

Planning and Development (Conditional Environmental Significance Opinion – Block 5, Section 45, Hughes – Demolition and Remediation of Former Service Station) Notice 2021

Notifiable instrument NI2021–470

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 (Conditional Environmental Significance Opinion – Block 5, Section 45, Hughes – Demolition and Remediation of Former Service Station) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 22 July 2021, the planning and land authority, pursuant to section 138AB (4) (b) of the Act, gave the Applicant a conditional environmental significance opinion in relation to demolition and remediation of a former service station, at Block 5, Section 45, Hughes.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

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

Brett Phillips
Delegate of the planning and land authority
2 August 2021



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

WSP Australia Pty Limited, as represented by Alex Garrett, Environmental Scientist.

PROPOSAL DESCRIPTION

The proposal is for the demolition of the former service station, associated below and above ground infrastructure and remediation of hydrocarbon impacted soils.

LOCATION

At the site of the former service station located at 12 Wisdom Street on Block 5, Section 45, Hughes.

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 s138AB(4) of the Act.

Demolition and Remediation:

1. All tanks and related infrastructure including those previously abandoned on site must be removed in accordance with WorkSafe ACT requirements.
2. The site and any off-site impacted areas, including groundwater, are to be assessed and remediated (as required) in accordance with the *Environmental Protection Authority (EPA) Contaminated Sites Environment Protection Policy 2017 (CSEPP)* and the *National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013* by a suitably qualified environmental consultant.
3. The assessment and remedial works, undertaken in accordance with condition 2, must be independently audited in accordance with the CSEPP by an EPA approved environmental auditor.

4. A Remedial Action Plan (RAP) must be reviewed and endorsed by the auditor, with a copy of the RAP endorsement provided to the EPA, prior to the commencement of remedial works.
5. The RAP must include a Health and Safety Plan which demonstrates that health and exposure risks to surrounding land users, particularly the neighbouring childcare centre, are suitably assessed and mitigated.
6. The remedial works must be undertaken in accordance with the endorsed RAP.

Completion of Works:

7. Prior to reoccupation or the site being used for other purposes:
 - a. A copy of the auditor's draft site audit report, draft site audit statement and any proposed draft site management plan must be submitted to the EPA for review and comment prior to the documents being finalised.
 - b. A copy of the auditor's final audit documents into the site's suitability for its proposed and permitted uses under the *ACT Territory Plan 2008* must be submitted to the EPA for review and endorsement.
8. Submission of documents required by condition 7 (a) and (b) must be in accordance with the *EPA Information Sheet 11 - Environment Protection Authority Report Submission Requirements*.

General Conditions:

9. Sediment and leachate control measures must be incorporated for any stockpiled material to prevent contaminants entering the stormwater system.
10. Dust and odour suppression measures must be incorporated as required during the works to minimise impacts on surrounding blocks.
11. All spoil identified at the site must be managed in accordance with *EPA Information Sheet - Spoil Management in the ACT*.
12. All soil subject to disposal from the site must be assessed in accordance with EPA *Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT*.
13. No soil is to be disposed from site without EPA approval.
14. All works must be carried out in accordance with the *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available at www.environment.act.gov.au or by calling the EPAPlanningLiaison@act.gov.au on 6207 5642.

Attached is a Statement of Reasons for the decision.



Brett Phillips

Delegate of the planning and land authority

22 July 2021

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 effect.

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, in accordance with s138AA (3) of the Act.

Work Safety Commissioner

The Work Health and Safety Commissioner does not have any comments to make in relation to ESO202100030. We understand that the development is to remediate and demolish the former Ampol Hughes petrol station. Please be advised that in providing this response, WorkSafe ACT has not approved or endorsed the proposed work arrangements for the development activities, including any proposed risk control measures. Nothing in this response affects the safety duties of persons involved in the work under the Work Health and Safety Act 2011.

Environment Protection Authority

The Environment Protection Authority (EPA) supports an exemption from the requirement for an EIS on the basis the EPA's conditions of approval can adequately be managed through the Merit Track Development Application process.

Conditions 1-4 and 7-14 of the Opinion are required to be included in the approval and enforced under the Planning & Development Act, 1997. Further commentary including further recommended conditions of approval will be provided following review of the further detailed documentation to be provided with the Development Application.

For further information please contact the Environment Protection Authority Planning Liaison at EPAPlanningLiaison@act.gov.au on 6207 5642 or email EPAPlanningLiaison@act.gov.au

Emergency Services Commissioner

ACTF&R has no comments or concerns for ESO202100030 - 5/45 HUGHES. All appropriate atmospheric monitoring protocols and procedures are to be followed.

Director-General of ACT Health

The Health Protection Service (HPS) notes that applicant is proposing to undertake demolition (including removal of petroleum storage and dispensing infrastructure) and soil remediation works to divest from the site.

The applicant is advised that the HPS supports the issuing of an ESO where:

- *EPA endorsed Remediation Action Plan (RAP) and Health and Safety Plans are implemented at the site; and*
- *The future Development Application for the construction works must demonstrate, through the RAP and Health and Safety Plan, that health and exposure risks to surrounding land users, particularly the neighbouring childcare centre, have been suitably assessed and mitigated against.*

Should you require any further information, please contact Kate Groeschel on (02) 5124 9092 or email kate.groeschel@act.gov.au.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

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.