

Planning and Development (Conditional Environmental Significance Opinion – Block 12 Section 30, Fyshwick – Hydrogen Refuelling Facility) Notice 2019

Notifiable instrument NI2019–596

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 12 Section 30, Fyshwick – Hydrogen Refuelling Facility) Notice 2019*

2 Conditional Environmental Significance Opinion

- (1) On 6 September 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 the development of a hydrogen refuelling facility on Block 12 Section 30 Fyshwick.

- (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
16 September 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

Cardno (NSW/ACT) Pty Ltd, as represented by John Sutcliffe, Senior Project Manager.

PROPOSAL DESCRIPTION

The proposed development is for the installation of a hydrogen fuel storage, associated generation, compression and delivery infrastructure supplementing the existing compressed natural gas refuelling facility at Block 12 Section 30 Fyshwick. The proposal will generate, compress and store up to 1,500L of hydrogen gas on site.

LOCATION

Block 12, Section 30, Fyshwick.

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:

Work Safety Commissioner

- The proponent must provide a current Australian Natural Gas (CNG) safety data sheet correctly identifying the product's hazards under the Globally Harmonised System of Classification and Labelling of Chemicals (GHS). This is to be sent directly to Dangerous Substance Licensing at DangerousSubstances@act.gov.au.

Emergency Services Agency

- The proposal is classified as *Light industry and large installations*, a type F4 Fire Risk. The proponent must seek clarification from Icon Water to determine the adequacy of existing infrastructure, including hydrant spacing, for the proposed development.
- All roads and driveways for the development site are to be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment. An ACTF&R urban pumper vehicle is 2.5m wide, 8.1m long, 3.2m high, weighs 14 tonnes and require a minimum turning circle of 18 metres.

- Paths of travel that traverse over or are in close proximity to basement surfaces or water retention pits require pavement loading suitable for ACTF&R emergency vehicle access/egress.
- All emergency access gates are to be fitted with standard Fire Brigade locks.
- The site is required to have an inner asset protection zone (APZ) between the proposed works and the eastern boundary of the subject block. The inner APZ is required to be maintained to inner APZ standards according to the ACT bushfire management standards (2014). Specifically:
 - At least 80% of the area is to be maintained to an overall fuel hazard of low.
 - Grass is to be maintained at <200mm height when curing >70%.
 - Landscaping and vegetation must have low flammability characteristics.
- The block wall on the eastern side of the storage tanks must be masonry and a minimum height of 1.8m.
- In ground and above ground hydrants, other water supplies and all services shut offs must not be impeded by street furniture, landscaping, trees or be covered by materials.
- Hydrants should be clearly identified, easily accessible and not have vehicles parking over them.
- Street furniture, landscaping and trees must not impede the progress of emergency service vehicles attending the facility. The minimum height clearance for ACTF&R vehicles is 4.5 metres. Site maintenance should include pruning of any overhanging branches over driveways and pathways.

Environmental Protection Authority

- 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 is to be disposed from site without EPA approval.

ADVISORY NOTES

This application is approved with the following advice. It is recommended that careful consideration be given to the advisory notes prior to commencing work.

Work Safety Commissioner

- Once the facility is operational, the proponent must address the associated requirements under the *Work Health and Safety Regulation 2011*, specifically in relation to the storage of a Schedule 11 hazardous chemical exceeding a manifest quantity.

Attached is a Statement of Reasons for the decision.

A handwritten signature in dark ink, consisting of several overlapping loops and a final horizontal stroke.

Brett Phillips

Delegate of the planning and land authority

06 September 2019

STATEMENT OF REASONS

The proposed development is for the installation of a hydrogen fuel storage, associated generation, compression and delivery infrastructure supplementing the existing compressed natural gas refuelling facility at Block 12 Section 30 Fyshwick. The proposal will generate, compress and store up to 1,500L of hydrogen gas on site.

The proposal is mentioned in Schedule 4 of the *Planning and Development Act 2007* – development proposal requiring an EIS, specifically:

- Part 4.2 Item 11 – proposal that involves storage of the placard quantity of a dangerous substance on land, or in a building or structure on the land, that, immediately before the commencement day, was not registered in the placard quantity register.

The proponent is seeking an ESO 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 has reviewed the information and has no objection in granting the ESO. The Work Safety Commissioner provided the following feedback on the proposal:

The CNG (Natural Gas) safety data sheet issued by Caltex does not correctly identify the product's hazards under the Globally Harmonised System of Classification and Labelling of Chemicals (GHS). As the safety data sheet was issued from NSW, this will be referred to SafeWork NSW for appropriate action.

On the basis of the GHS hazard classification which we believe is correct (and which is reflected in the hazard statements and precautionary statements in the safety data sheet), the facility will have in excess of a 'manifest quantity' of Schedule 11 hazardous chemicals on site if the development goes ahead. At a suitable time WorkSafe will review the other information about the site to consider whether there are any concerns in light of this situation.

It is noted that the Environmental Significance Opinion Application does not address the associated requirements under the Work Health and Safety Regulation 2011 which would take effect once the facility was operational.

These comments were clarified with Worksafe ACT and have been incorporated into the conditions and advisory notes of this ESO where appropriate.

Emergency Services Commissioner

The Emergency Services Agency provided the following advice on the proposal:

Fire Station Response Area

The location of the proposed development indicates that ACT Fire and Rescue (ACTF&R) will be able to provide operational response to the area and its surrounds.

Water Supplies

Light Industry and Large installations are classified as Fire Risk type F4. The proponents are to seek clarification from Icon Water to determine the adequacy of existing infrastructure, including hydrant spacing, for the proposed development.

Fire Brigade Access

Pumper:

All roads and driveways for the development site are to be suitably constructed to allow the access and egress of fire fighting vehicles, crews and equipment.

ACTF&R pumpers require a minimum turning circle of 18 metres and weigh 14 tonnes. The dimensions of an ACTF&R urban pumper is 2.5m wide, 8.1m long and 3.2m high.

Paths of travel that traverse over or are in close proximity to basement surfaces or water retention pits require pavement loading suitable for ACTF&R emergency vehicle access/egress.

All emergency access gates are to be fitted with standard Fire Brigade locks.

Bushfire Protection Requirements

*The development is located **inside** the area declared by the ESA to be subject to the threat of bushfire.*

Asset Protection Zones:

Asset protection zones (APZ) assist with bushfire risk mitigation in the urban area by reducing the impact of embers, radiant heat and flames on properties. APZs also provide access for firefighters (and their vehicles) to conduct fire suppression activities and provide space to evacuate if required.

APZs are required to be maintained as per the ACT bushfire management standards (2014).

Inner APZ:

The site is identified to have an inner APZ, between the proposed works and the eastern boundary of the subject block, and is required to be maintained to an inner APZ standards. Specifically, at least 80% of the area is to be maintained to an overall fuel hazard of low. Grass is to be maintained at <200mm height when curing >70%. Landscape design is to consider bushfire principles with vegetation selected for low flammability characteristics.

Construction requirements and Bushfire Risk:

ACTF&R notes the inclusion of a block wall on the eastern side of the storage tanks and recommends that this wall be masonry and a minimum height of 1.8m.

Street Furniture, Landscaping and Tree Planting

ACTF&R has the following requirements in relation to the location of street furniture, landscaping, existing trees and tree planting. The following should be observed:

- In ground and above ground hydrants, other water supplies and all services shut offs must not be impeded by street furniture, landscaping, trees or be covered by materials
- Hydrants should be clearly identified, easily accessible and not have vehicles parking over them; and
- Street furniture, landscaping and trees must not impede the progress of emergency service vehicles attending the facility. The minimum height clearance for ACTF&R vehicles is 4.5 metres. Site maintenance should include pruning of any overhanging branches over driveways and pathways.

These comments have been incorporated into the conditions of this ESO where appropriate.

Environment Protection Authority (EPA)

The EPA indicated they would support the ESO subject to the inclusion of the following conditions:

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.

The EPA will provide further advice following review of the Development Application.

These conditions have been incorporated into this ESO.

Director-General of ACT Health (Health Protection Services)

The Health Protection Service (HPS) reviewed the information and have no objection to the granting of an ESO and provided no further advice.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Block 12 Section 30 Fyshwick proposed the storage of the placard quantity of a dangerous substance.

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.