

Planning and Development (Conditional Environmental Significance Opinion – Block 7 Section 12 Deakin – Shell/Coles Express Drainage Works) Notice 2018

Notifiable Instrument NI2018–240

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 7 Section 12 Deakin – Shell/Coles Express Drainage Works) Notice 2018*.

2 Conditional Environmental Significance Opinion

(1) On 26 April 2018, 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 construction, on Block 7 Section 12 Deakin, of proposed drainage works including the installation of a stormwater treatment/hydrocarbon capture system.

(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.

Ben Ponton
Chief Planning Executive
7 May 2018



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

Enviropacific Services Pty Ltd (T/A Cadway Projects), as represented by Con Karageorgos.

PROPOSAL DESCRIPTION

The proposal involves drainage works including the installation of a stormwater treatment/hydrocarbon capture system.

LOCATION

Block 7, Section 12, Deakin.

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 significance adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

DURING CONSTRUCTION

- All soil subject to disposal from the site must be assessed in accordance with Environment Protection Authority (EPA) *Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT*.
- No soil or water is to be disposed from site as part of these works without EPA approval.
- Appropriately ACT licensed contractors able to perform the full range of licensable duties within the ACT must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- If works encounter contaminated soil and groundwater, appropriate safety measures must be implemented as proposed by URBIS Pty Ltd in the ESO application document.

POST CONSTRUCTION

- All liquid waste removed from the site must be assessed in accordance with the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* and disposed of at a facility lawfully licenced to accept the waste.

Attached is a Statement of Reasons for the decision.



Brett Phillips

Delegate of the planning and land authority

26 April 2018

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 Safety Commissioner did not have any comments to provide.

Environment Protection Authority

The EPA recommended conditions relating to activities that will be conducted on site during and post construction. These conditions have been incorporated into the opinion.

Emergency Services Commissioner

The Emergency Services Commissioner did not provide any special conditions or objections for the opinion.

Director-General of ACT Health

The Director-General of ACT Health recommended conditions relating to activities that will be conducted on site during construction. These conditions have been incorporated into the opinion.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Block 7 Section 12 Deakin is identified on the register for contaminated sites.

The documentation submitted as part of the application in relation to Block 7 Section 12 Deakin has identified the presence of contaminants on site.

However, 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 above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.