

Planning proposal to allow a service station and neighbourhood shop at 632-634 Warringah Road, Forestville

Proposal Title : Planning proposal to allow a service station and neighbourhood shop at 632-634 Warringah Road, Forestville

Proposal Summary : The planning proposal seeks to amend Warringah Local Environmental Plan 2011 to permit the development of a 'service station' and 'neighbourhood shop' on lots 8 and 9 DP 25052, with consent, if:

- the neighbourhood shop is no larger than 240 square metres, and
- the 'service station' and 'neighbourhood shop' uses occur concurrently.

PP Number : PP_2016_WARRI_002_00 **Dop File No :** 16/05938

Proposal Details

Date Planning Proposal Received :	04-Apr-2016	LGA covered :	Warringah
Region :	Metro(CBD)	RPA :	Warringah Council
State Electorate :	DAVIDSON	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	632-634 Warringah Road		
Suburb :	Forestville	City :	Warringah
Land Parcel :	Lots 8 and 9 in DP 25052	Postcode :	2086

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : Taylor Richardson

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **THE SITE**

The site is located on Warringah Road opposite Darley Street in Forestville. There are three service stations and one car wash cafe with petrol bowsers within the vicinity. The existing petrol station contains 5 pumps, service station shop storage building and disused workshop building. Land adjoining the site to the west is a vacant lot containing a small number of trees. There is a bus stop on the western edge of the vacant lot.

THE PROPOSAL

The proposal involves the redevelopment of the existing service station to incorporate the adjacent vacant lot, to develop a modern service station with adjoining neighbourhood shop. The redevelopment will include remediation of existing site contamination. The intention of the proposal is to formalise the service station use of the site by allowing the service station and convenience store as an additional permitted use under Warringah Local Environmental Plan 2011.

LAND USE PERMISSIBILITY

Under Warringah Local Environmental Plan 2011, the site and surrounding area is currently zoned R2 Low Density Residential, the service station use and proposed 240 square metre shop are prohibited. The existing service station use on Lot 9 DP 25052 relies on existing use rights for its operation.

Council has proposed an amendment to Schedule 1 (Additional Permitted Uses) of Warringah Local Environmental Plan 2011, combined with an amendment to the 'Additional Permitted Uses Map' to:
- allow for the uses of 'service station' and 'neighbourhood shop no larger than 240 square

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metres', with the uses required to operate concurrently.

DELEGATION OF PLAN MAKING FUNCTIONS

Warringah Council is seeking delegation to carry out the Minister's functions under section 59 of the Environmental Planning and Assessment Act 1979 to progress this planning proposal. Council has provided Tag 4 - Delegation Evaluation Criteria for the delegation of plan making functions. Delegation is considered appropriate.

Warringah Council submitted the planning proposal on 4 April 2016.

External Supporting
Notes :

The site is located on Warringah Road opposite Darley Street in Forestville. Land adjoining the site to the west is a vacant lot containing a small number of trees.

The proposal involves the redevelopment of the existing service station to incorporate the adjacent vacant lot, to develop a modern service station and with adjoining neighbourhood shop.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The intended outcomes of the Planning Proposal are:**

- to formalise the existing use of the service station on the site and enable the redevelopment of the site incorporating adjacent vacant land;
- modernise the existing use of the site through the provision of a larger convenience store; and
- ensure that both the convenience store and service station uses occur concurrently.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal involves the following amendments to Warringah Local Environmental Plan 2011:**

- Amend Schedule 1 - Additional Permitted Uses by inserting a new clause applying to lots 8 and 9 DP 25052, permitting development of a 'service station' and 'neighbourhood shop' with consent if:
 - the neighbourhood shop is no larger than 240m²; and
 - uses of the 'service station' and 'neighbourhood shop' occur concurrently.
- Amend the Additional Permitted Uses Map identifying lots 8 and 9 DP 25052 for the purpose of the above clause.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

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6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal is considered to be consistent with all relevant SEPPs and section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping provided shows the subject site and current planning controls. No map showing proposed amendment to Warringah Additional Permitted Uses has been provided.

Maps clearly identifying the lots comprising the subject site and showing both the current and proposed planning controls are to be exhibited with the planning proposal.

Maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council will exhibit the planning proposal in accordance with the requirements section 57 of the Environmental Planning and Assessment Act 1979.

Consultation will also be undertaken in accordance with Council's Community Engagement Policy including:

- **advertisement of the planning proposal in a local newspaper and on Council's website at the start of the exhibition period; and**
- **exhibition of the planning proposal for a period of time stipulated by the Gateway Determination.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : December 2011

Comments in relation to Principal LEP : Warringah Local Environmental Plan was gazetted on 9 December 2011.

Assessment Criteria

Need for planning proposal :

The land is currently zoned R2 Low Density Residential, neither the service station or proposed neighbourhood shop are permitted in this zone under Warringah Local Environmental Plan 2011.

The current use of site for the purpose of a 'service station' relies on existing use rights on Lot 9 DP 25052, a 'neighbourhood shop' no larger than 80m² is permissible under the current zoning.

Formalisation of the 'service station' and 'neighbourhood shop' uses on the site through an amendment to Schedule 1 - Additional Permitted Uses of Warringah Local Environmental Plan 2011 (and Additional Permitted Uses Map) will provide more flexibility for future development applications whilst ensuring other uses associated with business zones are not permitted.

Consistency with strategic planning framework :

The planning proposal is consistent with applicable strategic planning framework.

A PLAN FOR GROWING SYDNEY

The proposal is consistent with the following goals of A Plan for Growing Sydney (2014):

• Goal 3: A great place to live with communities that are strong, healthy and well connected:

- Direction 3.1 - Revitalise existing suburbs: the proposal will promote more street-visible and street-level activities. The proposed development will be more modern and of a higher quality than the existing development.

- Direction 3.3 - Create healthy built environments: the proposed convenience store will provide an option for local residents to walk for small purchases and postpone or reduce distance driven to access retail services.

• Goal 4: Sydney's sustainable and resilient environment: the redevelopment and associated level of remediation of the site will enable improvements in built and natural environment to be applied to the site.

WARRINGAH COMMUNITY STRATEGIC PLAN

The proposal is consistent with the 'Liveable Neighbourhoods' outcome area, specifically objective 5.2 which aims to support a diversity of business provision delivering a range of services and employment opportunities, in that the existing service station will be retained/expanded and the development of a convenience store will provide a wider array of services and employment opportunities in the area.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

Environmental effects

The site has been identified by the Environment Protection Authority as significantly contaminated. The need for remediation has been acknowledged by the applicant with significant remediation proposed as a key outcome of the planning proposal.

The proposed redevelopment of the site in its entirety (including the adjacent vacant lot) will enable comprehensive remediation of existing site contamination. Further, future development of the site for the purpose of a 'service station' would be highly regulated as it is classified as a potentially hazardous industry and development will be subject to current environmental controls which are far more stringent than the current controls enforced on the site.

If the land were to be redeveloped on a smaller scale, as permissible on the basis of existing land use rights, remediation of the site would be incomplete delivering an inferior environmental result.

Remediation of the site as part of a redevelopment under an additional permitted uses clause for the site in Schedule 1 of Warringah Local Environmental Plan 2011 will deliver a complete and effective level of remediation.

Threatened species and critical habitats

The site is not known to include any critical habitat or threatened species, populations or endangered communities or their habitats. The surrounding area is highly urbanised and it is unlikely that there will be any impacts on threatened species or habitats.

SOCIAL IMPACTS

Due to the scale of the proposal and the limited expansion of the existing uses on the site, it is considered unlikely that there will be any major social impacts.

It is possible that there will be a minor social impact for adjacent neighbours in relation to better development outcomes and building standards (including a more complete remediation of existing site contamination) applied to the redevelopment of the existing service station and adjacent vacant lot.

The proposed development will also expand service provision and employment opportunities in the locality.

ECONOMIC IMPACTS

Due to the scale of the proposal and the limited expansion of the existing uses on the site, it is considered unlikely that there will be any major economic impacts of the proposal on surrounding businesses.

There are three competing service stations and one car wash cafe with petrol bowlers in the vicinity of the subject site which may experience a slight reduction in revenue upon completion of the proposed expansion to the existing service station.

Further, there may be a slight reduction in revenue for businesses within the nearby local centre on Darley Street, providing similar services to those services which will be provided by the proposed 'neighbourhood shop'.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d) **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	Proposal Covering Letter	Yes
2 - Planning Proposal.pdf	Proposal	Yes
3 - Project Timeline.pdf	Proposal	Yes
4 - Council Report and Resolution.pdf	Proposal	Yes
Delegation Evaluation Criteria.pdf	Determination Document	No
Information Checklist.pdf	Determination Document	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**

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6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Additional Information :

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

- a) the planning proposal is classified as routine as described in A Guide to Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of 28 days; and**
- b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).**

2. Consultation with Transport for NSW - Roads and Maritime Services (RMS) and Office of Environment and Heritage (OEH) be undertaken. Agencies are to be given a minimum of 21 days to comment.

3. Maps clearly identifying the lots comprising the subject site and showing both the current and proposed planning controls are to be exhibited with the planning proposal. Maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the local environmental plan is to be 9 months from the week following the date of the Gateway determination.

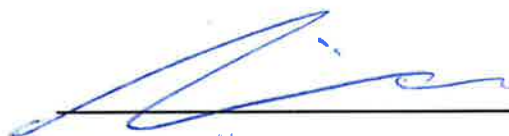
Supporting Reasons :

The proposal demonstrates consistency with the current metropolitan, regional and local planning frameworks.

The Department supports the proposal proceeding because:

- it will formalise the existing use of the service station;**
- planned remediation will result in positive environmental outcomes for neighbours and the local community;**
- is capable of being connected to existing infrastructure; and**
- provides an appropriate use of adjoining vacant land and will provide local residents with a wider range of services within an established urban area.**

Signature:



Printed Name:

W. Williamson

Date:

29/4/2016