

Planning and Development (Conditional Environmental Significance Opinion – Block 741, Gungahlin – Goorooyarroo Site Works Compound) Notice 2021 (No 2)

Notifiable instrument NI2021–385

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 741, Gungahlin – Goorooyarroo Site Works Compound) Notice 2021 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 8 June 2021, the planning and land authority, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the Act), gave the Applicant a conditional environmental significance opinion in relation to a permanent storage compound at Goorooyarroo Nature Reserve, on Block 741, Gungahlin.

- (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
25 June 2021



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

ACT Parks and Conservation, EPSDD, as represented by Ren Webb, Ranger.

PROPOSAL DESCRIPTION

A permanent storage compound at Goorooyarroo Nature Reserve to store machinery, equipment, and materials critical to the day-to-day management of the reserve.

LOCATION

Block 741, Gungahlin - 1.3 kilometres north of the main entrance to Goorooyarroo Nature Reserve on Horse Park Drive, on the main road (Pipeline track) through the reserve.

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 condition made under s138AB(4) of the Act:

- the site must be managed in accordance an Auditor endorsed Site Management Plan (SMP) with a copy of the Auditor's endorsement of the SMP provided to the EPA for its records.

This opinion is granted with the following advisory notes:

- any taps or outlets supplied by rainwater tanks should be clearly and appropriately labelled and fitted with tamperproof taps; and
- an "Application to install or alter a septic tank, chemical toilet or sewage treatment plant" may also need to be submitted to the Health Protection Service (at ED-HPS-support@act.gov.au).

Attached is a Statement of Reasons for the decision.



Brett Phillips

Delegate of the planning and land authority

08 June 2021

STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007*, development proposals requiring an EIS-areas and process, 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 Health and Safety Commissioner provided the following advice:

The Work Health and Safety Commissioner has not identified any concerns about the proposed development, having received further information from Mr Ren Webb on behalf of ACT Parks and Conservation about the hazardous chemicals stored in the Goorooyarroo Site Works Compound.

We understand that the only hazardous chemicals which are stored on site are petrol and diesel, consisting of a couple of 20 litre jerry cans of each, stored in a locked and ventilated steel box in the compound.

Mr Webb has supplied a copy of the safety data sheets for these products, and has been advised that we do not have any concerns with the way in which these products are being stored, provided that there is sufficient clearance on all sides between the steel box holding the jerry cans and the other structures on the site (such as the shipping containers and the office cabin) to allow free airflow for ventilation

We have also advised Mr Webb that ACT Parks and Conservation will not need to put up placards at the compound, provided that the combined quantity of the petrol and diesel remains under 250 litres at all times (this being the applicable placard quantity threshold under Schedule 11 of the Work Health and Safety Regulation 2011) but will need to keep a register of hazardous chemicals in the compound and that workers must be trained in the purpose and use of the register.

Environment Protection Authority

The Environment Protection Authority provided the following advice:

As this site is on the Register of contaminated sites and the audit is yet to be finalised or its findings endorsed by the Environment Protection Authority (EPA) the conditions within the ESO should state:

- *the site must be managed in accordance an Auditor endorsed Site Management Plan (SMP) with a copy of the Auditor's endorsement of the SMP provided to the EPA for its records.*

Roads ACT should be approached by the applicant regarding the status of the audit and the subordinate SMP.

Further advice, including conditions of approval to be included in the Notice of Decision, will be able to be provided at the Development Application stage.

Emergency Services Commissioner

The Emergency Services Agency had no comments or concerns on the application.

Director-General of ACT Health

The ACT Health Protection Service provided the following advice:

The Health Protection Service (HPS) notes that the project proposes to retain the existing site compound for the storage of machinery, equipment and materials critical to the day-to-day management of the reserve.

The HPS has reviewed the ESO and associated documentation and advises the applicant:

- *any taps or outlets supplied by the rainwater tanks must be clearly and appropriately labelled and fitted with tamperproof taps; and*
- *an "Application to install or alter a septic tank, chemical toilet or sewage treatment plant" will need to be submitted to the HPS. The applicant is advised to contact the HPS for further information.*

The HPS notes that the site is listed on the register of contaminated sites under the Environment Protection Act 1997 due to being in an acid sulphate rock bearing zone. As there are no excavations or ground penetrations proposed, there are no public health concerns in relation to this issue.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The site is listed on the register of contaminated sites under the *Environment Protection Act 1997* due to being in an acid sulphate rock bearing zone. The proposal does not involve excavations or ground penetrations therefore acid sulphate rock is unlikely to be disturbed.

It has been demonstrated that, if the works are undertaken in a manner consistent with the above conditions attached to the ESO, the proposed works are unlikely to cause a significant adverse environmental impact.