

Planning and Development (Environmental Significance Opinion – Numerous Blocks– Kmart Tyre and Auto Service Centre Rebranding) Notice 2019

Notifiable instrument NI2019–536

made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion – Numerous Blocks– Kmart Tyre and Auto Service Centre Rebranding) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 16 August 2019, a delegate of the planning and land authority, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to replacement of existing business identification signs to awning or awning fascia signs at multiple Kmart Tyre and Auto Service centres.

- (2) In this section:

Environmental significance opinion means the opinion in the schedule.

Note Under section 138AD(6) of the Act, the environmental significance opinion and this notice expire 18 months after the day the notice is notified.

George Cilliers
Delegate of the planning and land authority
20 August 2019

Schedule

(See section 2)



ACT
Government

Environment, Planning and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

An application for an Environmental Significance Opinion (ESO) has been received under section 138AA of the *Planning and Development Act 2007* (the Act). In accordance with section 138AB(4) of the Act, I provide the following environmental significance opinion:

APPLICANT

Diadem DDM Pty Ltd, as represented by Sarah Pizzonia, Administrator.

PROPOSAL DESCRIPTION

The proposal involves replacement of existing illuminated and non-illuminated business identification signs to awning or awning fascia signs at multiple Kmart Tyre and Auto Service centres.

LOCATION

Block 1 Section 20 Braddon

Block 7 Section 12 Deakin

Block 1 Section 40 Griffith

Block 19 Section 25 Phillip

Block 6 Section 204 Wanniasa

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application.

OPINION

Provided the works are undertaken in a manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s 138AB(4) of the Act:

- All soil subject to disposal from the site must be assessed in accordance with the Environment Protection Authority (EPA) Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.
- No soil is to be disposed from the site without approval from the EPA.


George Cilliers

Delegate of the planning and land authority

16 August 2019

STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – development proposal requiring an EIS, specifically:

- Part 4.3 Item 7 – proposal involving land included on the register of contaminated sites under the *Environment Protection Act 1997*.

The proponent is seeking an environmental significance opinion to remove the proposal from the impact track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the planning and land authority for an opinion to that

Meaning of *significant* adverse environmental impact

An adverse environmental impact is *significant* if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is *significant*, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact;
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

CONSULTATION WITH ENTITIES

In deciding whether a development proposal is likely to have a significant adverse environmental impact, the planning and land authority consulted with the following entities and received the following comments, in accordance with s138AA (3) of the Act.

Work Safety Commissioner

The Work Safety Commissioner had no comments on the application.

Director-General of ACT Health (Health Protection Services)

The Health Protection Service reviewed the information and provided no objection to the granting of an ESO.

Emergency Services Commissioner

The Emergency Services Agency had no objections or comments on the application.

Environment Protection Authority (EPA)

The EPA supports the ESO application subject to the following conditions:

- All soil subject to disposal from the site must be assessed in accordance with the EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The subject blocks are identified on the register of contaminated sites.

It has been demonstrated that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact. The works are minor, above ground level and are unlikely to interact with contaminated land.