

Statement of Environmental Effects

Proposed Tank Replacement at Existing
7-Eleven Operation
2 Christie Street, St Marys NSW 2760

Prepared for 7-Eleven Stores Pty Ltd | August 2016





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Statement of Environmental Effects

Final Version

Report Job No. 16113 | Prepared by KDC Pty Ltd for 7-Eleven Stores Pty. Ltd. | August 2016

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This Report has been prepared in accordance with the brief provided by 7-Eleven Stores Pty. Ltd. and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the Client only and no responsibility will be taken for its use by other parties.

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Contents

Executive Summary	vii
1 Introduction	1
1.1 Background	1
1.2 Documentation	1
1.3 7-Eleven Australia and the Community	1
2 Site Analysis	3
2.1 Site Location and Context	3
2.2 Site Description	3
2.3 Surrounding Development	4
3 Description of Proposed Development	5
3.1 Elements of the Proposed Development	5
3.2 Demolition and Tank Removal	5
3.3 Remediation	5
3.4 Tank Details	6
3.5 Vehicular Access and Parking	6
3.6 Loading and Deliveries	6
3.7 Stormwater Management	7
3.8 Construction Management	7
4 Relevant Legislation and Planning Controls	9
4.1 Environmental Planning and Assessment Act 1979	9
4.2 Environmental Planning and Assessment Regulation 2000	10
4.3 Contaminated Land Management Act 1997	11
4.4 Environmental Protection Authority Legislation	11
4.4.1 Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014	11
4.4.2 Protection of the Environment Operations (Clean Air) Regulation 2010	12
4.5 State Environmental Planning Policies (SEPP's)	12
4.5.1 SEPP No. 55 – Remediation of Land	12
4.5.2 SEPP No. 33 Hazardous and Offensive Development	12
4.6 Local Environmental Plan	13
4.6.1 Penrith Local Environmental Plan 2010	13
4.7 Development Control Plan	15
4.7.1 Penrith Development Control Plan 2014	15
5 Assessment of Planning Issues	17
5.1 Compliance with Planning Instruments and Controls	17
5.2 Traffic, Parking and Access	17
5.3 Built Environment	17
5.4 Social and Economic Impacts	17
5.5 Construction Impacts	17
5.6 Landscaping	18
5.7 Safety and Security	18
5.8 Water Management	18
5.9 The Public Interest	19
6 Conclusion	21



Contents

Figures

Figure 1 – Site Aerial	3
Figure 2 – Cadastre	4
Figure 3 – Zoning Map Extract (LZN_018)	13

Photographs

Photograph 1 – View of the site from Forrester Road	4
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Table

Table 1 – Existing Fuel Tank Capacity	6
Table 2 – Proposed Fuel Tank Capacity	6
Table 3 – Penrith Development Control Plan 2014	25

Appendices

Appendix A – Proposed Development Plans	23
Appendix B – Compliance Table	25
Appendix C – Remedial Action Plan	29
Appendix D – SEPP 33 Risk Screening	31
Appendix E – Waste Management Plan	33

Executive Summary

This Statement of Environmental Effects (SEE) is submitted to Penrith City Council (Council) in support of a Development Application (DA) for Underground Petroleum Storage System (UPSS) replacement at the existing 7-Eleven service station located at 2 Christie Street, St Marys NSW 2760.

In accordance with requirements set by the *NSW Environmental Protection Authority (EPA)*, a number of the existing 7-Eleven stores across NSW require an equipment upgrade consistent with Stage 2 Vapour Recovery (VR2) requirements. The NSW Vapour Recovery 2 legislative requirements must be met by 1st January 2017. To comply with the necessary requirements, the St Marys North 7-Eleven operation requires a full tank replacement procedure.

The proposed works will include removal of five (5) existing underground storage tanks, associated fuel lines and fuel dispensers, soil excavation testing and necessary remediation, replacement of new underground storage systems and fuel dispensers, and re-establishment of surfaces.

The proposal does not seek enlargement or expansion of the existing operations at the site. Upon completion of the works, there will be no operational or aesthetic changes to the service station apart from the upgrade to the fuel infrastructure to meet current standards. The proposed re-tank procedure is considered a proactive approach by 7-Eleven in meeting legislative requirements before specified deadlines.

The site is zoned IN1 – General Industrial under the Penrith Local Environmental Plan 2010 (Penrith LEP). A new 'service station' is not permitted within the IN1 zone under LEP 2010, however; this existing service station operates lawfully under the provisions of existing use rights.

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 2000 an established existing use may be altered with development consent.

Due to the sites existing use rights the proposed ancillary works are permissible. The proposal including remediation works, complies with the relevant provisions of the LEP 2010 and various relevant legislation applicable to the proposed development.

The principle potential concerns addressed in detail as part of this application relate to contamination, noise, dust, odour and safety. Where necessary, mitigation measures are proposed to minimise impact and reduce potential risk associated with the development.

Given the merit of the design of the proposal, significant environmental gain through remediation works and the absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and worthy of Council's support.



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1 Introduction

This Statement of Environmental Effects (SEE) is submitted to Penrith City Council (Council) in support of a Development Application (DA) for the replacement of the Underground Petroleum Storage System (UPSS) at the existing St Marys North 7-Eleven service station located at 2 Christie Street, St Marys NSW 2760.

The DA seeks approval for:

- Removal of five (5) existing underground fuel storage tanks, fuel dispensers and associated fuel lines, fill points, and vent stack;
- Installation of 3 x 60kl underground fuel tanks and associated infrastructure;
- Installation of new fuel dispensers, new spill safe fill box, new vent stack and rollover bunding under fuel canopy;
- Installation of a new oil and water separator;
- Relocation of LPG storage;
- Soil excavation, testing and necessary remediation; and
- Re-establishment of surfaces (including concrete replacement).

This SEE has been prepared by KDC Pty Ltd (KDC) on behalf of 7-Eleven Stores Pty. Ltd. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 79C (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The report should be read in conjunction with the supporting information and plans prepared by HAZKEM and Parsons Brinkerhoff appended to this report.

1.1 Background

A number of existing 7-Eleven operations within the Penrith Local Government Area (LGA) have previously undergone Underground Petroleum Storage System (UPSS) replacements. A total of four development applications have been lodged in recent years by 7-Eleven (DA14/0595, DA14/1554, DA14/1366 and DA 16/0457) for tank replacement works and were all approved by Penrith City Council. We don't foresee this application to be any different.

1.2 Documentation

The project team submitting this DA remains the same as the team on DA 16/0457 (approved on 27 July 2016). As well, the same information package is being provided to Council (detailed plans, SEPP 33 report, RAP and Waste Management Plan). Based on recent, previous experience within the Penrith LGA it is considered that the provided information will be adequate for Council to undertake a thorough assessment.

1.3 7-Eleven Australia and the Community

There are approximately 600 7-Eleven stores across Australia, the vast majority of which are either owned or operated by members of the local business community.

7-Eleven Stores Pty. Ltd. is a private company owned by the Withers/Barlow family. The company has a license to operate and franchise 7-Eleven stores in Australia from the US based 7-Eleven Inc.

Worldwide, 7-Eleven operates more than 51,000 stores in 16 countries and is opening approximately six stores per day somewhere in the world.



In Australia, 7-Eleven operates around 600 stores in Queensland, New South Wales, Victoria and the Australian Capital Territory. The 400 Franchisees work hard to satisfy more than 170 million customers a year. In October 2010, 7-Eleven acquired the Mobil retail fuels business, adding more than 200 stores to the network. Of the 600 current stores, 412 are fuel stores.

7-Eleven has come a long way in thirty five years, but at its core it's still a proud, family owned Australian business, focused on helping other Australian families to build security and prosperity by owning a successful franchise.

2 Site Analysis

2.1 Site Location and Context

The site is located within the Penrith Local Government Area (LGA) on the corner of Christie Street and Forrester Road. Refer to Figure 1 for an aerial view of the site.

Figure 1 – Site Aerial



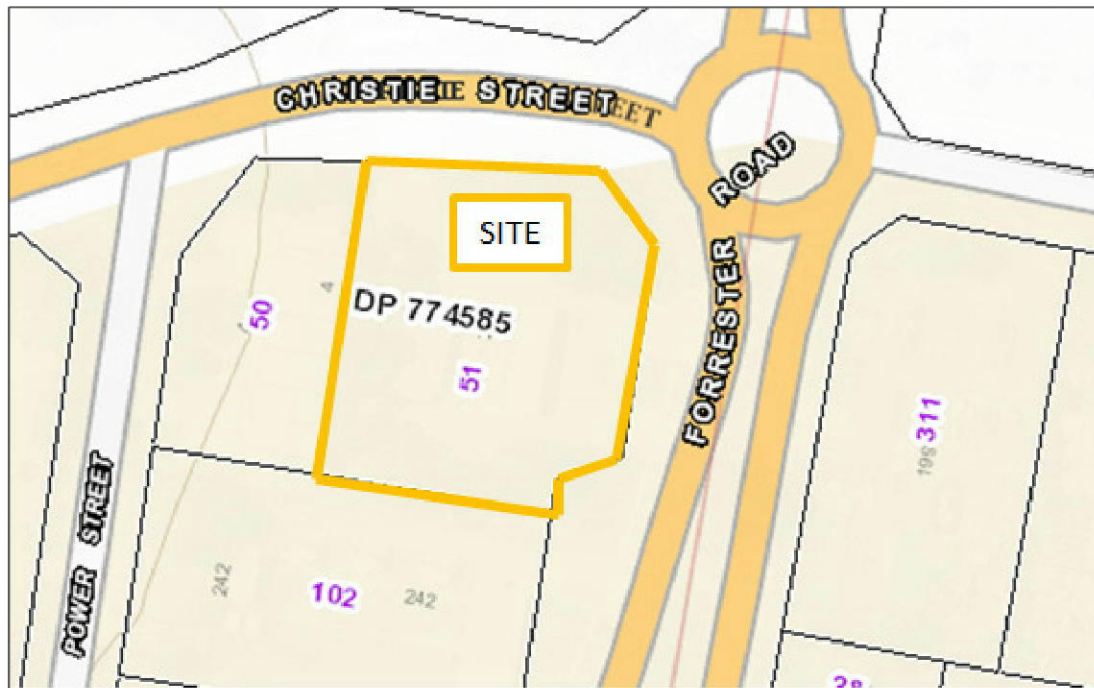
2.2 Site Description

The site is legally described as Lot 51 in Deposited Plan (DP) 774585 (refer to Figure 2 Cadastre). It extends to approximately 4,078m². Separate vehicular entry and exit points to the site are provided from Christie Street and Forrester Road. A pedestrian footpath is provided along Forrester Road frontage.

An existing 7-Eleven service station with convenience store occupies the eastern portion of the site. A fuel canopy covering 4 fuel bowsers runs parallel with Forrester Road. There are five existing underground storage tanks (UST) in use at the site; all five USTs are located in the eastern part of the site.

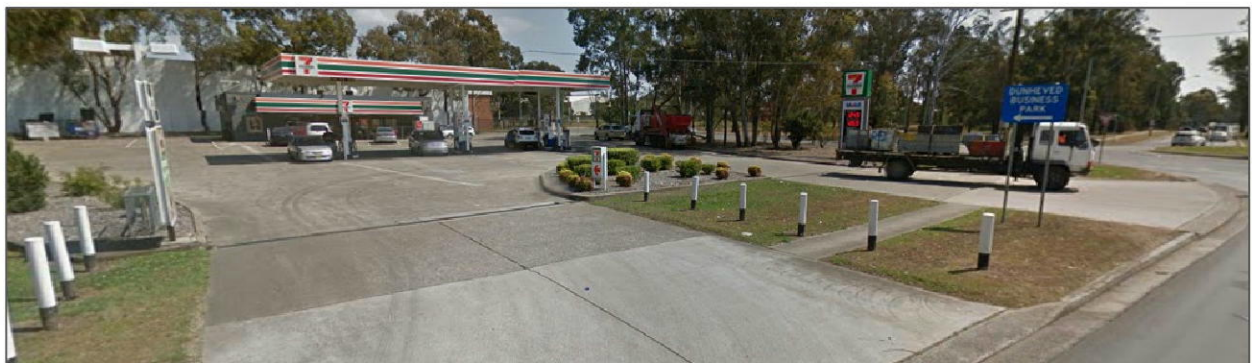
The site's elevation is between 27 and 29 metres Australian Height Datum (AHD). The surrounding landscape slopes to the north east. The nearest surface water receptor to the site is Ropes Creek located approximately 800m east of the site.

Figure 2 – Cadastre



Photograph 1 depicts the site, as viewed from Forrester Road.

Photograph 1 – View of the site from Forrester Road



2.3 Surrounding Development

The site is bound by Christie Street to the northern boundary and Forrester Road to the eastern boundary. Forrester Road is the primary street frontage of the site and comprises of two lanes north bound and two lanes south bound.

The site is surrounded by commercial and industrial development predominantly to the south and west. Industrial land uses exist to the north of the site, beyond vacant land. A Rugby League club exists to the north east within a recreation zone. Residential dwellings are located to the south-east of the site. McDonald's is located on the eastern side of Forrester Road.

3 Description of Proposed Development

This section of the report provides a detailed description of the proposed alterations to the existing service station infrastructure.

3.1 Elements of the Proposed Development

The proposed alterations include:

- Removal of five (5) existing underground fuel storage tanks, fuel dispensers and associated fuel lines, fill points, and vent stack;
- Installation of 3 x 60kl underground fuel tanks and associated infrastructure;
- Installation of new fuel dispensers, new spill safe fill box, new vent stack and rollover bunding under fuel canopy;
- Installation of a new oil and water separator;
- Relocation of LPG storage;
- Soil excavation, testing and necessary remediation; and
- Re-establishment of surfaces (including concrete replacement).

The tank replacement works are proposed as a requirement set by the NSW Environmental Protection Authority (EPA) under the *Protection of the Environment Operations (Clean Air) Regulation 2010* for vapour recovery at petrol service stations, to upgrade service station fuel infrastructure consistent with Stage 2 Vapour Recovery (VR2) requirements.

Refer to the proposed development plans prepared by HAZKEM Pty Ltd included at Appendix A for specific details of the proposed works.

3.2 Demolition and Tank Removal

The proposed remedial works comprise of the removal of five (5) underground storage tanks (USTs), associated fuel lines and fuel bowsers/dispensers and existing fill points. Refer to the Demolition Plan (Drawing No. HAZ-2049-A02) contained within Appendix A for further detail.

Demolition will also involve relocation of the LPG storage and removal of concrete surfaces from the site for access to underground tanks/lines. Drawing No. HAZ-2049-C01 contained within Appendix A illustrates where concrete is proposed to be removed/replaced including approximate quantities.

3.3 Remediation

After the fuel infrastructure is removed, the soils around the infrastructure shall be excavated. Validation soil samples will be collected from the walls and the floor of the excavations. The samples will be tested for signs of contamination. When the soil in the excavations is validated; i.e. is less than the health screening levels/health investigation levels/or not considered to pose a risk to potential receptors, then the new fuel infrastructure will be installed in the excavations. Alternatively, additional excavation may be necessary to remove contaminated soils from the site.

It is estimated that the excavations from the underground tanks will result in a minimum of 650m³ of waste soils. The estimation is based on the size of the tanks to be removed and some allowance for excavation of fuel lines. The excavated soil will be assessed against the nominated site assessment criteria for its suitability to be re-used on-site. If the excavated soil is contaminated, i.e. concentrations greater than remediation criteria, it will be classified and disposed to a licensed landfill facility. After the installation of the new fuel infrastructure, the excavation will be reinstated with either re-used excavated soils or certified clean fill.

3.4 Tank Details

Currently there are a number of underground storage tanks at the site of varying capacities as demonstrated within Table 1 below.

Table 1 – Existing Fuel Tank Capacity

Tank No	Product	Capacity (L)
T1	E10	45,200
T2	Diesel	45,200
T3	E10	45,200
T4	P98	45,200
T5	P95	45,200
Total storage capacity		226,000

The proposed tank capacity is addressed within Table 2. All substances will be stored in fiberglass double wall underground storage tanks. For further detail, refer to the proposed development plans included in Appendix A (Drawing No. HAZ-2049-A03).

Table 2 – Proposed Fuel Tank Capacity

Underground Tank No.	Product	Capacity (L)
T1	ULP	60,000
T2	E10	30,000
	P95	30,000
T3	P98	30,000
	Diesel	30,000
Total storage capacity		180,000

The design and installation of the underground petroleum storage systems will comply with AS 4897-2008 and with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2014 and Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2010. The new design will see the installation of three (3) 60kL underground fuel tanks with tanks 2 and 3 using a split system. T1 will include ULP, T2 will include E10 and P95 and T3 will include P98 and Diesel.

3.5 Vehicular Access and Parking

Vehicular access, parking and general circulation will remain as per the existing situation. There are no changes proposed to vehicle ingress/egress on Christie Street and Forrester Road. Total parking numbers and layout at the site remain the same.

3.6 Loading and Deliveries

Tankers will continue to deliver fuel at the site by entering via Christie Street and exiting via Forrester Road, as per the existing situation. Refer to Drawing No. HAZ-2049-A04 in Appendix A. Store deliveries will occur consistent with the current arrangement.

Delivery times will occur during off-peak operational hours to avoid conflict with peak trading hours. This type of arrangement is employed by many 7-Eleven operations throughout the country and occurs without traffic conflict or incident.

3.7 Stormwater Management

To ensure runoff from the site during construction does not enter any off-site stormwater pits, it is proposed to employ erosion and sediment control measures as identified on the Erosion & Sediment Control Plan within Appendix A (Drawing No. HAZ-2049-A05). All work will be carried out in accordance with the Protection of the Environmental Operations Act 1997 and Managing Urban Stormwater - Soils and Construction, March 2004.

Following construction, the area under the canopy will be drained via graded pits within the bunded area which will flow via a collection pit to an oil and water separator before being discharged.

3.8 Construction Management

A Construction Management Plan will be prepared and submitted to Certifier for approval prior to the issue of the Construction Certificate.



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4 Relevant Legislation and Planning Controls

The following Environmental Planning Instruments (EPI's) and Development Control Plans (DCP's) are relevant to the proposed development:

- Contaminated Land Management Act 1997;
- Protection of the Environment Operations Act 1997;
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014;
- Protection of the Environment Operations (Clean Air) Regulation 2010;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 33 - Hazardous and Offensive Development;
- Penrith Local Environmental Plan 2010; and
- Penrith Development Control Plan 2014.

4.1 Environmental Planning and Assessment Act 1979

The proposal, as with all development applications, is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP& Act 1979). Division 10 of the Act applies to existing uses, defined below:

Section 106 – Definition of “existing use”

(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use, and

(b) the use of a building, work or land:

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and

(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

The use of the site for the purposes of a service station is known to have occurred prior to 2008, being the earliest evidence of the use on the site on Council's online DA tracker. This use has continually operated since its commencement, supported by the various development consents issued by Council in respect of this use at the site.

Section 107 - Continuance of and limitations on existing use

S.107 (3) provides that an existing use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months, in which case the continuation of the use is not permitted.

The existing use of the site as a service station has operated continuously since its commencement, with no cessation of the use for a period of 12 months or more within that period.

Section 108 - Regulations respecting existing use

(1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:

(a) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and

(b) the change of an existing use to another use, and

(c) the enlargement or expansion or intensification of an existing use.

*(2) The provisions (in this section referred to as **the incorporated provisions**) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*

(3) An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.

The incorporated provisions contained within the Regulation 2000, are addressed below.

4.2 Environmental Planning and Assessment Regulation 2000

Clause 41- Certain development allowed

(1) An existing use may, subject to this Division:

(a) be enlarged, expanded or intensified, or

(b) be altered or extended, or

(c) be rebuilt, or

(d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or

(e) if it is a commercial use-be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or

(f) if it is a light industrial use-be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).

The proposed replacement of underground fuel tanks and installation of new sign for the service station are defined as alterations to the existing use.

Clause 43 - Development consent required for alteration or extension of buildings and works

(1) Development consent is required for any alteration or extension of a building or work used for an existing use.

(2) The alteration or extension:

(a) must be for the existing use of the building or work and for no other use, and

(b) must be erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.

The proposed tank replacement works and new sign are situated wholly within the site on which the existing use continues to operate. Development consent is hereby sought for the alterations, in accordance with this clause.

4.3 Contaminated Land Management Act 1997

The objectives of the Contaminated Land Management Act 1997 are as follows:

- (1) The general object of this Act is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation under Division 2 of Part 3.*
- (2) Particular objects of this Act are:*
 - (a) to set out accountabilities for managing contamination if the EPA considers the contamination is significant enough to require regulation under Division 2 of Part 3, and*
 - (b) to set out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites, and*
 - (c) to provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and*
 - (d) to ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.*

Onsite investigations have been undertaken into the potential soil contamination on the site. A Remedial Action Plan (RAP) has been prepared by Parsons Brinckerhoff Australia Pty Limited in relation to the proposed development and is included with this application (refer to Appendix C). The RAP outlines the remediation program and remediation management plan that will ensure that site remediation is managed with regards to the principles of ecological sustainable development. Further detail in this regard is provided within Section 3.3 of this report.

4.4 Environmental Protection Authority Legislation

4.4.1 Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

Clause 15 of the POEO (Underground Petroleum Storage Systems) Regulation 2014 states:

15 Report to be prepared after system decommissioned.

- (1) If a storage system is decommissioned, a validation report for the storage site must be served on the relevant local authority:*
 - (a) except as provided by paragraph (b), no later than 60 days after the system is decommissioned, or*
 - (b) if remediation of the site is required, no later than 60 days after the remediation is completed.*

A validation program is included in the RAP which will ensure that contaminated soil is excavated and validated and either re-used on site or disposed off-site. The excavated soils are likely to be disposed at an approved landfill facility. However, some of the excavated soils may be suitable for re-used onsite if the contaminant concentrations are less than the site assessment criteria. For disposal, the soils results will be compared guideline values in the Waste Classification Guidelines (NSW DECCW, 2009).

It is emphasized that 7-Eleven engage qualified independent environmental consultants to undertake validation during their tank replacement works in accordance with relevant legislation and the RAP prepared for the site. Given the site will continue to be used for petroleum use, there would not ordinarily be a requirement for a site audit statement (SAS) which can only be prepared and signed off by an EPA accredited site auditor. Additionally, there is no requirement under the UPSS Regulation for a SAS.

4.4.2 Protection of the Environment Operations (Clean Air) Regulation 2010

Division 5 – Petrol service stations, Subdivision 3 - Stage two vapour recovery of the POEO (Clean Air) Regulation 2010 specifies the necessary requirements to be met for the existing 7-Eleven service station at St Marys North.

The existing operation does not currently meet the necessary vapour recovery requirements, hence the proposal to undertake a re-tank procedure to bring the operation to current standards.

4.5 State Environmental Planning Policies (SEPP's)

4.5.1 SEPP No. 55 – Remediation of Land

In accordance with the definitions provided in Clause 9 and 14 of this SEPP, the proposed remediation works fall into Category 1 remediation works and require consent from council.

Clause 8 states:

- "(1) A person may carry out a remediation work in accordance with this Policy, despite any provision to the contrary in an environmental planning instrument, except as provided by clause 19 (3).*
- (2) A person must not carry out a category 1 remediation work except with the consent of the consent authority.*
- (3) A person may carry out a category 2 remediation work without the consent of the consent authority."*

Consent is sought for the work associated with the tank replacement under this DA. Specific details relating to remediation works has been addressed within the RAP contained within Appendix C. All proposed works shall be carried out in accordance with the applicable guidelines; and appropriate notice shall be given in accordance with the SEPP.

4.5.2 SEPP No. 33 Hazardous and Offensive Development

This policy aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

In accordance with this SEPP, a SEPP 33 Risk Screening Assessment has been undertaken by accredited dangerous goods consultant HAZKEM Pty Ltd in relation to the proposed development in accordance with the current circulars and guidelines (refer to Appendix D).

The Assessment found that for a screening quantity of 36kL, the recommended minimum setback distance from the remote fill and dispensing points is 7.6m. Since the setback distances are more than this to any boundary, further analysis will not be required as the site is deemed "not potentially hazardous".

The PHA, included within Appendix D, ultimately determines that the proposed fuel storage is acceptable for the site. All equipment must be installed to manufacturer's recommendations and must comply with all the relevant standards listed therein. Specific safety features of the site have been included in the PHA, including monitoring procedures.

4.6 Local Environmental Plan

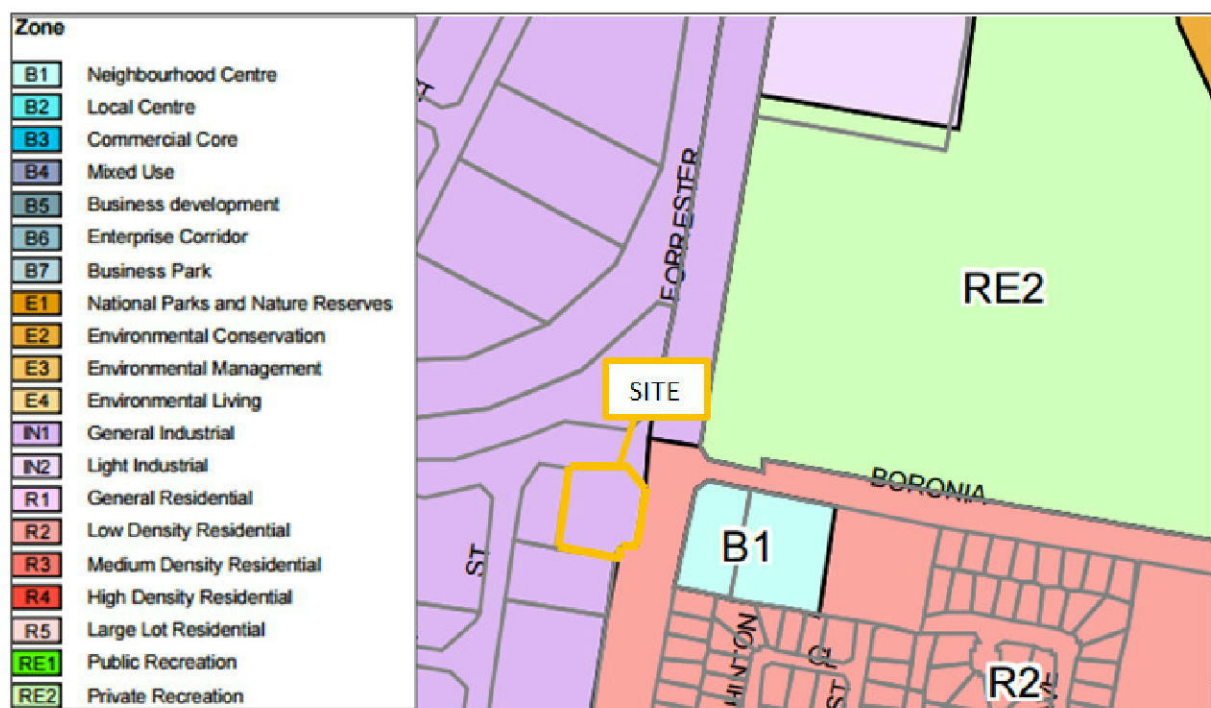
The proposal is subject to the provisions of the Penrith Local Environmental Plan (LEP) 2010 which applies to all land within the Penrith LGA.

4.6.1 Penrith Local Environmental Plan 2010

The site is zoned IN1 General Industrial under the provisions of Penrith Local Environmental Plan 2010 (refer to Figure 3).

As stated in section 4.1, a 'service station' is not permitted within a IN1 zone however continues to operate lawfully under the existing uses provisions of the Act.

Figure 3 – Zoning Map Extract (LZN_018)



The objectives of the IN1 General Industrial zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote development that makes efficient use of industrial land.

- *To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.*

The proposed tank replacement works, which result from a requirement set by the NSW Environmental Protection Authority (EPA), will improve the functionality of the existing operation and aim to meet the necessary requirements specified under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. These works will ensure the safe and efficient operation of a suitable land use to continue from the site.

Clause 4.3 – Height of Building

The maximum height of building is 12 metres for the site. There are no proposed changes to the buildings height under this application.

Clause 7.1 - Earthworks

Under this clause development consent is required for the earthworks and in assessing applications that involve earthworks; Council must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway or riparian land, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

In this regard, the excavation required for removal of the tanks shall be undertaken carefully on site to minimise site disruption and environmental impact. It is proposed to utilise the excavated material to fill the site where possible following installation of the new tanks.

Excavated soil will be assessed against the nominated site assessment criteria for its suitability to be re-used on-site. If the excavated soil is contaminated, i.e. concentrations greater than remediation criteria, it will be classified and disposed to a licensed landfill facility. After the installation of the new fuel infrastructure, the excavation will be reinstated with either re-used excavated soils or certified clean fill.

Suitable erosion and sediment control devices are to be installed on site prior to commencement of works. Refer to the Erosion and Sediment Control Plan HAZ-2049-A05 within Appendix A or further detail.

4.7 Development Control Plan

4.7.1 Penrith Development Control Plan 2014

The Penrith Development Control Plan (DCP) 2014 complements and provides further detail to support the Penrith Local Environmental Plan (LEP) 2010. The aim of this DCP is to facilitate development that gives effect to the aims and objectives of the land zones under the Penrith LEP 2010. The Penrith DCP came into effect in April 2015.

The relevant sections of the DCP applicable to the proposed works are:

- Part C – City-wide Controls.

The proposal is generally compliant with the above; refer to Appendix B for full table of compliance.



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5 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 79C (1) of the EP&A Act 1979 that are relevant to the proposal.

5.1 Compliance with Planning Instruments and Controls

Unless stated otherwise, the proposed development either complies with or is consistent with all relevant planning instruments and controls set out in Section 4 of this report, in that:

- The proposed works are permissible under the Environmental Planning and Assessment Act 1979 and Regulation 2000 'existing uses' provisions;
- The proposal is compliant with the relevant sections of the Penrith LEP 2010 and DCP 2014; and
- The proposal is compliant with the specifications set out within the relevant legislation applicable to the proposed works.

5.2 Traffic, Parking and Access

The remediation works may slightly increase construction vehicle traffic in the vicinity of the site in the short-term during the tank replacement works. This will be managed through the preparation of a Construction Environmental Management Plan (CEMP) to be provided with details for the Construction Certificate.

The existing onsite parking arrangements will not be altered and there are no changes proposed to the site access points. Fuel deliveries and deliveries to the convenience store will continue to occur during off-peak operational hours to avoid conflict with peak trading hours. This type of arrangement is employed by many 7-Eleven operations throughout the country and occurs without traffic conflict or incident.

5.3 Built Environment

The proposed underground tank and associated infrastructure replacement works (once completed) will not result in significant changes to the built environment. Upon completion of the works, the proposal is expected to have little to no impact on the visual amenity and character of the surrounding area.

5.4 Social and Economic Impacts

The proposal will result in 7-Eleven continuing to have a positive social and economic impact in the local area as it will continue to generate employment opportunities and to provide a convenient, accessible fuel and convenience store to satisfy the demands of a range of local residents, workers and tourists who pass the site.

5.5 Construction Impacts

Noise

Increased noise levels may result from the use of on-site and off-site mechanical equipment during the course of the works. Use of equipment will be managed in accordance with the relevant NSW Construction Noise Guidelines. Additional detail relating to management of noise and mitigation measures is addressed within the Remedial Action Plan within Appendix C.

Odour

The remediation works may result in significant vapours and odours being released into the atmosphere, particularly when excavation of potentially contaminated soil is carried out. At these times, consideration will be given to prevailing weather conditions and if distinct odours are detected, site works will cease until the odours can be reduced or controlled.

The site supervisor shall monitor all open excavations and remediated soils with a photo ionisation detector to ensure ambient air concentrations are within the acceptable work safe limits. Alternative control measures could be implemented, including the following:

- Workers could be fitted with vapour masks or respirators for continuation of site works in the area;
- Wetting down the excavated soil with the use of water sprays containing odour suppressant;
- All contaminated soil loaded onto trucks for off-site disposal to be securely covered.

It is considered that with the above measures in place that the level of impact (albeit temporary) can be appropriately mitigated.

Dust

During the earthworks, dust will be visually monitored. If excessive dust is being generated, areas of earthworks will be sprayed with water to reduce dust levels. Soil to be stockpiled will be covered or wetted down to minimise dust generation.

During excavation and transport of any soil off-site, truck wheels should be cleaned or driven through a constructed wash bay or similar control (e.g. rumble grid) to prevent potentially contaminated soil from being transported onto local roads.

5.6 Landscaping

The proposed tank replacement works will not result in changes to the existing landscaping on the site and no trees are being removed. Refer to drawing HAZ-2049-C01 which shows the landscaped area temporarily disturbed during the works. All areas disturbed during works will be made good on completion of the works and landscaping reinstated.

5.7 Safety and Security

The proposal will have no impact on the existing safety and security of the 7-Eleven Operation. Details associated with safety measures during proposed works will be addressed within a Construction Environmental Management Plan (CEMP) to be provided with details for the Construction Certificate.

5.8 Water Management

The Forecourt Drainage layout identifies the proposed management of stormwater on the site (Drawing No. HAZ-2049-H01). Soil stockpiled during excavation works will be suitably contained to prevent run-off of any potentially contaminated water or soil to the surrounding environment, including the stormwater system. Control measures have been identified on the erosion and sediment control plan (Drawing No. HAZ-2049-A05) within Appendix A, and prevent surface water run-off entering and leaving excavation and stockpile areas.

5.9 The Public Interest

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts. The proposal will upgrade the existing 7-Eleven operation consistent with legislative current standards that aim to improve the standard of service stations across the country.



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6 Conclusion

This development application proposes to remove the existing fuel infrastructure at the site including five (5) underground storage tanks, fuel dispensers and associated fuel lines, fill points and vent stack and rationalize the fuel storage on the site consistent with the requirements of set by the NSW Environmental Protection Authority (EPA) under the Protection of the Environment Operations (Clean Air) Regulation 2010 for vapour recovery at petrol service stations. The site will be suitably remediated prior to re-tanking and refinishing of surfaces.

The proposal does not seek enlargement or expansion of the existing operations at the site. Upon completion of the works there will be no operational or aesthetic changes to the service station apart from the upgrade to the fuel infrastructure to meet current standards, and improved forecourt drainage. The proposed re-tank procedure is considered a proactive approach by 7-Eleven in meeting legislative requirements before specified deadlines.

This SEE has assessed the potential impacts arising from the proposal on surrounding properties including traffic and access, noise, odour, dust, visual amenity, water management and contamination. Where necessary, mitigation measures are proposed to minimise impact and reduce potential risk associated with the development.

Given the merit of the design of the proposal, significant environmental gain through remediation works and the absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and worthy of Council's support.

As discussed in Section 4.2.1 of this SEE, it is recommended that any condition(s) of consent relating to the undertaking of site validation require a *validation report* only and not a full Site Audit Statement.



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Appendix A – Proposed Development Plans

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Appendix B – Compliance Table

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Table 3 – Penrith Development Control Plan 2014

DCP	Requirement	Comment	Compliance
Part C – City-wide Controls			
C2.1 Preservation of Trees and Vegetation	In accordance with Clause 5.9 of Penrith LEP 2010, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation which is prescribed by this Plan without development consent, or a permit granted by Council. The terms 'ringbark', 'top' and 'lop' are defined in Appendix F1 - Definitions.	The proposed development will cause minor impacts on the surrounding landscape. Refer to drawing HAZ-2049-C01 at Appendix A to see the small areas affected by the works. These areas will be reinstated with grass/landscaping at the completion of works.	Y
C3.6 Stormwater Management and Drainage	The development of any lot should take into account the existing drainage patterns of the area, including any localised ponding, and whether the proposed development is likely to affect: i) Access to the site; ii) Drainage on adjoining properties; iii) Localised nuisance flooding on adjoining properties; and iv) Natural overland flow or drainage paths	The Forecourt Drainage layout identifies the proposed management of stormwater on the site (Drawing No. HAZ-2049-H01). To ensure runoff from the site during construction does not enter any off-site stormwater pits, it is proposed to employ erosion and sediment control measures as identified on the Erosion & Sediment Control Plan within Appendix A (Drawing No. HAZ-2049-A05).	Y
C4.1 Site Stability and Earthworks	In accordance with the earthworks provisions of the LEP, development consent is required for any earthworks unless: i) The work is exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; or ii) The work is ancillary to other development for which development consent has been given. Consent is required when material is imported or removed from a property or is relocated on the same	All works will be undertaken in accordance with the Remedial Action Plan (RAP) Report and SEPP 33 risk screening and hazard analysis report.	Y

	<p>property.</p> <p>During any earthworks, any topsoil should be preserved on site for re-use and should be stockpiled and covered to avoid dust or loss of topsoil. Refer to the Landscape Design Section of this Plan for controls on stockpiling topsoil on site.</p>		
C4.3 Erosion and Sedimentation	<p>An Erosion and Sediment Control Plan (ESCP) is necessary to ensure that a strategy to manage erosion and sedimentation is considered at an early stage in the planning process. The ESCP must consider the potential for soil erosion and sedimentation during all stages of the development – demolition, construction and operation of the development. The ESCP must demonstrate that appropriate controls have been planned which will, when implemented, minimise erosion of soil from the site and, accordingly, sedimentation of drainage systems and waterways.</p>	<p>An ESCP has been provided within Appendix A (refer to drawing HAZ-2047-A05). This plan will be strictly followed during the works.</p>	Y
C4.4.1 Preventing Contamination	<p>Development applications for new or for expanding existing developments may be required to include information on the potential for the activity to contaminate.</p> <p>In assessing development applications for activities which could be potential sources of contamination, Council will ensure it is satisfied that the proposed technical and management controls will be adequate to prevent contamination. Conditions of consent may be imposed by Council to ensure adequate controls are applied to an activity or development.</p>	<p>A Remedial Action Plan (RAP) and a SEPP33 Risk Screening and Hazard Analysis have been included with this Development Application (refer to Appendix C and Appendix D).</p>	Y

	Periodic environmental audits of activities may be required as a condition of consent by Council.		
C5.1 Waste Management Plans	<p>Applicants are to submit a Waste Management Plan when lodging a development application for:</p> <ul style="list-style-type: none"> a) Demolition or construction of buildings; b) Change of use of buildings for rural, residential, commercial and industrial developments; c) Subdivision of land and/or buildings; or d) Alterations to 50% or more of the existing gross floor area of buildings, or additions to buildings resulting in a 50% increase (or more) to the existing gross floor area. <p>The Waste Management Plan must include details of:</p> <ul style="list-style-type: none"> a) The types and volumes of wastes and recyclables likely to be generated as a result of the development; b) How waste and recyclables will be stored and treated on site; c) How the residual non-reusable or non-recyclable wastes and recyclables are to be disposed of; and d) How ongoing waste management will operate once the development is complete (for the life of the development). 	A Waste Management Plan (WMP) has been prepared in consideration of the proposed development and is attached at Appendix E.	Y
C10.2 Traffic Management and Safety	<p>Each development should demonstrate how it will:</p> <ul style="list-style-type: none"> i) Provide safe entry and exit for vehicles and pedestrians which reflect the proposed land use, and the operating speed and character of the road; ii) Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary; iii) Not restrict traffic flow or 	The proposed development will continue to use the existing entry/exit points located on Christie Street and Forrester Road.	Y



	<p>create a hazard to traffic on roads in the vicinity of the development;</p> <p>iv) Provide suitable off-street parking facilities to accommodate vehicles generated by the development; and</p> <p>v) Identify the need, where apparent, for any additional on-street traffic facilities or road works which may be required to maintain the safe and efficient movement of vehicles and pedestrians</p>		
C10.5 Parking, Access and Driveways	<p>Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.</p> <p>The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction.</p>	<p>There are no changes made to the sites parking, access and driveways. The site will continue to accommodate heavy vehicles as well as provide safe entry/exit points via Christie Street and Forrester Road.</p>	Y

Appendix C – Remedial Action Plan

Parsons Brinckerhoff



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Appendix D – SEPP 33 Risk Screening

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Appendix E – Waste Management Plan

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