

Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 52, Holt – Holt 7-Eleven Service Station) Notice 2019

Notifiable instrument NI2019–135

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 1 Section 52, Holt – Holt 7-Eleven Service Station) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 5 March 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 construction of a digital sign on Block 1 Section 52 Holt.
- (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
12 March 2019



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

KDC Pty Ltd, as represented by Courtney Sargent, town planner.

PROPOSAL DESCRIPTION

The proposal involves replacement of an existing sign with digital equivalent.

LOCATION

Block 1, Section 52, Holt.

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.

- 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* and
- No soil is to be disposed from site without EPA approval.

Attached is a Statement of Reasons for the decision.

Brett Phillips

Delegate of the planning and land authority

5 March 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 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 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.

Environment Protection Authority (EPA)

The EPA recommended conditions relating to activities that will be conducted on site during construction. These conditions have been incorporated into this ESO.

Emergency Services Commissioner

The Emergency Services Agency had no comments on the application.

Director-General of ACT Health (Health Protection Services)

The Health Protection Service reviewed the information provided and had no health concerns or comments in relation to the proposed development.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Block 1 Section 52 Holt is 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.