

June 18, 2024

Attention: General Manager

Yass Valley Council
209 Comur Street
Yass NSW 2582

SLR Project No.: 630.0-31691.00004

Client Reference No.: AU.22592

RE: Development Application

**Underground Petroleum Storage System (UPSS) Replacement and Upgrade Works
228 Comur Street, Yass, NSW 2582**

1.0 Introduction

SLR Consulting Australia Pty Ltd (SLR) acts on behalf of its client, Ampol Australia Petroleum Pty Limited (Ampol), in preparing this supporting Statement of Environmental Effects (SEE) for a Development Application (DA) for proposed upgrade works at the existing service station located at 228 Comur Street, Yass, NSW 2582.

This SEE describes the site, its environs, the proposed works 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 appended to this letter.

2.0 The Site and Surrounds

The site is commonly known as 228 Comur Street, Yass, is legally identified as Lots 1 & 2 DP997849 and has a site area of approximately 4,603m². The site is within the suburb of Yass in the Yass Valley Council Local Government Area (LGA). The site is located on land zoned E1: Local Centre pursuant to the Yass Valley Local Environmental (LEP) 2013.

The site is currently occupied by the existing Ampol service station in the western portion of the site including a convenience store, fuel forecourt (with canopy), signage and ancillary services including LPG and firewood supplies and car parking areas. The service station has ingress and egress via two vehicle crossovers from Comur Street. The remainder (i.e. eastern) portion of the site is generally undeveloped and contains some larger vegetation.

The surrounding area is predominantly characterised by other commercial activities including an 'Outdoor Power Centre' to the southeast and a real estate agency to the northwest. There is an Aldi supermarket and vacant retail shops on the western side of Comur Street. The site and surrounds are shown in **Figures 1 and 2**.

Figure 1 Aerial Plan (Source: Six Maps)



Figure 2 Cadastral Plan (Source: Six Maps)



3.0 Proposal

The following works form part of the proposal:

- Removal of three (3) Underground Petroleum Storage System (UPSS) tanks;
- Removal of (1) aboveground storage tank;
- Installation of two (2) 70kL compartmentalised UPSS tank;
- Installation of an underground oil-water separator (SPEL) which will capture, treat and discharge the site's stormwater into Councils stormwater network. This approach has been discussed with and agreed, in principle, with Yass Valley Council;
- Relocating the remote fill points to under the existing canopy. The canopy may need to be replaced or raised to enable sufficient clearance from tanker trucks;
- Replacement of fuel dispensers, hoses, and pipework;
- Installation of new vent pipes and bollards around the fuel dispensers;
- Resurfacing the fuel forecourt and hard stand areas post UPSS tank installation; and
- Other minor works as identified on the Architectural Plans at **Appendix A**.

There are no works proposed to the existing convenience store, fuel canopy, or approved signage. There are also no changes to operational management, including the trading hours.

The existing UPSS tanks shown in the Architectural Plans at **Appendix A** are to remain in situ as their removal may compromise existing buildings on the site.

3.1 Demolition/Tank Removal

The proposal seeks to remove and replace three underground fuel storage tanks and fuel dispensers in accordance with the Architectural Plans at **Appendix A**. Tank removal will comply with Australian Standard *AS4976-2008 - The removal and disposal of underground petroleum storage tanks*. The existing car parking and convenience store are not subject to demolition and removal works.

3.2 Remediation

The primary objective of the proposal is to upgrade the existing fuel infrastructure of the premises by installing new tanks, lines, and associated infrastructure. In accordance with tank decommissioning standards, soil testing and validation works are to be undertaken to comply with NSW Environmental Protection Authority (EPA) guidelines, with any discovered contamination to be remediated.

If land contamination is identified, the 'duty to notify' provisions of the *Contaminated Land Management Act 1997* will be considered and addressed as required. A decommissioning validation report will be provided to Council within 60 days of tank decommissioning. The report will be prepared by a duly qualified person with experience describing the processes used to decommission the system, assessing the extent of land contamination, and describing any remediation work carried out.



Any remediation works will be performed in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 (refer to **Section 4.6**) and the site-specific Remediation Action Plan (refer to **Appendix C**).

3.3 Fuel Storage Details

There are currently three operational UPSS and one AG tank in operation on the site, all of which are designated for removal. The new UPSS comprises two fiberglass double wall 60kL tanks that will contain the following products:

- Tank 1 with three compartments containing:
 - 15kL Premium 98
 - 25kL Premium 95
 - 20kL E10
- Tank 2 with one compartment containing:
 - 60kL Premium Diesel

The exact compartment size and type of fuel may be subject to change. The capacities of the proposed tanks however will remain unchanged.

The design and installation of the UPSS will comply with *AS 4897-2008 The Design Installation and Operation of underground petroleum storage systems* and with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2019* and *Protection of the Environment Operations (Clean Air) Regulation 2021*.

3.4 Vehicular Access and Parking

Vehicular access, general circulation and onsite parking will generally be unaltered by the proposal (albeit repaired and resealed upon completion of work). Safe and efficient tanker tracking is maintained as demonstrated in the Architectural Plans in **Appendix A**.

None of the works proposed are anticipated to change the efficiency and safety of general vehicular access, parking, and circulation onsite.

3.5 Erosion and Sediment Control

The proposed works will be conducted in accordance with *Managing Urban Stormwater – Soils and Construction, March 2004*. Refer to the Architectural Plans at **Appendix A** for the erosion and sediment controls.

3.6 Construction Management

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



4.0 Relevant Legislation and Planning Controls

The following Environmental Planning Instruments (EPIs) and Development Control Plans (DCPs) are relevant to the proposed development:

- *Environmental Planning and Assessment Act 1979*;
- *Contaminated Land Management Act 1997*;
- *Protection of the Environment Operations (Underground Petroleum Storage Systems Regulations) 2019*;
- *Protection of the Environment Operations (Clean Air) Regulations 2021*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- *Yass Valley Local Environmental Plan 2013*.

4.1 Environmental Planning and Assessment Act 1979

This proposal is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). 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.

4.2 Contaminated Land Management Act 1997

The Contaminated Land Management Act 1997 establishes a process for investigating and remediating land which the Environmental Protection Authority considers to be contaminated significantly enough to require regulation under Division 2 of Part 3.

A Remediation Action Plan (RAP) has been prepared by WSP in the instance that contamination is discovered (refer to **Appendix C**). The RAP specifies that hydrocarbon impacted, or otherwise contaminated, soil in the vicinity of the fuel infrastructure is to be removed. In these instances, refer to Section 9.13 of the RAP for contingency management protocols.

Some excavated soil may be suitable for re-use onsite if the contaminant concentrations are less than the site assessment criteria. For offsite disposal, the soils results will be compared to guideline values established by the Waste Classification Guidelines (NSW DECCW, 2009) and disposed of accordingly.

It is emphasised that Ampol has engaged qualified, independent environmental consultants to undertake validation during these works in accordance with relevant legislation and the site-specific RAP. Given the site will continue to be used for petroleum activities, 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 provision under the UPSS Regulation which would incur the requirement of a SAS.



4.3 Protection of The Environment Operations (Underground Petroleum Storage Systems) Regulation 2019

The proposed works will be conducted in accordance with Division 1 Installation of new storage systems and undertaken by a suitably qualified consultant. The system will include the equipment specified by *AS 4897–2008: The design, installation and operation of underground petroleum storage systems*, including a leak detection system in accordance with Part 3 of this Regulation.

Part 4 – Use of Regulation requires a fuel system operation plan to be in place prior to the use of a storage system containing petroleum. A fuel system operation plan will be prepared in compliance with the Environmental Protection Authority (EPA) guidelines. It will be reviewed and updated as required and a copy will remain onsite at all times.

Furthermore, a UPSS validation report shall be prepared once the works are complete and subsequently submitted to Council. The purpose of the validation report is to document the procedures and results of the UPSS removal, soil excavation and validation activities and to illustrate that the site is suitable for continued use as a service station. The validation report will also include documentation for all soil disposed off-site and material imported to the site.

4.4 Protection of the Environmental Operations (Clean Air) Regulation 2022

The upgrades to the tanks and bowsers will comply with the necessary requirements prescribed under 'Division 2 Petrol service stations, Subdivision 2 Petrol dispensers – Stage two vapour recovery' of this Regulation.

4.5 State Environmental Planning Policy (Resilience and Hazards) 2021

4.5.1 Chapter 3 Hazardous and Offensive Development

Chapter 3 aims to ensure that in considering any application regarding potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions which reduce or minimise any adverse impact.

A Preliminary Risk Screening Report conducted by SLR Consulting (refer to **Appendix F**) has found the proposal to comply with State Environmental Planning Policy (Resilience and Hazards) 2021 requirements. The storage of petroleum is considered a *potentially hazardous* industry. The screenings for storage of dangerous goods indicate that the development would not be classified as a hazardous or offensive industry. Additionally, as the existing and continued use of the site are the same, it is not considered to pose an increased risk to the surrounding locality.



4.5.2 Chapter 4 Remediation of Land

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Specifically, Clause 4.7 (Remediation work permissible) states:

- (1) A person may carry out a remediation work in accordance with this Chapter, despite any provision to the contrary in an environmental planning instrument, except as provided by section 4.16(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.*
- (4) A person who carries out a remediation work must ensure that section 4.13 (if it applies) and sections 4.14 and 4.15 are complied with in relation to the work.*

In accordance with the criteria provided in Clause 4.8 of this SEPP, the proposed remediation works fall into Category 2 remediation works and therefore do not require consent from Council. Notwithstanding, specific details relating to remediation works have been addressed within the RAP at **Appendix C**. All proposed works shall be carried out in accordance with the applicable guidelines, and appropriate notice shall be given, in accordance with this SEPP.

4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.6.1 Clause 2.118 Development with Frontage to Classified Road

The objectives of Clause 2.118 of SEPP Transport and Infrastructure are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

The proposal will have no impact on the ongoing operation and function of Comur Street. As stated in **Section 3.0**, existing site access arrangements will remain the same. Furthermore, the proposal will not increase the generation of traffic, noise, and vehicular emissions incurred onsite.

4.6.2 Clause 2.122 Traffic Generating Development

In accordance with this clause, the continued use of the site for a *service station without heavy vehicle refuelling or maintenance services* on a classified road requires referral to TfNSW, under Schedule 3, should the proposal constitute an enlargement or extension of the existing premises – being an alteration or addition of the relevant size or capacity.



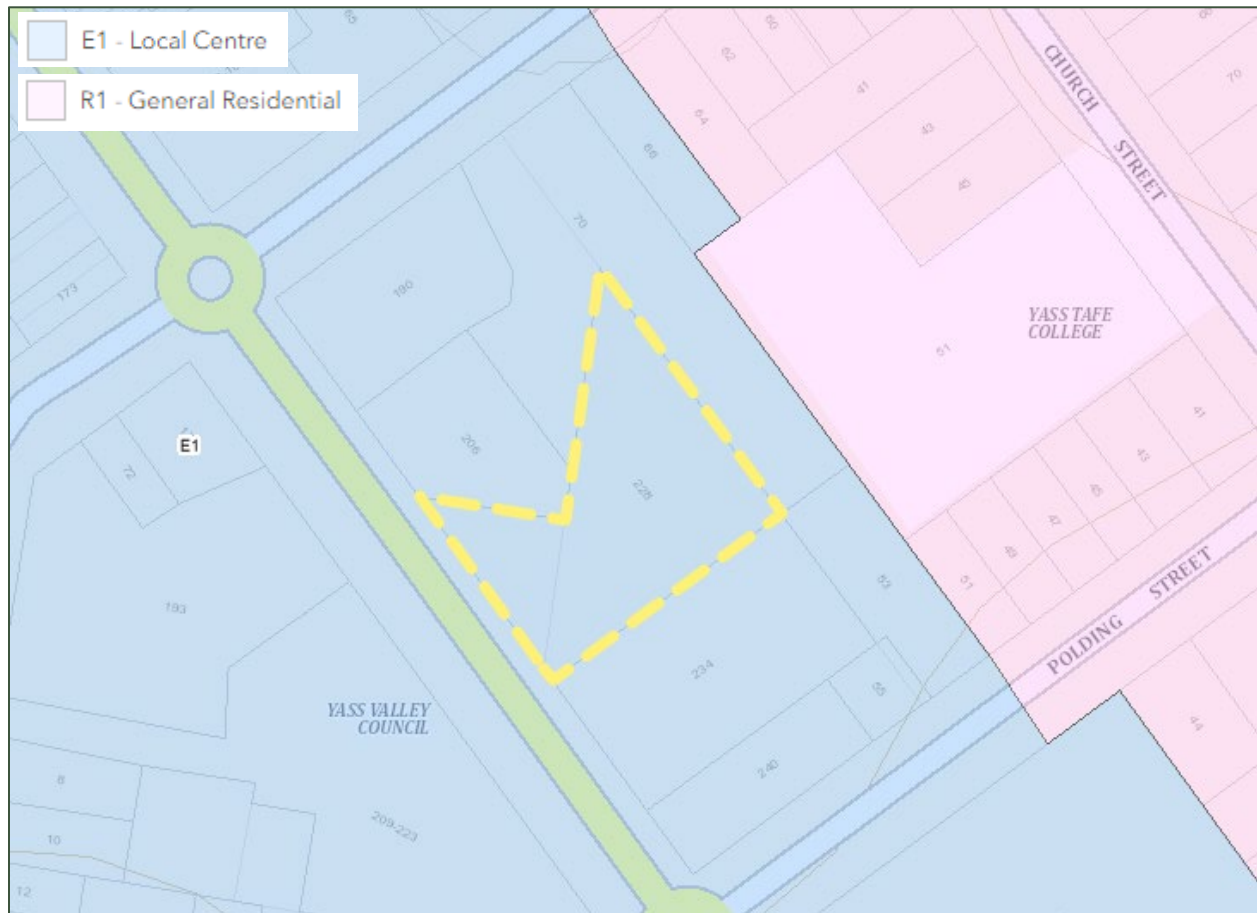
As detailed in **Section 3.0**, the proposal does not constitute an enlargement or intensification of the existing use, and therefore, referral to TfNSW is not required.

4.7 Yass Valley Local Environmental Plan 2013

4.7.1 Land Zoning and Permissibility

Pursuant to the Yass Valley Local Environmental Plan (LEP) 2013, the site is zoned E1 Local Centre. Refer to **Figure 3**.

Figure 3 Land Zoning Map Extract (Source: NSW Planning Portal Spatial Viewer)



The objectives and land use table of the E1 Local Centre zone are as follows:

Zone E1 Local Centre

1 Objectives of zone

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*



- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

2 Permitted without consent

Building identification signs; Environmental protection works; Home-based child care; Home businesses; Home occupations

3 Permitted with consent

*Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; **Service stations**¹; Serviced apartments; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4*

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

¹ Author emphasis added



Comment: The use of a service station is 'permitted with consent' in the E1 Local Centre zone.

4.7.2 Relevant Clauses

Clause 4.3 Height of Buildings

The site has a maximum prescribed height of 12m under Clause 4.3. All on-site buildings will remain under 12m in height, including the canopy in the event it needs to be raised.

Clause 4.4 Floor Space Ratio

The site has a prescribed floor space limit of 1:1 under Clause 4.4. The proposal does not involve any new buildings or increasing the gross floor of any buildings onsite.

Clause 5.10 Heritage Conservation

The site is located a Heritage Conservation Area (General) and therefore this clause applies. Clause 5.10(2) states that development consent is required for any of the following (**bold** indicating author emphasis):

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—



(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

The proposal does not involve demolishing, altering the external appearance or erecting any new buildings. In addition, the works area will be fully reinstated to a near pre-works condition (works are predominantly underground) to ensure the proposal does not detract from heritage conservation values of the surrounding environment.

Clause 6.1 Earthworks

The objective of this clause is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal necessitates excavation and subsequent filling following the removal and replacement of the UPSS tanks and associated fuel infrastructure. The proposed earthworks will be managed in accordance with Remediation Action Plan (**Appendix C**) to ensure any adverse effects are mitigated. Otherwise, the earthworks do not alter the ground levels onsite and are therefore considered to not affect any environmental functions and processes.

4.8 Yass Valley Development Control Plan 2024

The Yass Valley Development Control Plan has not yet been adopted by Council and therefore is not operative.

5.0 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 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 4.0** of this report, in that:

- The proposal is generally compliant with the relevant sections of the Yass Valley LEP 2013; and,
- The proposal is compliant with all other EPIs and standards applicable to the site and proposal.

5.2 Social and Economic Impacts

The proposal will allow the service station to continue delivering social and economic benefits to the local area by ensuring compliance with current standards. As existing and proposed, the operation will generate employment opportunities and provide a convenient, accessible fuel and convenience store to satisfy the demands of local residents, workers, motorists. Economic benefits will result from construction activities with flow on multiplier effects.



5.3 Construction Impacts

5.3.1 Noise

Increased noise levels may result from the use of on-site and off-site mechanical equipment during the course of the works. Noise emissions will be temporary in nature and use of equipment will be managed in accordance with the relevant NSW Construction Noise Guidelines.

No changes to operational noise impacts are anticipated.

5.3.2 Odour

When the excavation of potentially contaminated soil is carried out, consideration will be given to prevailing weather conditions. If distinct odours are detected, site works will cease until the odours can be reduced or controlled to acceptable levels.

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; and
- Any contaminated soil loaded onto trucks for off-site disposal to be securely covered.

5.3.3 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 surrounding roads.

5.3.4 Landscaping

Any landscaped areas inadvertently affected during site works will be reinstated or repaired upon completion, noting that a small permanent reduction is proposed to enable the installation of the new tank vent pipes. This reduction will not result in any decrease in on-site or offsite amenity values.

5.4 Safety and Security

The proposal will have no impact on the existing safety and security of the Ampol operation. Details associated with safety measures during construction works will be addressed within a CMP to be provided with details for the Construction Certificate.



5.5 Stormwater Management

The proposal involves changes to the site's stormwater management including the installation of a SPEL oil-water separator to filter/treat potentially contaminated stormwater and regrading hardstand areas to improve stormwater flows. The installation and use of the SPEL was discussed with Yass Valley Council including the subsequent discharge into the stormwater network.

Considering the proposal predominantly involves redeveloping existing hardstand areas, no significant changes to the stormwater discharge rate is anticipated. Refer to the Stormwater Management Plan included in the Architectural Plans at **Appendix A**.

5.6 Waste Management

The proposal is not considered to alter the waste generation rate of the operation as existing. Nonetheless, refer to the Waste Management Plan at **Appendix D** which addresses demolition, construction, and operational waste protocol.

5.7 Public Interest

The proposal is considered to be in the public interest as it will upgrade the existing service station infrastructure consistent with current legislative standards and environmental protection outcomes which intend to improve the standard of service stations across the NSW and Australia.



6.0 Conclusion

This application seeks to undertake replacement and upgrade works at the existing service station site as detailed in **Section 3.0**. The proposal is consistent with all requirements and controls contained within relevant legislation and guidelines for service stations.

The proposal does not seek to intensify the existing use but rather improve environmental mitigation and customer safety and utilisation of the site. Upon completion of the works, there will be minimal operational or aesthetic changes to the service station apart from the upgrade to the fuel infrastructure to meet current standards. The proposal is generally consistent with the relevant controls contained within the Yass Valley Local Environmental Plan 2013.

This SEE has assessed the potential impacts arising from the proposal including 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 upgrade works.

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,



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Appendices

- Appendix A – Architectural Plans
- Appendix B – Geotechnical Investigation Report
- Appendix C – Remediation Action Plan
- Appendix D – Waste Management Plan
- Appendix E – Survey
- Appendix F – Preliminary Risk Screening Report



Appendix A

Architectural Plans



Appendix B

Geotechnical Investigation Report



Appendix C

Remediation Action Plan



Appendix D

Waste Management Plan



Appendix E

Survey



Appendix F

Preliminary Risk Screening Report

