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**3 November 2023**

Attention: Tuong Vi Doan  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

**RE: Public Submission to SSD-52947710 - 35 Waterloo Road, Macquarie Park**

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## **1.0 Introduction**

This submission has been prepared by 7-Eleven Stores Pty Ltd (7-Eleven) in response to the Notice of Exhibition Letter 5 October 2023 in relation to the proposed Build-to-Rent development located at 35 Waterloo Road, Macquarie Park with reference SSD-52947710.

7-Eleven has reviewed the available documents given the potential for the development to impact the existing and future development opportunities and particular, but not solely, the impact on the current service station on the adjoining site to the development proposal site.

7-Eleven has concerns regarding the impact of the development on the operational fuel infrastructure during construction and land use conflict imposing unnecessary additional requirements for future approvals for the service station site.

## **2.0 Site Overview**

This submission relates to the proposed development site located at 35 Waterloo Road, Macquarie Park NSW 2113 (Lot 5 DP1249920). The property currently tenanted by 7-Eleven is located at 404 Lane Cove Road, Macquarie Park NSW 2113 (Lot 7 DP851788), see **Figure 1**.

The 7-Eleven site currently contains a service station development including convenience store, workshop space, hand car wash space, fuel forecourt area supported by fuel canopy and six (6) fuel dispensers, associated fuel infrastructure including three (3) underground fuel tanks and an above ground LPG tank, car parking, and other minor elements. The site currently holds separated entry and exit crossovers to Lane Cove Road.

**Figure 1**      **Location Plan (Source: Sixmaps)**



### 3.0 Planning Considerations

The proposed development includes the development of Building A on the service stations south western and north western boundaries while Building C is situated at the service stations north eastern boundary.

Buildings A and C include the following elements:

Building A:

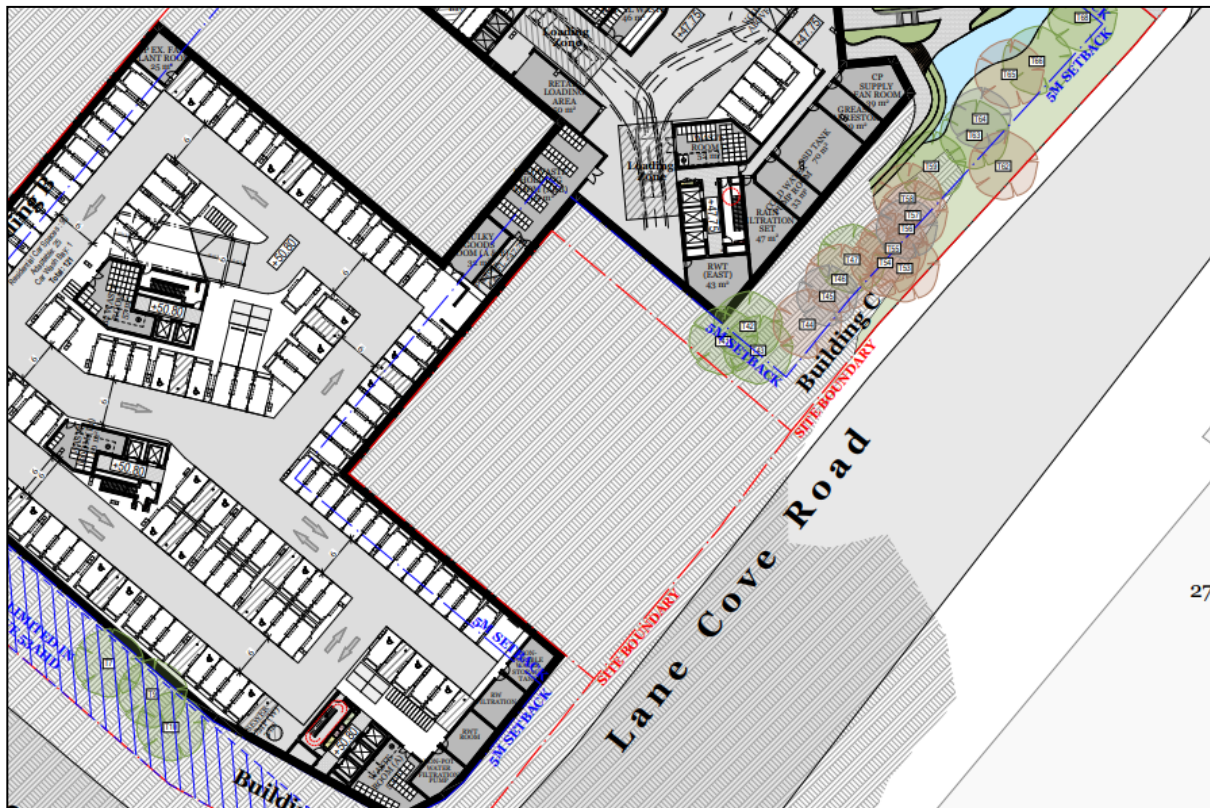
- A 20-storey building with a building height of 63.8m and gross floor area of 9,954m<sup>2</sup>, consisting of:
  - 900m<sup>2</sup> of non-residential GFA at the ground level, comprising four commercial premises;
  - 8,502m<sup>2</sup> of residential GFA above, comprising a total of 105 dwellings; and
  - 552m<sup>2</sup> of internal amenity spaces distributed throughout the building.

Building C:

- An 18-storey building with a building height of 64.7m and gross floor area of 10,489m<sup>2</sup>, consisting of:
  - 723m<sup>2</sup> of non-residential GFA at the ground level, comprising four retail and commercial premises;
  - 9,361m<sup>2</sup> of residential GFA above, comprising a total of 133 dwellings; and
  - 405m<sup>2</sup> of internal amenity spaces distributed throughout the building.

However, all buildings are situated atop an extensive basement (2 levels) and lower ground car parking area which provides zero setback to the existing service stations north west and south west boundaries with a 5m setback to the service stations north eastern boundary. An extract of the proposed plan is provided at **Figure 2** demonstrating the proposed setbacks enveloping the service station site.

**Figure 2**      **Setback to Service Station Site**



### 3.1 Geotechnical

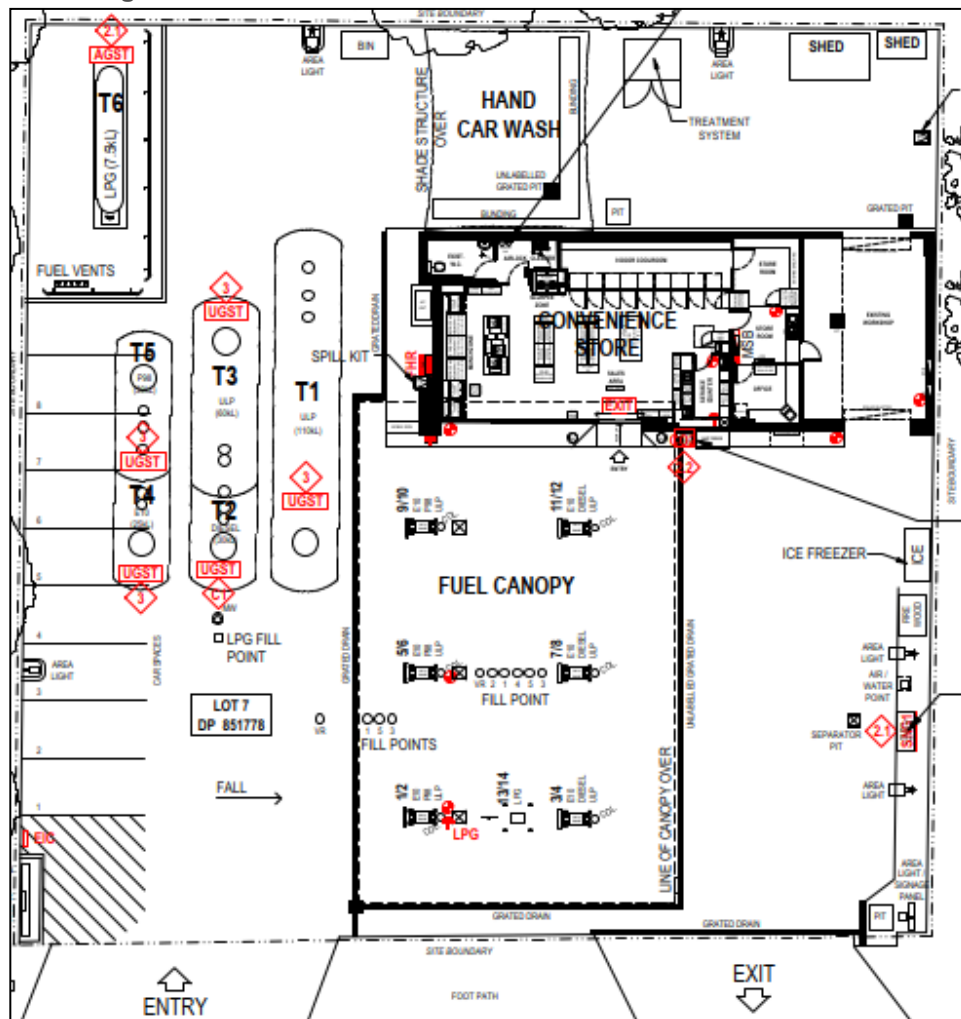
Noting the proposed development involves significant excavation to establish a basement and lower ground car park area, concern is raised regarding geotechnical stability along the service stations north western and south western boundaries.

Of note, the service station includes the following fuel infrastructure located in proximity to the north western and south western boundaries:

- 1 x 7.5kL aboveground LPG tank;
- 1 x 110kL underground fuel tank;
- 1 x 90kL split compartment underground fuel tank;
- 1 x 55kL split compartment underground fuel tank; and
- Other associated elements including fuel lines and fuel vents.

An extract of the existing Dangerous Goods Plan for the service station showing the current fuel infrastructure is provided at **Figure 3**.

**Figure 3 Dangerous Goods Plan Extract**



A review of setbacks to fuel infrastructure shows the fuel vents are approximately 1.4m from the boundary while the LPG tank (aboveground) is approximately 3.1m. The nearest underground fuel tank is approximately 4.2m from the boundary.

Noting the site is an operational service station the potential impacts of the proposed works on the stability of the service station site and therein the in situ fuel infrastructure needs to be considered as part of the assessment to ensure appropriate mitigation and management measures are implemented as part of the construction program.

### 3.2 Land Use Conflict and Hazards

The proposed development includes the establishment of a large number of apartment dwellings in proximity to the service station site noting Building A will establish 105 dwellings while Building C provides a further 133 dwellings. Buildings B and D also establish dwellings within the adjoining site.

7-Eleven, as part of its proactive approach to site maintenance and general improvements, expect to undertake development at the service station site. Noting the presence of fuel infrastructure, the service station is subject to the provisions of *Chapter 3 Hazardous and offensive development* of the *State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards 2021)* and the applicable guidelines such as *Applying SEPP 33 (2011)*.

The establishment of high-density residential living adjoining a service station site imposes unreasonable requirements for the service station in terms of compliance with *SEPP Resilience and Hazards 2021*. To achieve compliance with the high densities of residents surrounding the site may require quantitative modelling of potential hazardous incidents incurring significant cost for a broad range of development scopes including those which are relatively minor including simple relocation of refuelling points.

Service Stations, as part of ongoing maintenance and upkeep, require replacement of underground fuel tanks and associated infrastructure per manufacturer guidelines and NSW EPA requirements. With a requirement of obtaining development consent for a wide range of fuel system maintenance tasks to meet regulatory requirements the imposition of higher level assessment requirements on the long operating service station by the adjoining development is considered unreasonable.

7-Eleven requires assurance that, when obtaining necessary approvals for the service station site, that higher level triggers for assessment to address *SEPP Resilience and Hazards 2021* are not imposed by the subject development noting appropriate consideration is undertaken as part of the SSD assessment.

It is acknowledged that, due to how *Applying SEPP 33 (2011)* operates, that consideration of hazardous development is not required for the subject development as it does not include any potentially hazardous land uses however the imposition of requirements of existing long operating development is a concern which requires a rectification and assurance moving forward.

### 3.3 Amenity

A concern highlighted in this submission pertains to the potential conflicts in land usage between residential properties and the adjacent service station operations within the vicinity. These conflicts could arise from various sources, including noise, vibrations, odours, parking, and the movement of vehicles, particularly trucks, in the area.

It is important to note that the current service station operations are anticipated to have a more pronounced impact on the proposed development due to the inherent characteristics of such activities. For instance, fuel infrastructure maintenance and servicing, as well as refuelling light vehicles and refuelling the tank farm and existing signage can lead to noise and light disturbances caused by association.

Historically, this impact has been effectively managed through a well-thought-out strategic plan that established a clear demarcation between the existing commercial and service station land uses. 7-Eleven is apprehensive that any future development on their property could suffer unwarranted disruptions due to the presence of residential developments, potentially upsetting the existing land use planning framework in the area.

Furthermore, while the proposed development complies with Clause 6.9 of the Ryde Local Environmental Plan 2014, it is noteworthy that there is a substantial increase of approximately 150% in comparison to the current structures on the site. Presently, the business park consists of several buildings, as observed through Google Street View, with an upper limit of approximately 4-5 stories.

The proposed development has resulted in notable overshadowing of the existing service station, affecting it in the following ways:

- Diminished visibility for the existing service station.
- Reduced natural light reaching the existing service station.
- Diminished effectiveness of the signage at the existing service station.

- A decrease in the attractiveness of the existing service station to potential customers due to the overshadowing presence of the proposed development in the streetscape.
- An adverse impact on the business due to the reduced visibility of the existing service station.

## 4.0 Conclusion

This submission is provided in response to the proposed development at 35 Waterloo Road, Macquarie Park. 7-Eleven does not object to the proposed Development Application however requires due consideration of geotechnical stability, amenity impact and therein construction impacts on fuel infrastructure along with consideration of impacts on future development of the service station due to land use conflict and requirements under SEPP Resilience and Hazards 2021. 7-Eleven requests further consideration be given to the interaction between the proposed development and the service station site noting potential impacts on future development potential given the requirement to obtain relevant approvals for routine maintenance tasks to fuel infrastructure.

Regards,  
**7-Eleven Stores Pty Ltd**



mrb@7eleven.com.au

***Appendix A - Consideration of LPG Infrastructure Letter***



**Action Installation & Services Pty Ltd**

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Petrochemical Demolition Licence No. AD210675

***Consideration of LPG Infrastructure Letter***

1<sup>st</sup> November 2023

RE: proposed development at 35 Waterloo Rd, Macquarie Park NSW 2113  
Surrounding 7-Eleven service station, 400 Lane Cove Rd, North Ryde NSW 2113

*To Whom It May Concern,*

Action Installation & Services are a company which provides Fuel infrastructure upgrades and Maintenance works to 7-Eleven Service Stations across NSW.

During the new building works proposed surrounding 7-Eleven Lane Cove (400 Lane Cove Rd, North Ryde NSW 2113), a duly qualified person needs to assess the impact the works may have on the LPG infrastructure on site. Particularly:

Excavation/shoring works near the existing 7-Eleven LPG Infrastructure on site  
Surrounding ground loads/ undermining of the existing 7.5KL above ground LPG Pressure Vessel  
Ensuring a Hot Work / Hazardous area radius surrounding the LPG Vessel is maintained at all times.

Trusting this letter meets your requirements.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Michael Mintilakis'.

Michael Mintilakis  
Director