

Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 35 Strathnairn – Carpark) Notice 2019

Notifiable instrument NI2019–386

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 35 Strathnairn – Carpark) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 14 June 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 on Block 1, Section 35 Strathnairn, of a carpark.

- (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
14 June 2019



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

Calibre, as represented by Andrew Lee, Engineer.

PROPOSAL DESCRIPTION

Construction of a 19 space carpark, as detailed in the application.

LOCATION

Block 1, Section 35 Strathnairn.

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:

- An auditor interim advice (AIA) must be prepared by the Environment Protection Authority (EPA) approved Auditor for the site indicating their support for the proposed works and that these works will not impact on the ongoing assessment, remediation and audit of the site.
- The AIA must be forwarded to the EPA for review and support prior to the commencement of works.
- All soil subject to disposal from the site must be assessed in accordance with *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 EPA approval.
- Construction and development works must be carried out in accordance with "*Environment Protection Guidelines for Construction and Land Development, 2011*".
- The site must have appropriate sediment and erosion control measures in place prior to works commencing to ensure soil or other wastes do not leave the site and enter the stormwater system.
- The proposed carpark must not encroach upon the minimum setback distance from the existing septic system absorption trench and the draining of the carpark must not compromise the operation of the trench.

- If the proposed additional car park spaces are intended to increase visitation or occupation of the Link building, the septic system must be reviewed by a qualified professional to assess how any increased loading would affect the suitability of the system. The findings of the review must be provided to the ACT Health Protection Service (HPS).
- The installation of the septic system was not approved by the HPS as required under Part 6 Division 6.3 of the *ACT Public Health Regulation 2000*. Occupier of the Link building must apply for the installation of the septic system to the HPS.

Attached is a Statement of Reasons for the decision.



Brett Phillips
Executive Group Manager, Planning Delivery
Delegate of the planning and land authority

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

Work Safety Commissioner

The Work Safety Commissioner had no comments on the application.

Emergency Services Agency (ESA)

The ESA has no objections regarding the application.

Environment Protection Authority (EPA)

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

Director-General of ACT Health (Health Protection Service)

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

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Block 1 Section 35 Strathnairn is identified on the register of contaminated sites.

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.