

Statement of Environmental Effects

Continued Use of an Existing Above Ground Petrol Storage Tank

Duri Fuels: 68 Duri Road, South Tamworth NSW 2340 (Lot 77/78/79, DP25938)

1. Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application seeking approval for the continued use of an existing 47kL Above Ground Storage Tank (AST) for petrol at the existing Duri Fuels Service Station located at 68 Duri Road, South Tamworth NSW.

This application has been revised following Council's return of PAN-650597. Council's aerial imagery indicates the tank is already constructed and in place; accordingly, this application is framed as an application for the continued use of existing works, rather than a proposal for new installation.

The tank comprises a modern fire-rated three-compartment above-ground petrol storage tank (20kL / 12.5kL / 12.5kL, 45.5kL safe fill, 47kL maximum capacity, 240/240/240-minute fire rating) already installed to increase fuel storage capacity and improve operational efficiency at the site. No change is proposed to the primary use of the site, which continues to operate as an existing service station.

2. Description of the Site

The site is an existing operating service station located at 68 Duri Road, South Tamworth NSW 2340, comprising a fuel dispensing canopy, fuel pumps, convenience shop, forecourt, vehicle access from Duri Road, and existing fuel infrastructure.

The land is, and has at all relevant times been, zoned R1 General Residential under the Tamworth Regional Local Environmental Plan 2010 and its predecessor instrument(s).

3. Description of the Development

The development, as constructed, consists of:

- One 47kL above-ground petrol storage tank (already installed)
- Reinforced concrete foundation
- Fuel transfer pipework
- Spill containment system
- Safety barriers/bollards
- Electrical connections
- Fire protection equipment

This application seeks development consent for the continued use of this existing tank and associated infrastructure. The tank is a Super Vault fire-rated design complying with Australian Standards for fuel storage (AS1692, AS1940).

4. Identification Survey

An identification survey has been prepared by an NSW-registered surveyor confirming the position of the existing tank relative to the lot boundaries and the nearest adjoining dwellings.

The survey confirms the tank is set back 13m from the Duri Service Road boundary, 44m from the Robert Street boundary, and 9.5m from the nearest adjoining dwelling at 2 Nancy Street, South Tamworth and 24.5m from 70 Duri Rd, Tamworth, consistent with the 6.25m minimum separation distance required under AS1940 Table 5.4 for a 240/240/240 fire-rated tank of this capacity. The survey plan is attached to this application.

5. Lawful Basis for the Development: Zoning and Use History

The applicant advises that the site has been zoned R1 General Residential continuously, without a change of zoning that would have altered the permissibility of the service station use on the land.

On this basis, the tank's continued use is not assessed here as relying on 'existing use' rights under Division 4.11 of the Environmental Planning and Assessment Act 1979. Existing use protection under section 4.65 of the Act applies to a use that was lawful when it commenced and subsequently became prohibited by a change in the applicable planning instrument. Where the zoning of land has not changed, that basis does not apply in the same way.

Instead, the lawfulness of the service station use, and by extension the AST as part of that use, rests on there being a development consent (or other lawful approval) authorising the service station on this R1-zoned land, for example, because service stations were, at some point, listed as development permissible with consent in the R1 zone under the applicable Local Environmental Plan, or the use was otherwise lawfully approved.

6. Contaminated Land Assessment: SEPP (Resilience and Hazards) 2021

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (the former SEPP 55, Remediation of Land) requires consent authorities to consider whether land is contaminated, and whether it is suitable in its current state for the proposed use, before granting consent. Clause 155 of the Environmental Planning and Assessment Regulation 2021 imposes a related requirement in relation to development on contaminated land.

A groundwater investigation has been undertaken for the site to assess the potential for contamination associated with the fuel storage and dispensing operations. The report (Groundwater Inspection Report- 1/9/2025) found no evidence of groundwater contamination at the site.

Based on this report, the site is considered suitable, in its current condition, for the continued use of the AST and associated fuel storage infrastructure, consistent with the requirements of Chapter 4 of the SEPP (Resilience and Hazards) 2021 and clause 155 of the Environmental Planning and Assessment Regulation 2021. A copy of the groundwater investigation report is attached to this application and should be read in conjunction with this SEE.

The above-ground tank itself, being double-contained and fitted with overfill protection and spill containment, presents a lower ongoing contamination risk than historical underground tank infrastructure of the kind associated with most contaminated service station sites in NSW.

7. Environmental Impacts

As the tank is already installed and operating, there is no construction-phase impact still to occur. The ongoing operational impacts are minimal because:

- Fuel remains stored within a modern double-contained fire-rated tank.
- Spill prevention and overfill protection systems are incorporated.
- Fuel handling procedures remain unchanged from prior operations.
- Existing service station operations continue unaltered.

The tank is designed specifically for fuel storage in accordance with AS1940 and AS1692.

8. Compliance with Planning Controls

- Maintains the existing land use, subject to the lawful-basis assessment at Section 5.
- Does not exceed applicable building height controls.
- Does not alter setbacks to adjoining properties beyond what is confirmed in the identification survey (Section 4).
- Complies with Australian Standards for dangerous goods storage (AS1940).

- The 240-minute fire-rated construction permits the required separation distance to protected places to be reduced from 12.5m to 6.25m under AS1940 Table 5.4.

9. Traffic and Parking

The existing tank does not increase customer traffic, alter vehicle access, reduce existing parking, or affect heavy vehicle movements. Fuel deliveries continue using existing delivery arrangements.

10. Noise

No increase in operational noise has resulted from the tank's installation. Existing service station activities remain unchanged.

11. Stormwater

Existing drainage arrangements are maintained. The tank's spill containment and overfill protection systems prevent fuel entering the stormwater system.

12. Waste Management

Operational waste remains unchanged from prior service station operations. Any contaminated materials, if identified, would be disposed of in accordance with EPA requirements.

13. Landscaping

No existing landscaping has been affected. The tank is located within the existing hardstand area of the site.

14. Visual Impact and Streetscape

The tank is located within the existing service station site and behind existing infrastructure, with minimal visual impact on surrounding development. Building appearance, canopy, shopfront, existing access and signage are all unchanged, and the overall streetscape character remains unaffected.

15. Plans and Supporting Information

This Development Application includes:

- Site plan
- Identification survey confirming tank setbacks to boundaries and adjoining dwellings
- Tank layout drawing and manufacturer specifications
- Fire safety information (AS1940 extract)
- Engineering certification
- Photographs of the site, including the as-built tank
- Evidence of the lawful basis for the service station use (Section 5)
- Contaminated land information / Preliminary Site Investigation if required by Council (Section 6)

16. Conclusion

This application seeks approval for the continued use of an existing 47kL above-ground petrol storage tank at the existing Duri Fuels Service Station. The continued use of the tank:

- Is consistent with the site's operating history as a service station.
- Will have minimal ongoing environmental impact, being a modern, fire-rated, spill-contained tank.

- Complies with relevant Australian Standards for fuel storage.
- Is supported by an identification survey confirming compliant setback distances.
- Is submitted on the understanding that the lawful basis for the underlying service station use (Section 5) and the site's contamination status (Section 6) will be confirmed with Council prior to determination.