

# Planning and Development (Conditional Environmental Significance Opinion – Block 9, Section 54, Phillip – Phillip Bus Depot Redevelopment) Notice 2017

Notifiable Instrument NI2017–637

Made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 9, Section 54, Phillip – Phillip Bus Depot Redevelopment) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

(1) On 23 November 2017, 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 the redevelopment, on Block 9, Section 54, Division of Phillip, of a bus depot.

(2) In this section:

***Conditional environmental significance opinion*** means the opinion in the schedule.

*Note 1:* 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.

Ben Ponton  
Chief Planning Executive  
04 December 2017



**ACT**  
Government

Environment, Planning and  
Sustainable Development

## Schedule

See section 2(2)

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### 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

Canberra Town Planning, as represented by Hope Watson.

#### PROPOSAL DESCRIPTION

Redevelopment of the Phillip bus depot, including demolition of structures, removal and relocation of services, construction of a new bus depot, landscaping and associated works.

#### LOCATION

Block 9, Section 54, Phillip.

#### 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.

#### Following Demolition:

- The whole site and any off-site impacted areas (including groundwater) are to be assessed and remediated (as required) in accordance with the Environment Protection Authority (EPA) endorsed guidelines by a suitably qualified environmental consultant.
- The above assessment and remedial works must be independently audited by an EPA approved contaminated land auditor.
- The 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.

Prior to installation of new infrastructure:

- Construction works are not to commence at the site until the EPA has endorsed appropriate interim advice from the independent auditor that the installation of new facilities will not impact on the ongoing assessment and remediation of the site.

Prior to Occupation

- A copy of the Auditor's draft site audit report and site audit statement are to be submitted to the EPA for review and comment prior to finalisation of these documents.
- Prior to reoccupation of the site a copy of the Auditor's site audit report and site audit statement must be reviewed and endorsed by the EPA.
- Any soil disposed of from the site must be in accordance with the requirements of EPA Information Sheet 4.
- No soil is to be disposed off-site without EPA approval.

Attached is a Statement of Reasons for the decision.



Brett Phillips

Delegate of the planning and land authority

23 November 2017

## 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 significance 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 Safety Commissioner did not provide comments.*

### Emergency Services Commissioner

*ACT Fire and Rescue has no special considerations or objections to the Environmental Significance Opinion.*

## **Environment Protection Authority**

*The Environment Protection Authority recommended conditions relating to actions to be taken following demolition, prior to the installation of new infrastructure and prior to occupation. These conditions have been incorporated into the opinion. In addition, advice was provided that further conditions will be recommended at the development application stage.*

## **Director-General of ACT Health**

*The Executive Director of the Health Protection Service (HPS) provided advice stating that it supports the proposal subject to the EPA's conditions being met. HPS recommends further assessment and further site auditing if sensitive uses are proposed on the site in future. HPS states that the site is suitable subject to compliance with the Site Management Plan once it is updated to include findings of the Detailed Site Investigation report by SMEC Australia Pty Ltd in August 2017.*

*HPS supports recommendations by SMEC Australia Pty Ltd in the Hazardous Materials Survey Report provided in the ESO application, that:*

- *all identified and presumed bonded asbestos containing material (ACM) must be removed by an ACT licenced asbestos removalist prior to any work which is likely to disturb the ACM in accordance with the Code of Practice for the Safe Removal of Asbestos, 2<sup>nd</sup> Edition;*
- *all synthetic mineral fibre materials should be handled using effective dust control procedures; and*
- *the location and condition of identified hazardous materials should be included in the site management plan to ensure that the proposed demolition works are conducted in a safe manner.*

## **POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

Hazardous materials surveys undertaken on the site identified the presence of asbestos containing materials in a variety of forms: lead paint, synthetic mineral fibre, polychlorinated biphenyls and ozone depleting substances. These materials have the potential to pollute or contaminate stormwater, groundwater and soils if contamination was to occur through leaks, spills or the spread of dust at demolition stage.

In addition, hazardous materials could present a risk to human health if workers or members of the community come into direct contact with materials or dust emissions.

Appropriate disposal of hazardous materials is required to ensure contamination does not occur.

Based on the information in the application and comments from entities, it has been demonstrated that if the works are undertaken in a manner consistent with the conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.