

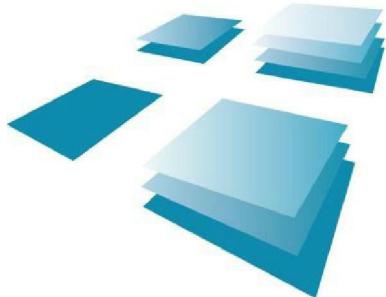
STATEMENT OF **ENVIRONMENTAL EFFECTS**

SERVICE STATION FACILITY KNOCK DOWN REBUILD

**370 – 372 CARRINGTON ROAD
LONDONDERRY NSW**

Report : 16 - 096
Date : 6th August 2018

PREPARED BY



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02 EDITIONS + REVISIONS

1 TABLE OF EDITIONS + REVISIONS

1.1 GENERAL

This section lists the various editions in which this specification has been issued and provides a schedule of the changes to the relevant clauses.

1.2 EDITION / REVISION

- | | | |
|----|------------|-------------------------------------------------------------------------------------------|
| i | 2018-03-03 | First Edition – Draft Issue for comment and approval purposes only. Not for Construction. |
| ii | 2018-08-02 | Second Edition – Issued for Development Approval only. Not for Construction. |

03 DEVELOPMENT SUMMARY

1 INTRODUCTION

1.1 STATEMENT OF ENVIRONMENTAL EFFECTS

General

This report has been prepared to accompany a Development Application to Penrith City Council for the knock down and rebuild of the existing service station facility.

This report has been prepared under instructions from our client Maria Galas, which is the applicant for this project and is based on the architectural drawings and designs enclosed with the application.

R.J. Sinclair Pty Ltd - Building Design, which has prepared the designs and Statement of Environmental Effects for the proposed facility, is a specialist in the design and construction management of service station and depot facilities throughout Australia.

1.2 COUNCIL DOCUMENTS

Quotations

Throughout this report quotations from Council documents are shown in grey text and for simplicity, only those Chapters or clauses of the PLEP or DCP that have specific relevance to this development have been discussed and assessed.

Where necessary for brevity and ease of reading, some clauses or text have been truncated or paraphrased.

2 GENERAL

2.1 EXISTING SITE CONDITIONS

Existing Service Station Facility

The site is currently operating as a service station facility with a sales building and refuelling canopy situated on the corner of Carrington Road and Londonderry Road.

The sales building is a small rendered and painted brick structure with a steel framed roof that is metal clad, taking up a footprint of approximately 110m².

The refuelling canopy is a single skinned steel framed structure with an area of approximately 96m² housing four petrol dispensers. A diesel dispenser is located outside the canopy area at the western end of the sales building for diesel vehicles. The dispensers are serviced by a one 15,000 litre and two 33,000 litre underground fuel tanks.

The forecourt is predominantly concrete paved with scattered landscaped areas along the north and western boundaries fronting the two RMS classified roads. The site has an 1800 high colorbond fence long southern boundary adjacent the residential property and no fencing along eastern boundary adjacent the commercial and residential property.

The site is branded as a Caltex service station facility with associated Caltex flag style I.D. located at the north western corner of the site and price board signage along Carrington Road.

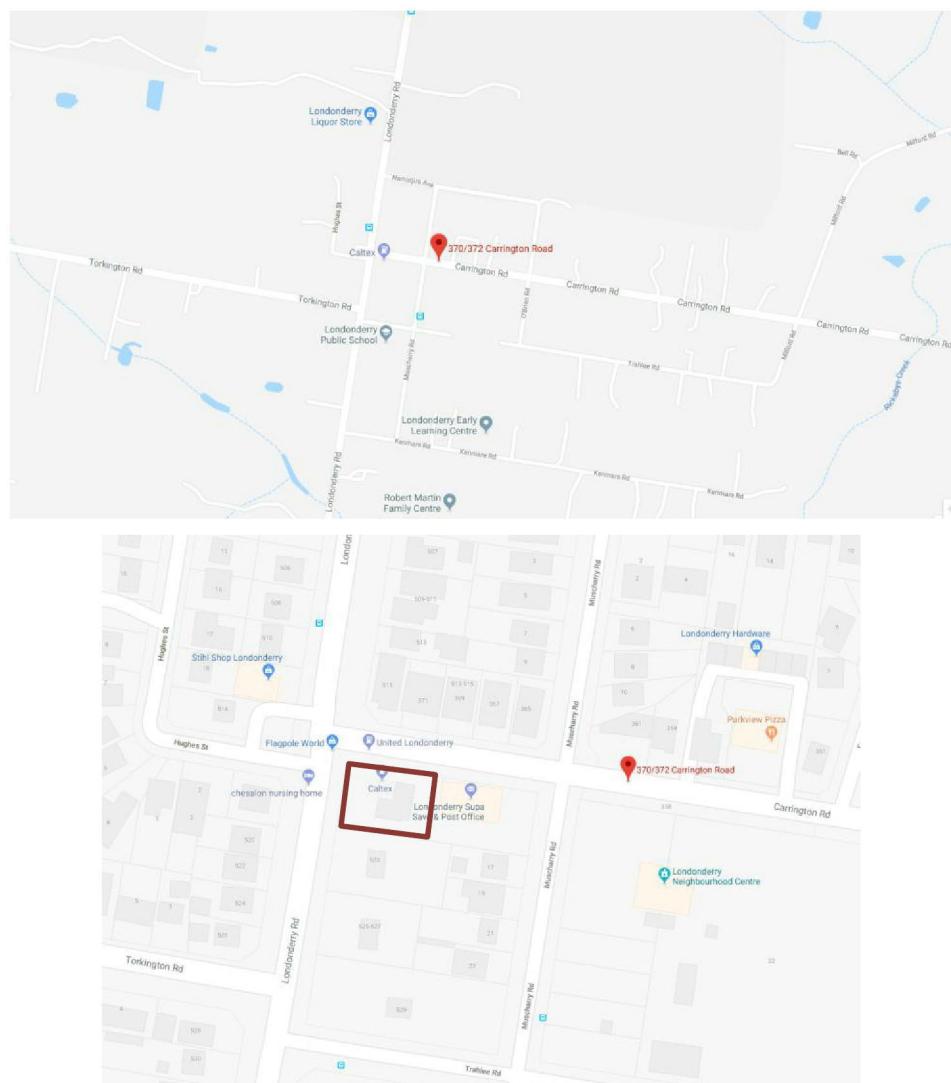
04 SITE DETAILS

1 SITE LOCATION

1.1 LOCALITY

General

The site, identified as Lot 2 DP 1179316 and is known as 370 – 372 Carrington Road, Londonderry, as shown in the Site Locality Plans below.



Site Locality Plans

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1.2 LAND PROPERTIES

Location

The site is located the south eastern corner of Carrington Road and Londonderry Road in the centre of the suburb of Londonderry.

Boundaries and area

The land is generally square in shape with a slightly longer side parallel to Carrington Road and an area of approximately 1,315m². It is bound by a residential property to the south and commercial property to the east with residential properties at the first floor. Opposite Carrington Road to the north are recently completed residential homes and opposite Londonderry Road to the west is a nursing home. Directly opposite the site at the north western end of the intersection is a commercial property also.

The service station and commercial premises to the east are an integral part of servicing the local community being central, local and offering day to day products and services such as fuel, bread, milk etc. to the surrounding suburb of Londonderry.

1.3 LOCAL GOVERNMENT AREA

Council

The site is located within the Penrith City Council local government area.

05 PROPOSED DEVELOPMENT

1 FULL KNOCK DOWN

1.1 SERVICE STATION

Demolished

The whole of the existing facility will be demolished to make way for a new service station facility.

The whole of the sales building, refuelling canopy, underground and above ground tanks, redundant service and signage will be removed.

All the existing driveway crossings will remain and be modified as part of the service station rebuild.

For more details refer to the demolition plan included in this application.

To Remain

The existing main I.D. sign recently approved by council and constructed will remain in its existing position on the north western corner of the site. Similarly the price board sign will also remain by relocated to suit the existing widened driveway locations along Carrington Road.

Operations and Management

There is no change to the existing operations and management of the facility. This means existing staffing and waste management etc. are all to remain as per existing.

Hours of Operation

The site currently operates;

- *Mon-Fri 5am -7pm*
- *Sat – 7.30am – 5pm*
- *Sun – 8am – 5pm*

There is no proposed change of operational hours as part of this application.

Use

There is no proposed change of use as part of this application.

2 FULL REBUILD

2.1 PURPOSE

Demand

Due to growing nature of the local area, the facility is in need of an upgrade to cater for growing customer demand. There is a need to increase the number of refuelling bays as well as the sales building convenience store to better service the needs of the local community.

Benefits

More refuelling bays will mean less queuing and therefore less potential for any negative impact on the adjacent access roads from vehicles needing to access the site.

The increase in the size of the convenience store will allow the operators to stock more variety of general goods which means less travel for locals to larger and further away stores.

2.2 PROPOSED WORKS

Refuelling Canopy

A new steel framed fascia clad refuelling canopy is proposed, complete with 4 x multi-hose fuel dispensers allowing for 8 x refuelling bays to the facility. The dispensers will offer both petrol and diesel fuels all within the canopy cover. The canopy over is designed to provide adequate coverage for vehicles and individuals whilst refuelling takes place.

The canopy has a footprint of approximately 327m² with a clearance of 5m to the underside of its fascia and overall height of 6m. It is suitable sized to not only cater for the refuelling tanker that refills the underground tanks but also to service smalls trucks and local farming equipment that may or may not be towed on a trailer.

The canopy will also include a passing lane to allow traffic wishing to bypass the second row of refuelling bays to improve the efficiency of refuelling and manage queuing during peak periods.

The canopy roofing will consist of Zincalume metal roof sheeting with box guttering and ACP clad fascia panels. There will also be a number of sumps and drainage downpipes included for the management of stormwater run-off.

The canopy will include directional light fixtures on the underside and limited surface mounted area lighting so as to provide sufficient illumination for refuelling activities.

Pavement beneath the canopy will be designed to include bunding to stop the ingress of stormwater and an appropriate fall to floor wastes at centralised capture points which drain to a new Trade Waste System.

For additional detail refer to design drawings included with this application.

Sales Building

The sales building component of the proposed development will include a convenience store, coolroom, freezer, console service area, office as well as amenities for staff and customers.

The service station sales building will be constructed using a mixture of core filled blockwork to be rendered and painted as a fire wall along the southern and eastern ends of the building which extend 3m past the ends of the building in accordance with NCC standards. The rest of the external walls will be painted pre-cast concrete with shopfront glazing and a glass auto sliding door to the retail end of building that will provide the primary customer entry to the sales area.

The roof of the building will be steel framed clad with Zincalume metal roof sheeting with box guttering, sumps and downpipes positioned around the perimeter of the structure. An ACP clad fascia will run along the front and sides of the building for tenant branding and signage.

The building is sized at approximately 210m² allowing for a larger area for the convenience store. The parapet level of the building will rest at a height of 4.2m above the building finished floor level.

The HVAC equipment for the building will be housed on the roof on top a steel framed steel grid mesh floor surrounded by colorbond louvre wall panelling. Access to the enclosure will be by a steel framed walkway and handrails situated along the northern end of the building fascia.

For additional detail refer to design drawings included with this application.

Parking Bays

Parking bays for the service station facility will be available in multiple locations on site. Adjacent to the sales building to the north will be 3 x vehicle spaces and 1 x disabled spaces. On the other side of the refuelling canopy to the northwest will be an additional 1 x space of parallel kerbside parking.

This represents a total of 6 x parking spaces, including 1 x disabled parking spaces for the proposed service station facility.

For additional detail regarding the location of parking, refer to design drawings included with this application.

In Ground Fuel Storage Tanks

The proposed development will contain in ground tanks for storage of petroleum fuel products.

The dispensers will be serviced by 2 x 60,000 litre underground storage tanks containing Standard ULP, 95 Octane Unleaded Fuel, 98 Octane Unleaded Fuel and Diesel.

The above represents a total overall storage capacity of 120,000 litres for petroleum products on the site.

These tanks will be housed below ground level between adjacent the refuelling canopy and are to be installed in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 as well as AS4897 (2008) Design, Installation and Operation of Underground Petroleum Storage Systems.

Underground Petroleum Tanks will be double walled fibre glass fitted with a Hydrostatic leak detection system. This system provides ongoing monitoring, preventing product loss and potential contamination to the environment.

For further detail regarding the design and location of these petroleum products storage tanks, refer to design drawings included with this application.

Delivery Bay & Remote Fill Point

The site include a remote fill point located under the refuelling canopy. This location will allow replenishment of the petroleum fuel storage tanks with the under canopy area and most importantly the bunded area connected to the trade waste system.

A dedicated delivery bay along the southern boundary allows a clear area for sales building deliveries with direct access to the store area to the rear of the building from the service yard.

Trade Waste System

The new trade waste system is proposed in a central location adjacent canopy and service yard which houses the CPS unit.

The system will comprise of a 1,500 ltr containment tank and a 1,500 ltr/hr Coalescing Plate Separator (CPS unit).

The CPS is designed to separate oily waste from aqueous waste from the collection/containment tank which collects any potential spill from refuelling area.

In the event of a spill or wind driven rain, waste from the refuelling area will be drained to the containment tank. Float switches within the tank activate an alarm to notify operators that the tank is full. The operator is to visually inspect the contents of the tank. If oily water is found, the CPS will be manually switched on and oily water treated then discharged to the existing site sewer system which drains to council main sewer system adjacent the site. If no spill were to occur this operation would occur up to 1 to 2 times a year.

If neat or substantial fuel is found in the storage tank, a trade waste contractor must be notified for the trade waste to be pumped out of the tank and disposed off-site.

The waste water treatment tanks are serviced on a regular basis and waste appropriately disposed off-site by a qualified trade waste contractor.

For more details, refer to the CPS details included in this application.

Lighting

A mix of new area light poles as well as building and canopy mounted area lighting will be provided around the site to allow for safe visibility during night time operations.

A full lighting design will be carried out subject to consent of this development application.

06 PLEP CONTROLS

1 PENRITH LOCAL ENVIRONMENT PLAN 2010

1.1 APPLICABILITY

Throughout the City

The Penrith Local Environment Plan 2010 is applicable to all development within the city.

1.2 LOCAL ENVIRONMENT PLAN 2010

The Penrith Local Environment Plan 2010 (PLEP in this report) is the overall planning instrument applicable to the site, in accordance with the provisions of the Environmental Planning and Assessment Act 1979 No. 203.

1.3 APPLICABLE CONTROLS

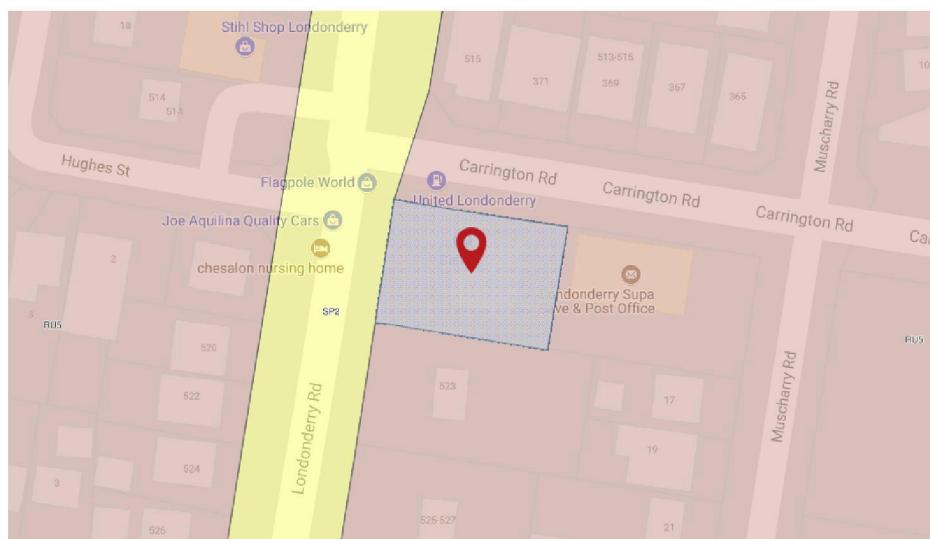
1.4 VARIOUS

A number of controls apply to the proposed development and generally relate to the built form, and the relevant PLEP controls are assessed hereunder.

2 LAND USE ZONES – PART 2

Zone RU5 – Village

The site is zoned RU5 Village under the PLEP as shown in the following Zoning Map.



NSW Planning & Environment Zoning Map

Road Widening Easement

There is a road widening easement on the property along the western boundary approximately 4m wide which parallel to Londonderry road.

For full details refer to the survey included as part of this application.

Objectives of zone RU5

Land use table

The objectives of the zone, as described in the PLEP, are :

1 - Objectives of Zone

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To provide limited housing development opportunities for existing and new residents, including an ageing population, where this is consistent with the other objectives of this zone.*
- *To ensure development is compatible with the role and character of the village, available infrastructure, services and facilities and with the environmental capabilities of the land.*

Permitted uses

The permitted uses in the B7 zone, as described in the PLEP, are :

2 - Permitted without consent

- *Home Occupations*

3 - Permitted with consent

- *Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Funeral homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Kiosks; Markets; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Schools; Secondary dwellings; Seniors housing; Sewage treatment plants; Shop top housing; Tourist and visitor accommodation.*

4 - Prohibited

- *Serviced apartments; Any other development not specified in item 2 or 3.*

Existing Use Rights

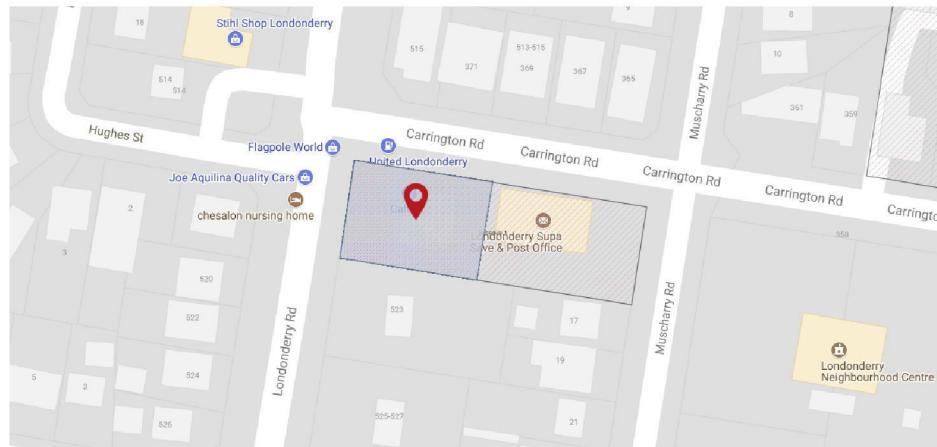
The Environmental Planning and Assessment Act 1979 (the Act) and Environmental Planning and Assessment Regulations 2000 allow previous land use rights to continue to operate on the land.

The site is operating under a lawful existing use and there is no proposed change of use as part of this application.

3 ADDITIONAL PERMITTED USES

Schedule 1

The site is located within an additional permitted use area as per the below Additional Permitted Use Map.



NSW Planning & Environment Additional Permitted Use Map

The Schedule relating the site states;

14 Use of certain land at 220–222 Seventh Avenue and 252–257c Seventh Avenue, Llandilo

- (1) This clause applies to land at 220–222 and 252–257c Seventh Avenue, Llandilo, being Lots 220, 220A, 221, 221A, 222 and 252, DP 2147, Lot 253A, DP 5808, Lots 24 and 25, DP 633544, Lot 26, DP 1032388, Lot 1, DP 579313, Lots 11 and 12, DP 1092204 and Lot 1, DP 724335, that is identified as "13" on the Additional Permitted Uses Map.
- (2) Development for the purposes of centre-based child care facilities, kiosks, markets, neighbourhood shops, recreational facilities (indoor) and restaurants or cafes is permitted with development consent.

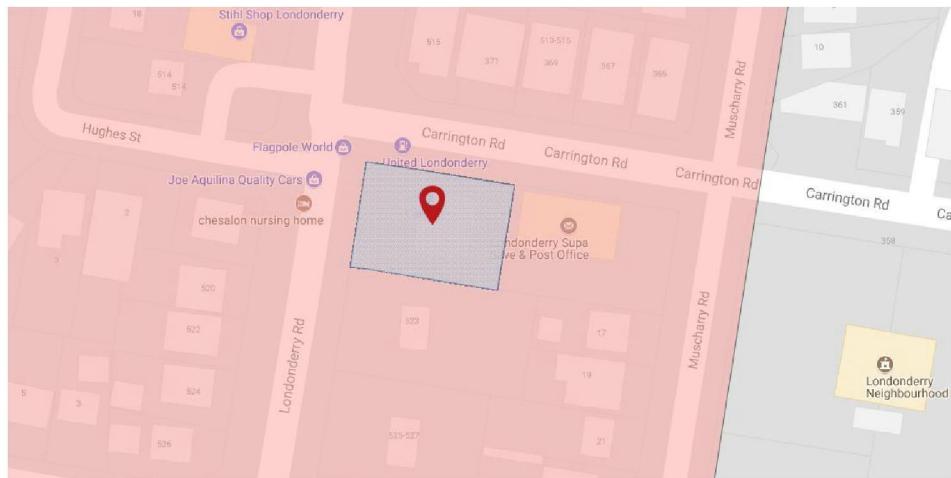
3.1 PERMITTED USE

The existing and proposed use as a Service Station facility is permitted with consent under additional permitted use and are therefore complies with the requirements of the PLEP.

5 PLEP - PART 7 - CLAUSE 7.5

5.1 PROTECTION OF SCENIC CHARACTER AND LANDSCAPE VALUES

The site is identified in the PLEP within Scenic Protection Land as per below Map.



NSW Planning & Environment Scenic Protection Land Map

Requirements of PLEP Part 7 Clause 7.5

Extract from the PLEP Part 6 Clause 6.1 :

- (1) *The objectives of this clause are as follows:*
 - (a) *to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,*
 - (b) *to ensure development in these areas is located and designed to minimise its visual impact.*
- (2) *This clause applies to land identified as "Land with scenic and landscape values" on the Scenic and Landscape Values Map.*
- (3) *Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.*

Determination of requirements

The proposed service station canopy is an open structure to be located central to the site and the proposed sales building is to be located at the south eastern corner of the site. This allows good visibility for both pedestrian and vehicle traffic to be maintained at and on the approach to the intersection.

New landscaped areas along both road frontages will enhance the scenic character of the site and the relocation of signage from the northern western corner of the site to be set back with a single I.D. sign and combined price board will reduce the signage clutter currently present.

The proposed development will have a positive impact on the visual setting of the site and adjacent major road intersection.

6 PLEP - OTHER PLANNING MATTERS

6.1 FSR

The site is not restricted to any FSR requirements under the current PLEP.

6.2 HEIGHT OF BUILDING

The site is not restricted to any building heights under the current PLEP.

6.3 HERATIGE

There is nothing on the site listed as a heritage item nor is the site located within a Heritage Conservations area.

6.4 BUSHFIRE

The site is not located within a bushfire prone area or bushfire bufferzone.

7 PLEP - SPECIAL AREA

7.1 OTHER SPECIAL AREA

Upon review of all the PLEP Maps it is confirmed that the site is not identified as being within acid sulfate soils, natural resources biodiversity/land risk/riparian land and waterways areas, land reclassification, terrestrial biodiversity, drinking water catchment area, flood prone area, ground water vulnerability or key sites areas.

8 SUMMARY OF PLEP REQUIREMENTS

8.1 COMPLIANCE WITH PLEP

Relevant requirements

The above assessment concludes that the requirements of the PLEP as they generally apply to this site have been met.

07 PLANNING POLICIES

1 STATUTORY HEADS OF CONSIDERATION

1.1 GENERAL

In drafting this document, consideration has been given to the following:

- *Environmental Planning & Assessment Act (1979)*
- *Environmental Planning & Assessment Regulation (2000)*
- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation (2014)*
- *Protection of the Environment Operations (Clean Air) Regulation 2010*
- *Roads Act (1993)*
- *State Environmental Planning Policy (SEPP) No. 33 – Hazardous & Offensive Development*
- *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land*
- *State Environmental Planning Policy (SEPP) No. 64 – Advertising & Signage*
- *NSW Fair Trading Regulation (2012)*

2 COMPLIANCE

2.1 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT (1997)

Schedule 1 – Clause 9

Schedule 1 of the Protection of the Environment Operations (POEO) Act 1997 lists a number of 'scheduled activities' which require an 'environmental protection license' under the Act. Under Clause 9 of Schedule 1, the following stored substances are considered to be a scheduled activity:

"Chemical Waste Storage

Involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne)

General Chemicals Storage

Capacity to store more than 20 tonnes (pressurised gases), 200 tonnes (liquefied gases) or 2000 tonnes (chemicals in any other form)

Petroleum Products Storage

Capacity to store more than 200 tonnes (liquefied gases) or 2000 tonnes (chemicals in any other form)"

In the case of the proposed development, total storage of 120,000 litres is available for petroleum and diesel product. Calculation of weight for the proposed petroleum products has been achieved by means of factoring volumes and standard densities for these substances.

The results of such calculations for the proposed development are as follows:

Diesel Fuel Products (including AdBlue) 30,000 litres = 25 tonnes approx.

Petroleum Products 110,000 litres = 70 tonnes approx.

LPG (2 x 90 kg cylinders + 20 X 9kg swap n go) 360kg.

As demonstrated above none of the proposed substances stored in the listed volumes exceed the 2000 tonne limit (for general and/or petroleum products) or 200 tonne limit (for LPG) that would require a license to be issued for the operation of the development.

With consideration of the above, the proposed development does not require the issuing of an 'environmental protection license' in order to operate and is therefore compliant with this planning control.

A copy of the SEPP 33 Report has been included as Annexure E.

2.2 PROTECTION OF THE ENVIRONMENT OPERATIONS (UNDERGROUND PETROLEUM STORAGE SYSTEMS) REGULATION (2014)

General

Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 is relevant to the operation of the service station and liquid fuel depot. It requires owners and operators of underground petroleum storage systems (UPSS) to regularly check for leaks in the fuel tanks and pipes used to store and handle petroleum products. Owners and operators also need to meet minimum standards in their day-to-day environmental management of these storage systems.

The owner / operator of a UPSS will be required to have in place:

- *A system for detecting and monitoring leaks.*
- *Groundwater monitoring wells at sensitive locations and a program to test them.*
- *An Environment Protection Plan for the facility*
- *Systems in place for record keeping, reporting of leaks and notifying the local council when a UPSS is decommissioned.*

The fuel systems on the site for the proposed development will demonstrate adherence to this control through design and construction that is in accordance with appropriate Australian standards for these systems.

Underground Petroleum Tanks will be double walled fibre glass fitted with a Hydrostatic leak detection system. This system provides ongoing monitoring, preventing product loss and potential contamination to the environment.

Petroleum product lines in use at the facility will be tested regularly to ensure quality and compliance.

Groundwater monitoring wells will be installed as a part of the underground petroleum storage tank excavations.

2.3 PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010

Clause 25 - Transfer of petrol into fuel tanks of motor vehicles

(1) *This clause applies to all premises from which petrol is sold to the public.*

(2) *The occupier of premises to which this clause applies must not, at those premises, transfer, or allow the transfer of, any petrol into a motor vehicle's fuel tank except by means of a petrol delivery hose whose nozzle is fitted with an automatic over-fill protection device.*

Maximum penalty: 40 penalty units.

(3) *A person must not, at premises to which this clause applies, transfer petrol into the fuel tank of a motor vehicle by means of a petrol delivery hose unless the nozzle of the hose is inserted as far as it will go into the fuel tank's fill-pipe.*

Maximum penalty: 8 penalty units.

(4) *In this clause, **automatic over-fill protection device** means a device:*

(a) *that immediately cuts off the flow of petrol into the fuel tank when the tip of the nozzle becomes immersed in petrol, and*

(b) *that is properly installed and efficiently maintained.*

All new fuel dispensers will have automatic over-fill protection built into the units.

Subdivision 2 – Stage one vapour recovery

Vapour recovery noted within this subdivision, also known as VR1, and all the requirements within this subdivision will be installed as part of the UPSS for the proposed development.

Subdivision 3 – Stage two vapour recovery

Vapour recovery noted within this subdivision, also known as VR2, and all the requirements within this subdivision are not required for the site but will have provision of it as part of the UPSS for the proposed development.

Conclusion

The above notes how the proposed development will comply with the clean air regulations and therefore will have no negative impact on the local environment amenity and its surrounds.

2.4 ROADS ACT (1993)

Section 138

Section 138 of the Roads Act (1993) outlines works and structures that require additional approval from the NSW Roads and Maritime Authority (RMS).

These items are specified as follows:

“(1) *A person must not:*

- (a) *erect a structure or carry out a work in, on or over a public road, or*
- (b) *dig up or disturb the surface of a public road, or*
- (c) *remove or interfere with a structure, work or tree on a public road, or*
- (d) *pump water into a public road from any land adjoining the road, or*

(e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

(2) A consent may not be given with respect to a classified road except with the concurrence of RMS.

(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, RMS must consult with the applicant before deciding whether or not to grant consent or concurrence.

(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.

(5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section.”

The proposed widening of existing driveways requires work to be carried out “in on or over” a public road and therefore requires consent from the RMS.

2.5 STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO. 33 – HAZARDOUS & OFFENSIVE DEVELOPMENT

General

State Environmental Planning Policy No. 33 – Hazardous and Offensive development provides definitions and provisions which govern the identification of “Hazardous”, “Offensive”, “Potentially Hazardous” and “Potentially Offensive” developments.

The above terms are defined by the SEPP as follows:

“potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.”

“potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.”

“hazardous industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or

(b) to the biophysical environment."

"offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality."

When assessing the proposed development against the above definitions, it is considered that the design elements included with the application serve to sufficiently mitigate or eliminate any offensive or potentially offensive aspects. The proposed development therefore does not meet the definition of "offensive" or "potentially offensive" under the provisions of the SEPP.

In attempting to determine whether or not the proposed development meets the criteria of a "hazardous" or "potentially hazardous" development, the advice of an accreditation dangerous goods consultant, Mr Sam Khoury, has been sought and Mr Khoury has assessed the proposal against SEPP No. 33 based on screening methods for the substances that will be present on-site (petroleum products, oil products, diesel products, LPG products) and the vehicular movements required to stock these substances.

The results of this screening indicate that based on these methods, the proposed development is not considered potentially hazardous or offensive.

A copy of the advice provided by Mr Khoury has been included in this application for reference purposes.

The advice also provides explanatory information on how the proposed development has been designed to minimise risks involved in working with the listed materials and concludes that the proposal does not constitute a major risk to the public or on and off-site facilities.

Based on the above advice the development is considered neither hazardous nor offensive. Subsequently SEPP No. 33 is not considered applicable and further investigations such as a preliminary hazard assessment are not necessary.

2.6 STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO. 55 – REMEDIATION OF LAND

Section 7

Section 7, Clause (4) of SEPP No. 55 outlines land and activities undertaken upon land, that may require investigation and management for potential contamination.

Land that requires such investigation is:

"(4) The land concerned is:

- (a) land that is within an investigation area,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) to the extent to which it is proposed to carry out development on it for

residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:”

With regard to the proposed development we note the following:

The subject site is identified as potentially contaminated land due to a recent diesel tank failure.

- *The proposed development does not intend to carry out an activity for the purposes of residential, educational, recreational, childcare or hospital purposes.*
- *Table 1 of the NSW EPA Contaminated Land Guidelines identifies a number of activities that can potentially cause contamination on a site. These activities are identified as follows:*

- Acid/alkali plant and formulation
- Agricultural/horticultural activities
- Airports
- Asbestos production and disposal
- Chemical manufacture and formulation
- Defence works
- Drum re-conditioning works
- Dry cleaning establishments
- Electrical manufacturing
- Electroplating and heat treatment premises
- Engine works
- Explosives industry
- Gas works
- Iron and steel works
- Landfill sites
- Metal treatment
- Mining and extractive industries
- Oil production and storage
- Paint formulation and manufacture
- Pesticide manufacture and formulation
- Power stations
- Railway yards
- Scrap yards
- Service stations
- Sheep and cattle dips
- Smelting and refining
- Tanning and associated trades
- Waste storage and treatment
- Wood preservation

A full Environmental investigation and report have been carried out on the site.

The report was carried and by EIS and general find conclude;

The investigation excluded the areas closer to the USTs, under the canopy, under the existing building footprint and near fill-box due to access restrictions and safety concerns. These areas should be investigated once these infrastructure has been removed.

Based on the findings of the assessment, EIS are of the opinion that the site can be made suitable for the proposed development subject to successful implementation of following recommendations:

- *Undertake an Additional Investigations in the areas closer to the USTs, under the canopy, under the existing building footprint and near fill-box after the removal of these infrastructure;*
- *Prepare a RAP for the management and validation of remediation works (including the removal of fuel storage and delivery infrastructure); and*
- *Undertake a hazardous building material survey (HazMat) and remove any hazardous building material including the asbestos identified across the site surface.*

A full copy of the Environmental Report has been included as Annexure D.

A copy of the Remediation Action Plan is also included in this application.

2.7 STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO. 64 – ADVERTISING & SIGNAGE

Aims & Objectives

State Environmental Planning Policy No. 64 has been drafted to provide guidelines and criteria by which objectives for various types of advertising signage can be identified and the signage assessed.

With regard to the signage involved in the proposed development, the following relevant Sections of the SEPP have been reviewed.

Section 17

Section 17 deals with signage that is greater than certain dimensions in size. These dimensions are identified as follows:

- "(1) This clause applies to an advertisement:*
- (a) that has a display area greater than 20 square metres, or*
 - (b) that is higher than 8 metres above the ground."*

The only signage involved in the proposed development requiring assessment against these criteria is the roadside ID sign. With regard to the ID sign it is noted that the height of 8m and advertising area of 16m² do not exceed the dimensional stipulations of this section.

Based on the above this section of the SEPP is not considered applicable to signage involved in the proposed development.

Section 18

Section 18 of the SEPP outlines the criteria and circumstances in which signage will require additional concurrence from the NSW RMS. Specifically:

"(1) This clause applies to the display of an advertisement to which clause 17 applies, that is within 250 metres of a classified road any part of which is visible from the classified road."

As outlined with Section 17 above, the roadside ID signage consists of 8m in height and 16m² of advertising space. With these dimensions, this section is not considered applicable to the proposed development.

Section 23

The proposed roadside ID sign is considered to be consistent with the skyline within the vicinity of the subject site. When viewed from a distance it will not represent a significant visual departure from surrounding features.

As such the ID signage is considered consistent with directions contained within this section of the SEPP.

Schedule 1 – Assessment Criteria

The proposed signage is in compliance with SEPP 64 Advertising and Signage Schedule 1 – Assessment Criteria.

Character of the area

The proposed signage is compatible with the existing character of the site because the site was previously a service station. The proposed signage is consistent with service station facilities throughout Australia and within the local area.

Impacts on Views and vistas

The proposed signage will not obscure or compromise important views in the area. It will not dominate the skyline due to the existing height of the adjacent commercial building structures and previous signage.

Streetscape, setting or landscaping

The ID sign proposed rationalises the advertising by combining the business identification and price boards that were previously separate.

Site and building

The proposed upgrade will refresh the character of the site and will be compatible in scale and proportion with itself and its surroundings.

Impact of structures associated with the sign

The proposed signage fully integrates itself with the existing structures on the site. The new ID sign is proposed to be set back from the intersection such that it allows adequate and safe visibility to vehicles and pedestrians approaching the intersection.

Illumination

The proposed I.D sign, canopy fascia signs and building fascia signs are all internally illuminated in acrylic sign boxes and therefore will not cause any glare or light overspills.

There will be no detrimental effect to pedestrians, drivers or the existing site amenity from the proposed signage lighting.

Safety

The proposed signage is located in clear, concise and safe such that they are located appropriately so as not to interfere with both vehicle and pedestrian sightlines.

The rest of the proposed signage is also safe, clear and concise.

2.8 NSW FAIR TRADING REGULATION (2012)

Section 11 – Product Information Standard

Division 3 of the NSW Fair Trading Regulation (2012) contains requirements relating to product information standards for fuel pricing and signage.

Section 11 requirements and compliances are outlined as following:

- *The price of prescribed fuel supplied to retail customers at the petrol station must be displayed at the petrol station on one or more signs that are so positioned and lit that any price and other matter that the signs display will be readily seen by motorists approaching the petrol station at any time that the petrol station is open for business for the supply of prescribed fuel.*

The price of prescribed fuels will be prominently displayed on both street-side signage and at the fuel dispensers. This pricing information will be well lit and readily visible to approaching motorists at all times that the service station is open for business.

The proposal is considered to comply with this requirement.

- *All signs at the petrol station (including signs required by subclause (1)) that display information in relation to the price of prescribed fuel supplied to retail customers at the petrol station may display only the normal price of the prescribed fuel and no other price for that fuel.*

The price of prescribed fuels on the appropriate signage at the fuel dispensers will be the normal price of said fuel.

The proposal complies with this requirement.

- *If no more than 4 types of prescribed fuel are supplied to retail customers at the petrol station, subclause (1) applies to each type of prescribed fuel supplied.*

More than four types of fuel product are to be supplied by the proposed development (Diesel, E10, ULP, ULP 95, ULP 98).

As more than four types of fuel will be supplied by the proposed development, this clause is not applicable.

If more than 4 types of prescribed fuel are supplied to retail customers at the petrol station, subclause (1) applies to 4 types of that prescribed fuel, as follows:

the price of 4 types of prescribed fuel must be displayed as required by subclause (1), and

(b) the 4 types of prescribed fuel for which the price must be displayed must include such of the following types of prescribed fuel as are supplied to retail customers at the service station:

- (i) *diesel*,
- (ii) *lpg*,
- (iii) *E10*.

In accordance with the above clause, the proposed development will display pricing information for a minimum of four fuel types including diesel fuel and E10 petrol (LPG fuel is not to be sold by the operation).

With the intention to display the required pricing as per the provisions of the regulation, the proposed development is considered to comply with this requirement.

Section 12 – Octane Rating Information

This section of the regulation requires that the octane rating of the following types of fuel must be displayed in one or more places on the pump:

- “*E10 Petrol*”
- “*Each type of unleaded petrol*”

The proposed development will utilise proprietary fuel dispensers. The octane information for all fuels supplied is to be located prominently on the visible facing of all dispensers. This includes octane information for the following types of fuel to be provided by the service station operation:

- *E10 Unleaded Fuel*
- *Standard Unleaded Fuel*
- *95 Octane Unleaded Fuel*
- *98 Octane Unleaded Fuel*

With the inclusion of octane ratings on the fuel dispensers, the proposal is considered to comply with this requirement.

08 DEVELOPMENT CONTROL PLANS

1 PENRITH DEVELOPMENT CONTROL PLAN 2011

1.1 APPLICABILITY

Throughout the City

The Penrith Development Control Plan 2011 is applicable to all development within the city.

2 APPLICABLE TO THE SUBJECT SITE

2.1 VARIOUS

There are a number of Chapters of the Development Control Plans (DCPs) that relate specifically to the subject site, as follows :

- Part C1 Site Planning and Design Principles
- Part C5 Waste Management
- Part C6 Landscaping
- Part C10.2 Onsite Parking and Traffic Implications
- Part C12 Noise and Vibration

2.2 ASSESSED IN FOLLOWING SECTIONS

Each of the parts is assessed in detail in the following Sections of this report.

3 TIA

3.1 TRAFFIC IMPACT STUDY

RMS Consultation

We have been in consultation with RMS regarding access, egress and internal traffic for the proposed development through the design process.

Refer to Annexure B for full detail of Traffic Impact Assessment.

Refer to Annexure G for copies of RMS Correspondence emails.

4 ART C1 – SITE PLANNING AND DESIGN PRINCIPLES

This Section provides commentary and assessment of each of the relevant objectives and controls for developments in the Part C1, and will show compliance or non-compliance with objectives and controls in the zone.

OBJECTIVE/CONTROL	RESPONSE/COMPLIANCE
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1.1. Site Planning

- a) To ensure that the site's context has been analysed and considered to ensure that development is designed on a 'whole of building' approach; and
- b) To protect and enhance areas with high scenic and landscapes values which contribute to the character of the City of Penrith.

The existing use of a service station facility makes the proposed service station a suitable development. The layout of the site with the sales building setback to the south eastern corner allows the visual impact of the intersection of the main roads to be maintained. New landscaping will enhance the landscape values and amenity of the site and local surrounds. Fully Compliant.

1.1.2 Key Areas with Scenic and Landscape Values

- The following key principles should be addressed in a visual impact assessment to minimise the visual impact of the development and protect areas with high scenic and landscape values:
- Protect and enhance the visual diversity and scenic quality of

The site is with a "Village Bookends" gateway and the propped development will enhance this visual gateway by;

- Provide new and larger landscaped area along both street frontages.
- Relocation and uncluttering of signage at the intersection.
- New and modern signage and finishes.
- Setback of sales building.

Fully Compliant.

1.2. Design Principles

- To ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings certification system, where appropriate;

All area lighting and undercanopy lighting utilise LED light fittings. The sales building will undergo a full Section J Compliance Report to ensure NCC compliance in relation to lighting, HVAC, glazing, insulation etc. All subject to Development Approval by Council.

Fully Compliant.

1.2.3. Building Form

- a) Context: An applicant must demonstrate how all proposed buildings are consistent ...

The canopy will have an overall height of 6m and sales building 4.2m which area similar for both metro and suburban service stations facilities. They are single storey structures with bulk and scale similar to surrounding structures.

- b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character....

The existing and proposed structures are similar height but the proposed is of a larger scale. The increase in bulk is offset by an increase new landscaped area.

Fully Compliant.

c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated....	The only length of wall greater than 20m is the sales building southern boundary wall. The extra 3m required to comply with NCC fire requirements pushes this wall just beyond the 20m mark at 20.475m. Notwithstanding the wall is softened by maintaining the existing colorbond fence and HVAC enclosure on the roof. Fully Compliant.
Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent	Attempts to setback the sales building to reduce overshadowing compromised the increase in refuelling area and sales building area which would be detrimental to the whole purpose of the upgrade in providing a greater service to the whole community.
	The fire wall along the eastern boundary walls overshadowing will not negatively impact the adjacent eastern neighbours as the residential properties are situated at the first floor level of the building and the rear area of the adjacent property effected by afternoon overshadowing is a car park. Only the grassed area of the southern residential property to the south will be effected by overshadowing of the southern boundary fire wall. The residential dwelling is surrounded by grassed area in 360° and will not be starved of private open space with natural sun due to the proposed sales building. Furthermore the dwelling is setback approximately 9.8m from the proposed building and any windows on the northern face will have sun access unaffected by the proposed building. Compliant.
Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings	Attempts to setback the sales building compromised the increase in refuelling area and sales building area which would be detrimental to the whole purpose of the upgrade in providing a greater service to the whole community. Visual and acoustic privacy will still be provided to the adjacent properties with no doors or window proposed along the boundary walls. Non-Compliant.
f) Building Façade Treatment: The aim is to ensure that any built form will: i) promote a high architectural quality commensurate with the type of building and land use;	The proposed ACP clad fascia, shopfront glazing, rendered and painted sales building walls are quality treatments ensure to be durable, sympathetic and reflect the use of the service station facility. Fully Compliant.

g) Roof Design: The roof is an important architectural element of any building and: i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints	The roof forms will match the existing structures in their fascia style forms but enhanced with ACP cladding, graphics and signage. Fully Compliant.
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1.2.4. Responding to the Site's Topography and Landform

Applicants must demonstrate how the development responds to the natural topography and landform of the site based on analysis drawings. b) Any built form should be located, oriented and designed to minimise excavation, cut and fill in accordance with the requirements of the	The existing site levels are generally maintained throughout the site. The area for the proposed sales building will be slightly lifted to ensure the building FFL is 0.5m above Council advised overland stormwater levels. There are no extensive cut or fill area or retaining walls proposed. Fully Compliant.
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1.2.5. Safety and Security

Principle 1: Natural Surveillance Principle 2: Access Control	The sales building is designed to allow the console operator to have good visibility of the site and especially the refuelling area. This is achieved by the shopfront glazing and open layout of the sales area. Blind spots will be supported with CCTV. Fully Compliant.
D. Controls 1) Lighting 2) Fencing 3) Car parking 5) Landscaping 11) Security:	Area lighting will be provided but fully lighting designs will be subject to Development approval. No new fencing is proposed and existing fencing to remain. All parking has been designed to Australia standards. Accessible parking is provided as well as a dedicated delivery bay. Most of the proposed landscaping is of a low nature allowing good site surveillance. A full security system will be installed as part of the development. Fully Compliant.

5 PART C5 – WASTE MANAGEMENT

This Section provides commentary and assessment of each of the relevant objectives and controls for developments in the Part C5, and will show compliance or non-compliance with objectives and controls.

OBJECTIVE/CONTROL | RESPONSE/COMPLIANCE

5.1.Waste Management Plans

1) Applicants are to submit a Waste Management Plan when lodging a development application for: a) Demolition or construction of buildings	Refer to Annexure A for full WMP. Refer to Construction Management Plans and details included in this application. Fully Compliant.
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5.2.4. Non-Residential Development Controls

Waste storage and collection areas should be: a) Flexible in their design so as to allow for future changes in the operation, tenancies and uses; b) Located away from primary street frontages, where applicable; c) Suitably screened from public areas	The service yard housing the proposed waste bins will be enclosed by 2.1m high colorbond fencing and is setback from the street. It is adjacent the delivery bay to minimise movement and provide efficient waste removal. Fully Compliant.
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6 PART C6 – LANDSCAPING

This Section provides commentary and assessment of each of the relevant objectives and controls for developments in the Part C6, and will show compliance or non-compliance with objectives and controls.

OBJECTIVE/CONTROL	RESPONSE/COMPLIANCE
6.1.2. Protection of the Environment	
1) Environmentally Sustainable Design	All proposed plant species are Australian Native and are low water and maintenance plants Fully Compliant.
3) Minimising Soil Erosion	All proposed landscaped areas are mulched and surrounded by concrete kerbs. Fully Compliant.
10) Irrigation/Water Consumption	A fully automated irrigation system is proposed to manage the watering of the landscaped areas. Fully Compliant.
6.1.3. Neighbourhood Amenity and Character	
1) Landscape Character	The proposed landscaping will enhance the existing site character. Fully Compliant.
2) Integration of Design	The proposed landscaping complements the site design in that it softens the access and egress point of the site to the contrasting forecourt pavements. Fully Compliant.
3) Streetscape	The streetscape will be enhanced by the new landscaping without negatively impacting on intersection of the adjacent roads with larger species being setback with lower height species surrounding them Fully Compliant.

4) Community Safety	Will the majority of plants proposed being on low nature it provides good sightlines and visibility to both vehicle and pedestrian traffic Fully Compliant.
6.1.4. Site Amenity	
1) Contextual Design	The landscape areas help define the locations of entry and exit crossovers as well as complement existing and proposed structures and services. Fully Compliant.

7 PART C10.2 – ONSITE PARKING AND TRAFFIC IMPLICATIONS

This Section provides commentary and assessment of each of the relevant objectives and controls for developments in the Part C10.2, and will show compliance or non-compliance with objectives and controls.

OBJECTIVE/CONTROL	RESPONSE/COMPLIANCE
B. Controls	
1) Traffic Studies	Refer to Annexure B for Traffic Impact Assessment. To be provided to Council on completion.
2) Road Safety	New landscaped areas help define the driveway cross overs for the site and maintaining existing driveways means locals will be used to the location of the entry and exit points. The existing traffic flows of the site will be maintained as per existing as determined by the driveways and canopy and sales building layout. As per the DCP parking is required at a rate of <i>“spaces per work bay plus 4 spaces per 100m² of gross floor of convenience store.”</i> As there are no work bays proposed and the c-store portion of the site is approximately 85m ² , the development is required to have 4 x parking space. There is currently 6 x spaces proposed. Fully Compliant.
3) Traffic Generating Development	No new driveways are proposed. All are existing and are to remain with some upgrade to extents to allow for fuel tanker access. Refer to Turning studies included in this application. Refer to Annexure B for Traffic Impact Assessment to be provided to Council on completion.

8 PART C12 – NOISE AND VIBRATION

This Section provides commentary and assessment of each of the relevant objectives and controls for developments in the Part 12, and will show compliance or non-compliance with objectives and controls.

OBJECTIVE/CONTROL	RESPONSE/COMPLIANCE
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12.1. Road Traffic Noise

1) Road traffic noise criteria including sensitive land uses	Refer to Acoustic Report for full details in Annexure C. Fully Compliant.
a) Where a site is likely to be affected by unacceptable levels of road traffic noise, the applicant is required to provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with the requirements set out	Refer to Acoustic Report for full details in Annexure C. Fully Compliant.
b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with EPA and Department of Planning Criteria, as well as relevant Australian Standards.	Acoustic Report notes that the proposed development is fully Compliant. Refer to Annexure C for full report.

9 ADDITIONAL INFORMATION**9.1 FOR CONSIDERATION BY COUNCIL**

In addition to the assessment of the PLEP and DCP requirements, additional information is provided for consideration by Council, in accordance with the Pre-DA Meeting Notes.

9.2 WATER QUALITY**WSUD**

As per the Stormwater Report detailed in Annexure F, the site will provide enviropod inserts in selected stormwater collection pits which drain to an underground tank with six stormwater filter units before entering the OSD chamber of the tank and then discharging off site via the adjacent stormwater kerb inlet pit on Londonderry Road.

Trade Waste

The proposed refuelling canopy and bunding will contribute in preventing the pollution of stormwater within the site. The undercanopy floor waste drain to the trade waste system and ensure treatment and/or removal prior to any discharge back into the main sewer system.

Non-return valves will be provided to the collection tanks inlet pipes to ensure no surcharge of contaminated water will be able to return in a flood or overland stormwater event.

RPZD and vacuum breakers installed as part of the water reticulation system to ensure no potential contamination of the water system.

Refer to Section 05.2.2 for full trade waste system details.

Spill Management

The facility will adopt the processes and procedures that are outline within the sites Spill and Emergency Response Plan. This plan will form part of the sites Environmental Protection Plan required to comply with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

All to be prepared subject to the approval of this Development Application.

OPERATION

Staffing

The site operate with a minimum of one staff member during off-peak times and a maximum of two staff members during peak times of operation.

Hours of operation

As previously notes the hours of operation are proposed to remain as per existing.

Delivery's

Fuel and sales stock deliveries will occur between 1 to 2 times per week usually in the am period of the day.

09 OTHER ENVIRONMENTAL FACTORS

1 STORMWATER

Design

A concept stormwater design have been prepared as part of this application the design includes the collection of stormwater through downpipes and surface inlet pits draining to an underground tank with six stormwater filter units before entering the OSD chamber of the tank and then discharging off site via the adjacent stormwater kerb inlet pit on Londonderry Road.

Refer to the design drawings included in this application and Annexure F for the Stormwater Management Report.

2 NCC COMPLIANCE

2.1 NATIONAL CONSTRUCTION CODE 2016

Classification

The service station canopy is classed a 10b structure and the sales building is classed a class 6 building.

Compliance

The architectural design of the service station facility and associated works fully complies with the provisions of the Regulations with the NCC 2016.

3 ACCESS COMPLIANCE

3.1 AUSTRALIAN STANDARDS

Relevant Standards

The design of the service station facility and associated works are fully compliant with the Australian Standards, as listed in the following schedule:

- AS 1428.1 *Design for Access and Mobility – General Requirements*
- AS 1428.2 *Design for Access and Mobility – Enhanced and Additional Requirements*
- AS 2890.6 *Parking Facilities – Off-Street Parking for People with Disabilities*

10 CONCLUSION

1 PENRITH COUNCIL

Compliance

In preparing this report we have considered the relevant planning requirements of the PLEP and the DCP as they apply to the subject site, together with other pertinent planning and design requirements.

We believe that the proposed development meets all of the relevant requirements for the subject site.

2 RECOMMENDATION

2.1 APPROVAL

Based on the assessments carried out by this office, we believe that this application should be considered by Council on its merits and approval be granted.

11 ANNEXURE A : WASTE MANAGEMENT PLAN

12 ANNEXURE B : TRAFFIC IMPACT ASSESSMENT

13 ANNEXURE C : ACOUSTIC REPORT

14 ANNEXURE D : ENVIRONMENTAL REPORT

15 ANNEXURE E : SEPP 33 SCREENING ASSESSMENT

16 ANNEXURE – F – STORMWATER MANAGEMENT REPORT

17 ANNEXURE – G – RMS CORRESPONDENCE