



STATEMENT OF ENVIRONMENTAL EFFECTS

Replacement of Underground Tanks and
Associated Infrastructure at the Existing
7-Eleven
940 Pittwater Road, Dee Why NSW 2099

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Statement of Environmental Effects

FINAL / DRAFT

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Environmental Assessment

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In respect of: 7-Eleven Stores Pty Ltd

Application and Land Details

Applicant: 7-Eleven Stores Pty Ltd C/- KDC Pty Ltd
Applicant Address: 2/658 Church Street, Richmond, VIC 3121
Land to be developed: 940 Pittwater Road, Dee Why NSW 2099
Project: Replacement of Underground Tanks, LPG Dispenser and all associated Fuel and Vent Lines at Existing 7-Eleven

This Report has been prepared in accordance with the brief provided by our client 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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EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) is submitted to Northern Beaches Council (Council) in support of a Development Application (DA) for Underground Petroleum Storage System (UPSS) replacement at 940 Pittwater Road in Dee Why, NSW 2099.

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. To comply with the necessary requirements, the Dee Why 7-Eleven operation requires a full tank replacement procedure.

The proposed works will include removal of six (6) existing underground storage tanks (USTs) and their associated fuel and vent line, the installation of three (3) USTs and associated fuel lines, removal and relocation of the LPG dispenser, soil excavation testing and re-establishment of surfaces.

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.

The site is zoned R3 Medium Density Residential under the Warringah Local Environmental Plan (LEP 2011), where a service station is not a permissible use and therefore the proposed changes are being sought under existing use rights. The proposal, including remediation works, complies with the relevant provisions of the LEP 2011 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 Northern Beaches Council (Council) in support of a Development Application (DA) for the replacement of the Underground Petroleum Storage System (UPSS) at the existing 7-Eleven Store located at 940 Pittwater Road, Dee Why, NSW 2099 (the site). The DA seeks approval for:

- + Removal of 6 x existing underground fuel tanks and associated fuel lines;
- + Installation of 3 x new 60 kL underground fuel tanks and associated fuel lines;
- + Removal and reinstallation of the vent stack located at the Eastern boundary of the site to the south eastern corner of the site;
- + Removal and replacement of existing LPG Dispenser; and
- + Associated soil testing and removal and surface re-establishment works as detailed in the plan prepared by HAZKEM and appended to this SEE.

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 4.15(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 at Appendix A of this report.

1.1 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.

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2 SITE ANALYSIS

2.1 SITE LOCATION AND CONTEXT

The site is located on the Eastern side of Pittwater Road, Dee Why, which falls within the Northern Beaches Local Government Area (LGA).

Figure 1 – Site Aerial (Source: Six Maps)



Figure 2 – Cadastral Plan (Source: Six Maps)



2.2 SITE DESCRIPTION

The site is legally described as Lot 100 in Deposited Plan (DP) 628909. It contains approximately 1885m² of land and is predominantly concrete hardstand. Vehicular access is provided from Pittwater Road and Hawkesbury Avenue.

An existing 7-Eleven Service Station with a convenience store occupies the central portion of the L-shaped site. A fuel canopy covering three (3) double sided fuel bowsers is located within the centre of the site and runs parallel with Pittwater Road. There are seven (7) existing underground storage tanks (UST) that are active across the site.

The site is at a surveyed elevation of 10 metres Australian Height Datum with a downward slope from South-West to North-East. The closest natural water body is the Dee Why Lagoon, located approximately 250m from the site.

Photograph 1 depicts the site, as viewed from Pittwater Street.

Photograph 1 – View of the Site from Pittwater Road (Source: Google Maps)



2.3 SURROUNDING DEVELOPMENT

The site is located in a residential zone near a public recreation zone. Specifically, the surrounding uses include:

North: Three medium density residential properties, then bushland, with Dee Why oval being approximately 150 m north on the opposite side of Pittwater Road.

East: Medium density residential properties and then bushland, with Dee Why Lagoon being approximately 280 m east, followed by a strip of vegetation connecting to Dee Why Beach approximately 920 m east.

South: Hawkesbury Avenue followed by a commercial centre, with commercial properties along Pittwater Road and medium density residential properties beyond.

West: Pittwater Road then predominantly medium density residential properties mixed with a few commercial Properties. Dee Why Public School is located approximately 290 m west.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

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

3.1 DEMOLITION

As shown on the Demolition Plan, demolition works are proposed to include removal of:

- + 6 x existing underground fuel tanks and all associated fuel infrastructure
- + Existing vent stack located at the Eastern boundary of the site
- + Existing LPG Dispenser, DSL Vent and fuel fill points

The existing entrance and exit driveways, overhead fuel canopy and convenience store will remain unaffected by the proposed works.

3.2 BUILDING WORKS

The proposal involves the installation of:

- + 3 x New 60kL Underground Fuel Tanks (two of which are split to contain two compartments that hold 30kL) and associated fuel Systems
- + 1 x New Grated Drain Pit
- + 1 x New Spill Safe Fill Box with Rollover Bund
- + 1 x New Vent Stack
- + 1 x New LPG Dispenser and LPG Lines
- + Replacement of concrete hardstand and landscaped areas

3.3 REMEDIATION

The primary objective of the UPSS replacement is to install new tanks and lines, and at the same time to remove former fuel infrastructure and any significantly contaminated soil around the infrastructure. A further objective is to ensure that the site is suitable for continued use as a service station.

All remediation works will be in accordance with *State Environmental Planning Policy 55 –Remediation of Land*. Refer to the Remedial Action Plan (RAP) prepared by WSP Australia Pty Ltd (WSP) attached at Appendix B for further details.

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 Tank Capacity

Tank No	Product	Capacity (L)
T1	Unleaded petrol (ULP)	55,000
T2	Ethanol-amended petrol (E10)	25,000
T3	Ethanol-amended petrol (E10)	24,000
T4	Unleaded petrol (ULP)	26,000
T5	Diesel (DSL)	26,000
T6	Premium 98 (P98)	22,000
T7	Liquefied petroleum gas (LPG)	17,000
Total Storage Capacity		195,000

Table 2 – Proposed Tank Capacity

Tank No	Product	Capacity (L)
T1	Unleaded petrol (ULP)	60,000
T2	Ethanol-amended petrol (E10)	30,000
T3	Premium 95 (P95)	30,000
T4	Premium 98 (P98)	30,000
T5	Diesel (DSL)	30,000
T7 (existing to remain)	Liquefied petroleum gas (LPG)	17,000
Total Storage Capacity		197,000

The design and installation of the underground petroleum storage systems will comply with *AS 4897-2008*, 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, two of which are split to contain two compartments that hold 30kL.

3.5 VEHICULAR ACCESS AND PARKING

Vehicular access and general circulation will remain as per the existing situation. There are no changes proposed to vehicle ingress/egress via Pittwater Road and Hawkesbury Ave.

3.6 FUEL LOADING AND DELIVERIE

Tankers will continue to deliver fuel at the site by entering at Hawkesbury Avenue and exiting through to Pittwater Road, as per the existing situation. The new remote fill points for fuel are located to enable the same delivery tanker path of travel through the site. Refer to the Architectural Plans in Appendix A.

3.7 EROSION AND SEDIMENT CONTROL

The proposed works will be carried out in accordance with *Managing Urban Stormwater – Soils and Construction, March 2004*. Refer to drawing No. HAZ-2563-A05 for details.

3.8 CONSTRUCTION MANAGEMENT

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

4 RELEVANT LEGISLATION AND PLANNING CONTROLS

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

- + Environmental Planning and Assessment Act 1979;
- + Environmental planning and Assessment Regulation 2000
- + 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;
- + State Environmental Planning Policy (Coastal Management) 2018
- + Warringah Local Environmental Plan 2011; and
- + Warringah Development Control Plan 2011.

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&AAct 1979). Section 4.15(1) of the EP&A Act, 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within this SEE.

4.1.1 SECTION 4.65 – 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 site has been operating as an approved service station for numerous years and the use commenced before the commence date of the current LEP.

4.1.2 SECTION 4.66 – CONTINUANCE OF AND LIMITATION OF EXISTING USE

Section 4.66 (3) provides that an existing use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually used for a continuous period of 12 months, in which case the continuation of the use is not permitted.

The service station is currently operating on site and has not ceased to operate. Therefore, the continuation of the existing use right is established.

4.1.3 SECTION 4.67 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. *(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. *(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 proposed replacement of the tanks and associated fuel systems can be categorised as alterations to the existing service station.

The incorporated provisions, contained within the Regulations 2000, are addressed in Section 4.2 of this SEE.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

4.2.1 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 tank replacement works are considered appropriate under Clause 41.

4.2.2 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 alterations will be for the existing use and will be carried out on the land on which the use is carried out.

4.2.3 LAND AND ENVIRONMENT COURT PLANNING PRINCIPLE: EXISTING USE RIGHTS MERIT ASSESSMENT

The proposal is assessed against the four questions that usually arise in the assessment of existing use rights developments, below:

1) How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites? (Principle 1)

"While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessment. "

Response: The proposed alterations consist of the replacement of underground fuel tanks and as such will not change the scale, setback, bulk or height of the site. The proposal will not increase the approved height and floor space ratio on site. The proposed works simply aims to bring the service station systems up to standard and in turn, enhance the services provided. The proposal therefore satisfies this question.

2) What is the relevance of the building in which the existing use [sic] takes place? (Principle 2)

"Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision."

Response: As described above, the alterations take place within the existing building footprint with a majority of the works being underground, and therefore will not change the scale and bulk of the building. There is no change to the building floor area or envelope, thereby the proposal also does not trigger the requirement for additional parking. The proposal therefore satisfies this question.

3) What are the impacts on adjoining land? (Principle 3)

"The impact on adjoining land should be assessed for all development. It is true that where, for example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable."

Response: As stated above, the majority of the proposed works will be underground and will not be visible after the completion of works. Given the existing screening and attenuation measures, in addition to the nature of the works; the proposed alterations will not have an unreasonable impact on neighbours. The proposal therefore satisfies this question.

4) What is the internal amenity? (Principle 4)

"Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights have lower amenity than development generally."

Response: The proposed alterations uphold amenity and functionality within the site and for the adjoining lands. The proposal represents good design irrespective of being an existing use. The proposal therefore satisfies this question.

The proposed minor alterations to the service station are therefore consistent with the test established in the Land and Environment Court for merit assessment of existing uses.

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 Remediation Action Plan (RAP) has been prepared by WSP Australia Pty Ltd in relation to the proposed development and is included with this application. 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 details are provided within the RAP at Appendix B.

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-use 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 emphasised 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

Part 6, 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 Dee Why.

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 2 remediation works and therefore do not 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."*

Notwithstanding, 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 B. 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 and Preliminary Hazard Analysis (PHA) 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 C).

The assessment found that for a screening quantity of 36kL, the recommended minimum setback distance from the remote fill and dispensing points is 7.63m to site property boundaries or 10.05m for sensitive uses. Since the setback distances are less than this to the eastern boundary from a dispenser, further analysis was required to ascertain whether the site is hazardous or not, and therefore a PHA was also required. All other set back distances are met.

A PHA was carried out, and is included in the report at Appendix C. The PHA found societal risk from the development to be negligible.

Documentation within the SEPP 33 Report, including the required PHA, shows compliance with relevant guidelines. The equipment on site has an acceptable risk provided all relevant design factors as detailed within the SEPP 33 report and in the relevant standards are met.

4.5.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The State Environmental Planning Policy (Coastal Management) 2018 came into effect on 3 April 2018, replacing SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

In accordance with the Coastal Management interactive map published by the state government, the site has been identified within a coastal environment area as shown in Figure 3 below.

Figure 3 – Extract from SEPP Coastal Management Interactive Mapping



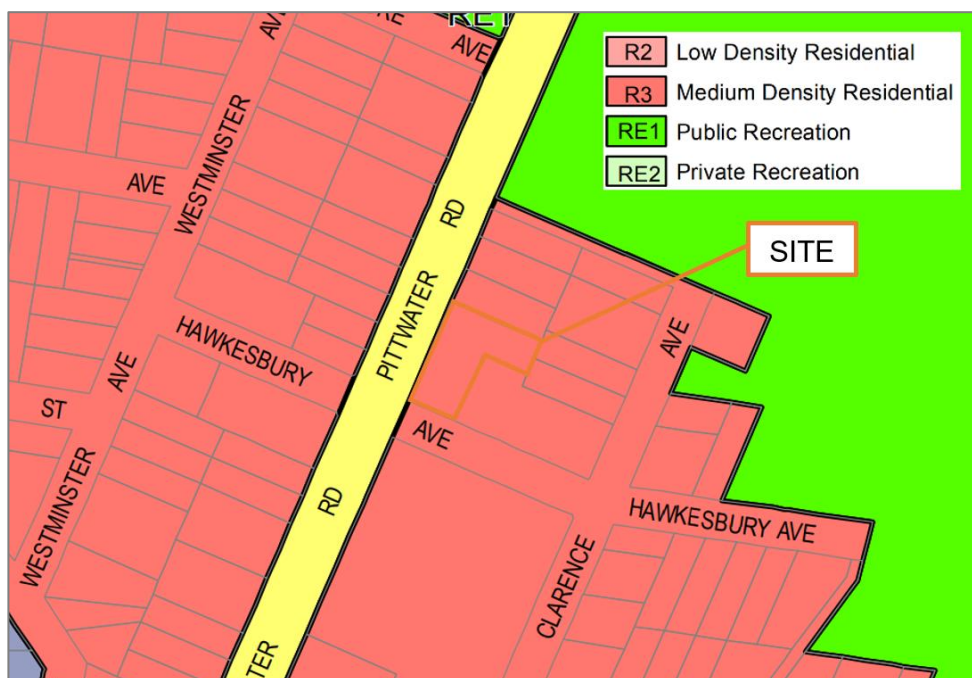
As per Clause 14 of the SEPP, development consent must not be granted for development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design. The proposed development will not impact access to the foreshore, result in overshadowing over the foreshore, nor will it result in impacts to the visual amenity of the locality.

4.6 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The proposal is subject to the provisions of the Warringah Local Environmental Plan (LEP) 2011 which applies to all land within the former Warringah LGA.

The site is zoned R3 Medium Density Residential under the provisions of the Warringah Local Environmental Plan 2011 (refer to Figure 4).

Figure 4 – Zoning Map Extract (LZN_010A)



Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Pond-based aquaculture; **Any development not specified in item 2 or 3**

The proposal involves changes to a **service station**

Definition: service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

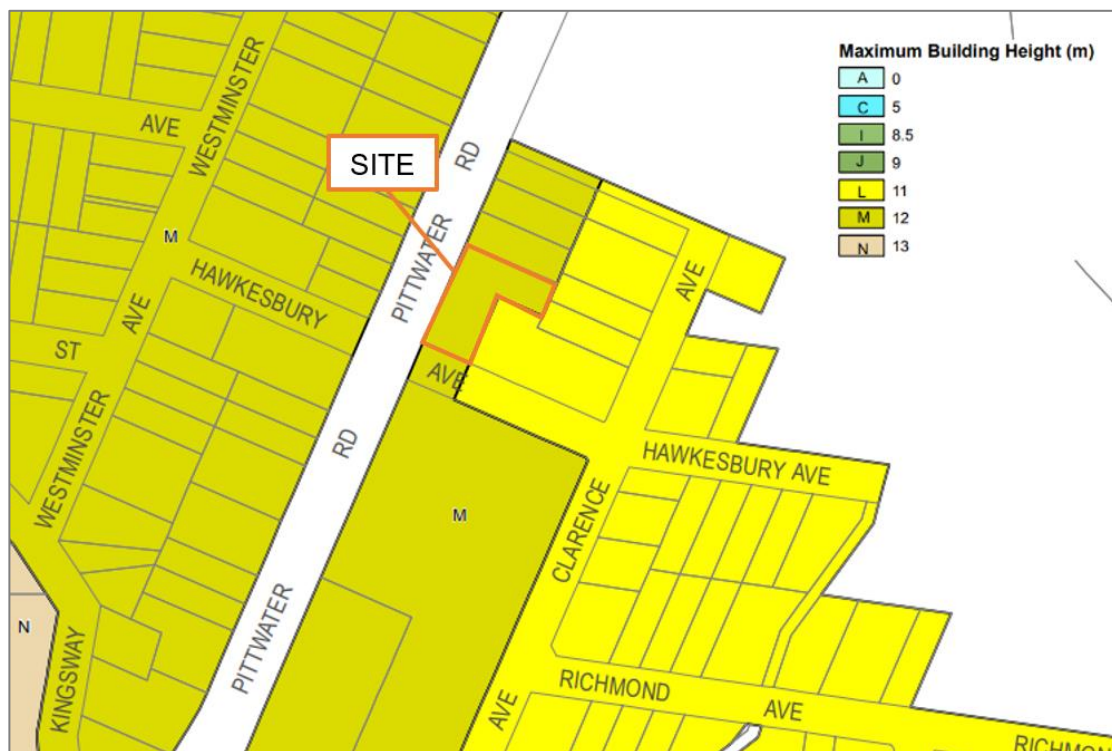
- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

Whilst a service station is not permissible in the R2 Low Density Residential zone, the proposal is permissible under the EP&A Act 1979 in accordance with the specific provisions for existing uses, as discussed in detail in Section 4.1 of this SEE. The proposed alterations are considered to satisfy the relevant objectives of the Zone by providing for the day to day needs of residents in the area.

Clause 4.2 Height of Buildings

The site is constrained by a maximum building height of 12m as shown in Figure 5.

Figure 5 – Height of Buildings Map Extract (LZN_010AB)

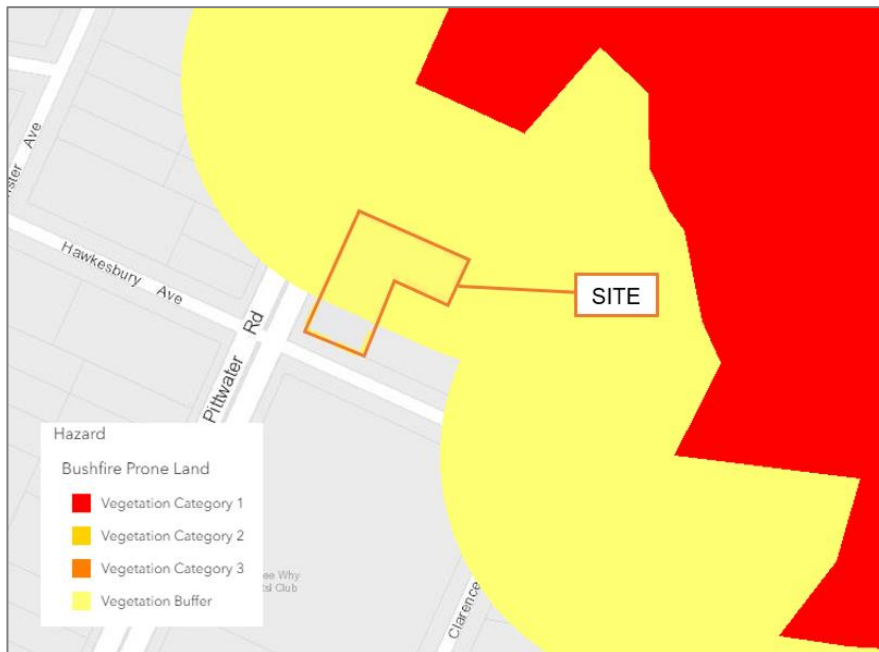


The proposal does not involve any changes to the height of the existing building on the site and therefore continues to comply with this clause of the LEP 2011.

Clause 5.11 Bushfire Hazard Reduction

The site has been identified as being a Vegetation Buffer zone as shown in Figure 6.

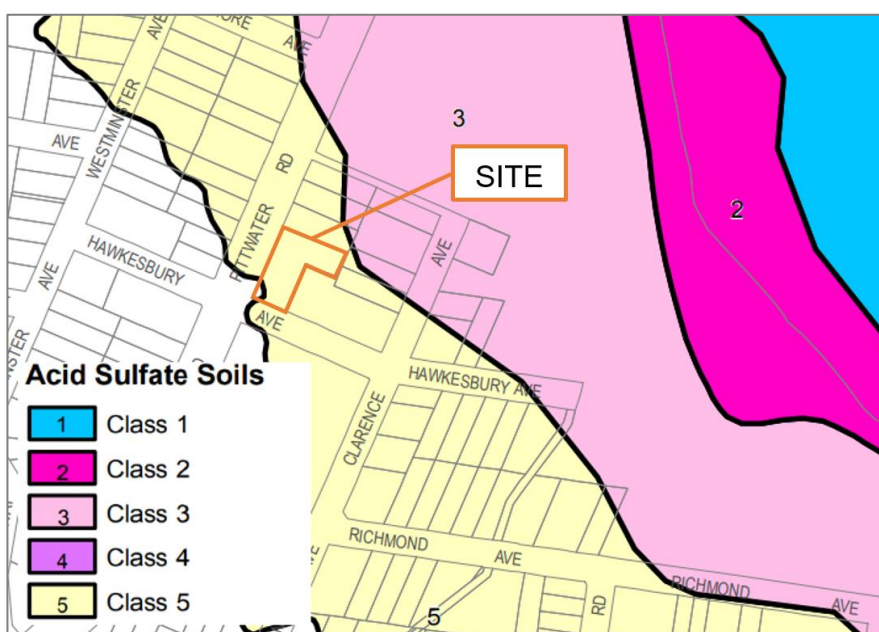
Figure 6 – Bushfire Prone Map Extract (Source: ePlanning Portal)



A Bushfire Assessment Report (BAR) has been prepared by BCS Pty Ltd dated 21 January 2020 for the proposed works at the site. It has been noted that this proposal falls outside the requirements for specific bushfire safety construction standards as outlined in the National Construction Code (NCC) and requires only that the general fire safety provisions of the NCC be incorporated. The BAR outlines the elements of bushfire attack and found that the development satisfies the aim and objectives of Planning for Bush Fire Protection. Please Refer to the Bushfire Assessment Report at Appendix D for Details.

Clause 6.1 Acid Sulphate Soils

Figure 7 – Acid Sulphate Soils Map (ASS_010A)



The site has been identified as containing Class 5 Acid Sulphate soils as shown in Figure 7. In accordance with this Clause, development consent is required for any works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid Sulfate soils and cause environmental damage.*
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*
- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

The proposed UPSS replacement is not anticipated to include a lowering of the groundwater table, and with groundwater standing water levels at 5 m below surface, an acid sulfate soils management plan is not considered to be required for the works.

Clause 6.2 Earthworks

Under this clause development consent is required for the earthworks. 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 (where possible) to fill the site following installation of the new tanks.

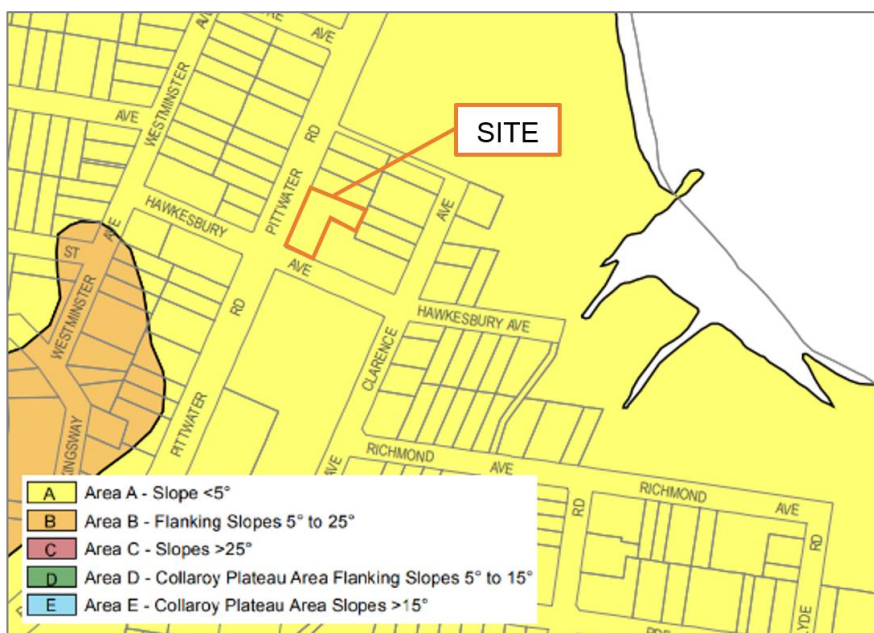
Suitable erosion and sediment control devices are to be installed on site prior to commencement of works. Refer to the Erosion and Sediment Control Plan HAZ-2563-A05 within Appendix A for further detail.

Clause 6.4 Development on Sloping Land

The proposed site has been identified as 'Area A' on the Landslip Risk Map as shown in Figure 8. Under this clause:

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
 - (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
 - (c) the development will not impact on or affect the existing subsurface flow conditions.*

Figure 8 – Landslip Risk Map (LSR_010A)



The proposal involves replacement of the existing tanks on the site and will not increase landslide risk in relation to property and life. There will be no significant changes to the stormwater discharge on site other than the installation of a new rollover bund with a grated pit, which is considered to improve the existing site drainage. Refer to the Site Drainage Plan under Architectural Plans provided at Appendix A.

4.7 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The Warringah Development Control Plan (DCP) 2011 provides further detail to support the Warringah LEP 2011. The aim of this DCP is to facilitate development that gives effect to the aims and objectives of the land zones under the Warringah LEP.

The Warringah DCP 2011 contains various standards, policies and guidelines related to development for the Warringah Local Government Area.

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

- + Part C Siting Factors
- + Part D Design
- + Part E the Natural Environment

The proposal is generally compliant with the above. Refer to Appendix E 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 4.15 (1) of the EP&A Act 1979 that are relevant to the proposal.

5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS

The proposed development generally complies with or is consistent with all relevant planning instruments and controls set out in Section 4 of this report, in that:

- + The works are consistent with the relevant clauses of the Warringah LEP 2011;
- + The proposal is compliant with the relevant sections of the Warringah DCP 2011; and
- + The proposal is compliant with all other EPI's applicable to the site and development.

5.2 TRAFFIC, PARKING AND ACCESS

Traffic

The remediation works may slightly increase vehicle traffic in the vicinity of the site in the short-term during the tank replacement works. However, the construction vehicle movements will occur in replacement of regular customer traffic movements to and from the site for the duration of the works. Overall, the impact during construction is considered negligible.

Upon completion of the works, fuel deliveries and deliveries to the convenience store will continue to occur during off-peak operational hours to avoid conflict with peak trading hours, as per the existing operation. This type of arrangement is employed by many 7-Eleven operations throughout the country and occurs without traffic conflict or incident.

Parking

There are no proposed changes to the existing parking considerations on the site.

Access

There are no proposed changes to the existing ingress/egress driveways on Pittwater Road or Hawkesbury Avenue.

5.3 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.

5.4 CONSTRUCTION IMPACTS

5.4.1 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 B.

5.4.2 ODOUR

The remediation works may result in 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.

5.4.3 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.

5.4.4 LANDSCAPING

All landscaped areas affected during site works will be made good on completion.

5.4.5 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.

5.4.6 STORMWATER MANAGEMENT

There will be no significant changes to the stormwater discharge on site other than the installation of a new rollover bund and pit to be located around the fuel fill point. All other drainage systems, including the existing SPEL system will remain unchanged on site. Refer to the Site Drainage Plan under Architectural Plans provided at Appendix A.

5.5 PUBLIC INTEREST

The proposal is considered to be in the public interest as it will upgrade the existing 7-Eleven operation consistent with current legislative standards that aim to improve the standard of service stations across the country.

6 CONCLUSION

This development application proposes to replace six (6) existing USTs with three (3) USTs, replace the associated fuel lines, reinstall the fill points and vent stack and relocate an existing LPG Dispenser on the site. The proposed is consistent with the requirements 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 proposal does not seek to intensify the existing use but rather improve environmental and customer safety and functionality of 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.

This SEE has assessed the potential impacts arising from the proposal on surrounding properties including traffic, parking 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.

As discussed in Section 4.3.1 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, given the site will continue to be used as a service station.

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.

Yours sincerely



Tanya Rodrigues
Graduate Planner
KDC Pty Ltd

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APPENDIX A – ARCHITECTURAL PLANS

Hazkem Pty Ltd

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APPENDIX B – REMEDIATION ACTION PLAN

WSP Global Inc.

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APPENDIX C – SEPP 33 AND PHA REPORT

Hazkem Pty Ltd

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APPENDIX D – BUSHFIRE ASSESSMENT REPORT

Bushfire Consulting Services Pty Ltd.

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APPENDIX E – DCP COMPLIANCE TABLE

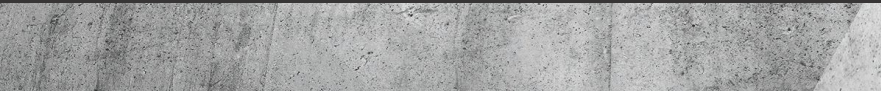
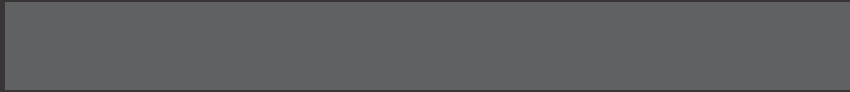
KDC Pty Ltd

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APPENDIX F – WASTE MANAGEMENT PLAN

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