</i>	
7	Will the LEP deal with a deferred matter in an existing LEP? <i>Explain: No.</i>	No.
8	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? <i>Explain: We are not aware of any similar spot rezoning that would cause cumulative effects on the locality.</i>	None known.

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. The site has been significantly modified as a result of its previous use as a service station and subsequent use for mower parts, repairs and related storage.

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

A pre lodgement meeting was held with planning officers of Blacktown City Council on 27 May 2010 to determine the level of information that would be required to support a spot rezoning application. The key environmental issues of concern in relation to the proposal were identified as follows:-

- Traffic Impact
- Noise Impact
- Visual Impact
- Stormwater Management
- Existing Site Contamination
- Air Quality Impacts
- CPTED (Crime Prevention Through Environmental Design)

It should be noted that the assessment of a service station being developed in this location is a “worst case” scenario if all potential likely uses under the 3(b) zone were being considered.

Specialist Consultants have been engaged to prepare reports in relation to the abovementioned matters, with the exception of Air Quality. In this regard, previous experience indicates that new legislation relating to vapour recovery will apply to the new service station and as such there will be no impact on nearby development. Notwithstanding, should Council progress the rezoning and the need for an Air Quality Impact Assessment be identified, we will commission a report upon request.

The following section of this report addresses each of the key environmental issues as identified.

Traffic

Thompson Standbury Associates was commissioned by Stevens Group to prepare a Traffic Impact Assessment Report to accompany the Rezoning Application to Council. The purpose of the report was to assess and document likely traffic impacts resulting from the development proposal and to recommend, where appropriate, treatments to ameliorate such impacts. In this regard the assessment focuses on the following issues:

- The proposed off street parking provision and it's compliance, or otherwise, with the parking rates adopted by Blacktown City Council;
- The suitability of the proposed access arrangements having regard to surrounding traffic conditions;
- Internal circulation and vehicle manoeuvrability;
- Likely traffic generation of the proposed development based on the Roads and Traffic Authority traffic generation rates;
- Potential impact of the additional traffic on the surrounding road network in general, in particular Rooty Hill Road North.

The plans prepared by GWH attached at **Appendix 2** of this report were assessed for the purposes for the Traffic Assessment Report.

In summary, the report finds that:-

- The proposed onsite parking provision is adequate to accommodate the projected peak demand with respect to the peak operational capacity of the subject site and Council's relevant requirements;
- The proposed parking area meets the design requirements of AS2890.1/2004 and provides for efficient and safe internal circulation and manoeuvrability;
- The surrounding road network currently operates with a good level of safety and efficiency;
- The subject proposal has been estimated to generate 110 peak hour trips to and from the site;

- A significant portion of the abovementioned trips will not constitute new trips but rather attract existing through vehicle movements along Rooty Hill Road North;
- Access movements to and from the site will be restricted to left in/left out as a result of the existing painted central median;
- The above access restrictions will be formalised following the planned provision of the seagull intersection treatment governing the future intersection of Rooty Hill Road North and Aqualina Drive;
- The surrounding road network is considered to be capable of accommodating the traffic generated by the subject development in a safe and efficient manner.

Having regard to the above conclusions Thompson Stanbury and Associates recommended support of the application. A complete copy of the Traffic Impact Assessment Report is attached at **Appendix 5**.

Noise Impact

Reverb Acoustics were commissioned to conduct a Noise Impact Assessment for the proposed Service Station and convenience store. The assessment considers mechanical plant (refrigeration, air-conditioning, and compressor), deliveries, customer activity, vehicles entering and leaving the premises, and manoeuvring on the site.

The Noise Impact Assessment was based on the plans prepared by GWH attached at **Appendix 2**. The Noise Impact Assessment also assumed 24 hour trading with fuel deliveries being limited to daylight hours, 7am-6pm.

The report makes a number of recommendations to be incorporated into the design. A complete copy of the Acoustic Assessment is attached at **Appendix 6** of this report. Of most relevance to the proposal is the inclusion of acoustic fencing 1.8 metres in height along the southern boundary and 2.4 metres in height within the landscape buffer at the western end of the site.

With the recommended measures in place, or their equivalent measures, noise from the site will be either within the criterion or generally below the existing background noise level within the area for the majority of the time.

Visual Impact

The pre lodgement meeting with Council officers suggested that a 10 metre setback would be required for any building from the Rooty Hill Road North property boundary. This set back has been provided.

Concern was also raised regarding the set back of the proposed convenience store from the northern boundary. In this regard Council requested that the sufficient width be provided to allow maintenance of the external wall of the building. The proposed convenience store is now located 1.4 metres from the northern boundary.

A Landscape Plan has been prepared for the site by Site Image and is attached at **Appendix 4** of this report. The Landscape Plan provides a landscape buffer between the proposed building and Rooty Hill Road. A landscape buffer is also provided between the rear of the service station site and neighbouring residential development. In this regard a continuous landscape buffer of approximately 8 metres in depth is provided, clear of the existing stormwater easement. The landscape buffer will allow acoustic fencing to be screened to preclude access by vandals and to mitigate the risk of graffiti.

Stormwater Management

A Stormwater Management Plan has been prepared by Geoff Craig and Associates, Consulting Engineers and Project Managers and is attached at **Appendix 3** of this report. The Stormwater Management Plan demonstrates that the site can be adequately drained to an existing kerb inlet pit in Paradise Close at the south western corner of the site.

The design incorporates rain water tanks which will capture roof water for reuse in toilet flushing and landscaping. A humeceptor is proposed to ensure that nutrient laden runoff does not enter local waterways.

A grease separator provided within the bunded canopy area and a trade waste application will be lodged with the Water Authority should the rezoning be approved and development proceed on the site.

It can be concluded that the proposal will meet the requirements of BASIX and that stormwater can be appropriately managed from the site.

Site Contamination

The site has been previously used by Ampol as a Service Station and has been decommissioned and validated. The relevant section of the Site Validation Report is attached at **Appendix 9**. Any existing contamination from on site storage will be investigated and remediated should the rezoning proceed. It is noted that contamination is likely to be superficial in nature. Further investigations can be undertaken should Council consider this necessary. However, until such time as the current use ceases contamination is likely to be continuing.

Crime Prevention Through Environmental Design (CPTED)

Barker Ryan Stewart have been engaged to prepare a CPTED report. A complete copy of the report is attached at **Appendix 8** of this statement. The report is based on the plans prepared by GWH attached at **Appendix 2** of this report.

The report considers the 4 main principles of Crime Prevention Through Environmental Design including:-

- Surveillance;
- Access Control;
- Territorial Reinforcement;
- Space Management.

The report makes a number of recommendations including:-

- Maintain clear site lines across the site;
- Clearly delineate public spaces from private spaces;
- Maintain low level planting in appropriate locations to provide good visibility of the site from surrounding streets;
- External areas should be well lit at night with sensor lighting or similar.

It can therefore be concluded that the proposed rezoning will not create any increased risk for crime in the locality.

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

The proposed establishment of a service station on the subject land will offer services to both the travelling public and the local community. The site is located on a Main road and immediately adjoins land being used for a non conforming purpose in the residential 2(b) zone.

It is considered unlikely that the land would be redeveloped for residential purposes given its location on a main road and the fact its highest and best use is currently reflected in its use for non-conforming purposes, in association with the neighbouring land.

Re-development of the site as a service station will allow the site to be fully remediated with all new tanks and bowers complying with today's high standards in terms of fuel security in double skinned tanks, vapour recovery systems etc. Appropriate landscape and acoustic buffers can be provided to mitigate potential visual and noise impacts.

It is considered that the re-development of the land will improve the amenity of the local area by removing an activity that is unsightly from the locality.

The social and economic benefits therefore are considered to outweigh the potential negative effects which can be mitigated by design strategies.

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

Yes. All services are available to the site and of adequate capacity to cater for the demand likely to be generated by the service station. (NOTE: site previously serviced for service station usage).

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

The DPI's comments were provided in the introduction to this proposal and the issues raised have resulted in the revised proposal being submitted.

PART 4 – COMMUNITY CONSULTATION

To be determined.

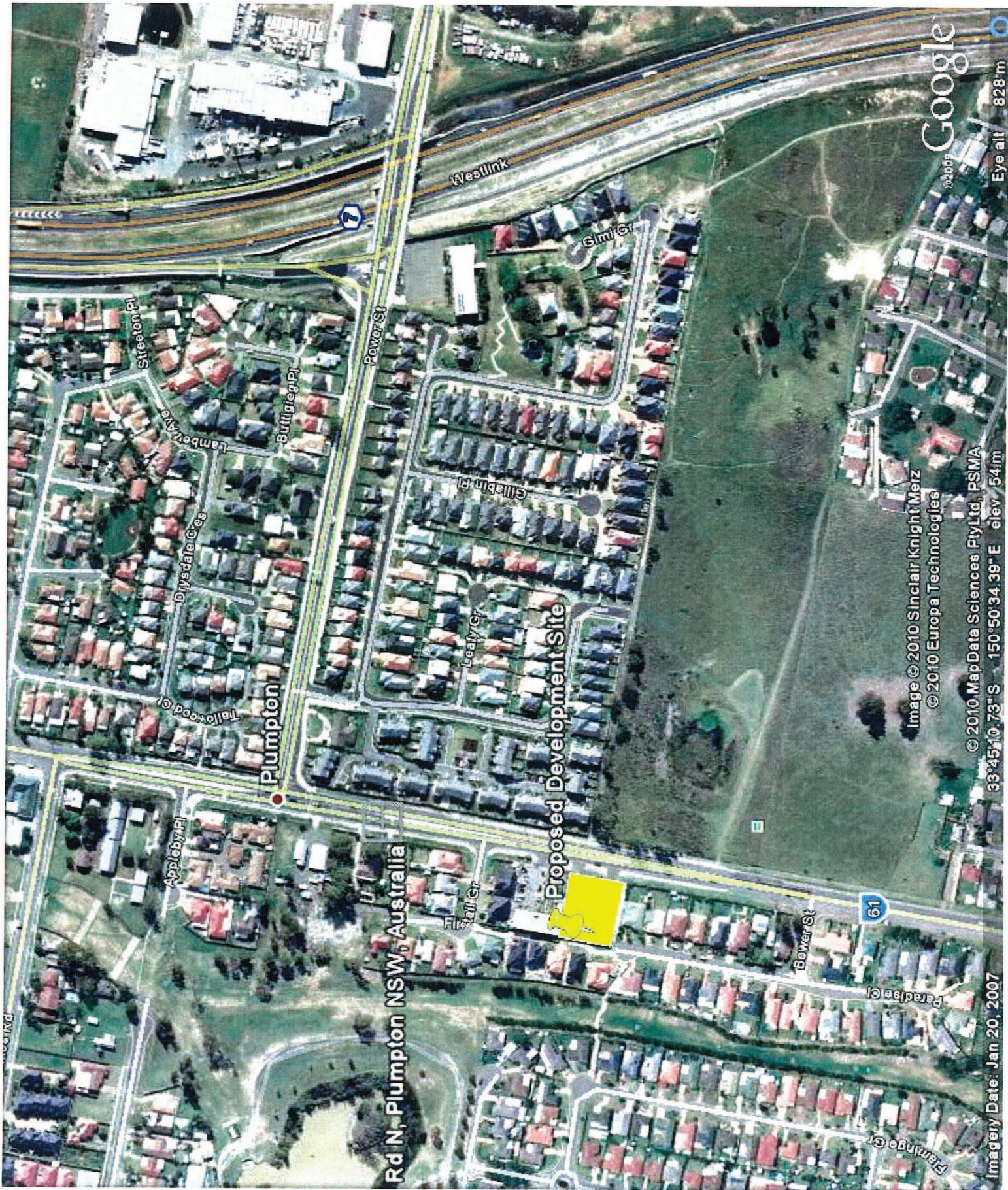
Details of the Community Consultation that is to be undertaken on the planning proposal.

Conclusion

Favourable consideration of the planning proposal to rezone the subject land to 3(b) Special Business under Blacktown LEP 1988 to permit a service station, is requested for the reasons set out in the report.

APPENDIX 1

SITE LOCATION PLAN



Google

Image © 2010 Sinclair Knight Merz
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© 2010 MapData Sciences Pty Ltd, PSMA
33°45'10.73"S 150°50'34.39"E elev 54m

Imagery Date: Jan 20, 2007

Eye alt 828m