

Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 82, Weston – Weston Village) Notice 2021

Notifiable instrument NI2021–748

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 82, Weston – Weston Village) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 17 November 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 the development, on Block 8, Section 82, Weston, of 26 multi-storey terraced and apartment buildings, internal driveways, communal open space, and associated earthworks.

- (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.

George Cilliers
Delegate of the planning and land authority
09 December 2021



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

Canberra Town Planning, as represented by Nichelle Jackson, Director.

PROPOSAL DESCRIPTION

The proposal is for the development of 26 multi-storey terrace/apartment buildings, internal driveways, communal open space, and associated earthworks to facilitate the development.

LOCATION

Block 1, Section 82, Weston. The land was formally used by the Australian Federal Police (AFP) Training College from 1980 to 2016, when the AFP relocated to premises elsewhere in the ACT.

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.

1. All works at the site must be undertaken in accordance with the requirements of the following documents:
 - a. Site Audit Statement (No. 257R) and *"Revised Site Audit Report Former Australian Federal Police Complex Block 1 Section 82, Weston, ACT"* dated 08 May 2018 by Mr Rod Harwood of Arcadis Australia Pacific Pty Ltd; and
 - b. *"Environmental Management Plan (EMP for Residual Asbestos in Soil) Former AFP Complex Block 1, Section 82, Weston (2 Unwin Street, Weston ACT)"* dated April 2018 by Safe Work & Environments Pty Ltd.

Note: Where remediation and validation is required at the site under the EMP, the site validation report must be forwarded to the Authority for review and endorsement prior to occupancy of the site.

2. All spoil identified at the site must be managed in accordance with *Environmental Protection Authority (EPA) Information Sheet - Spoil Management in the ACT*.

3. All soil subject to disposal from the site must be assessed in accordance with *EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT*.
4. No soil is to be disposed from site without approval from the Office of the EPA.
5. Any soil removal, containing asbestos material, must be conducted under the direction of a class A licensed asbestos removal contractor.

Attached is a Statement of Reasons for the decision.



George Cilliers

Delegate of the planning and land authority

17 November 2021

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

This site was formerly the location of the Australian Federal Police Training College (site vacated in 2016) and it appears that asbestos was found in the course of work to demolish the existing buildings. However, the information which has been provided in support of the ESO application includes detailed information about the findings and subsequent remediation work.

The documents also indicate that soil sampling has been undertaken and remediation work carried out following removal of the underground storage tank which previously held diesel – the Douglas Partners report on the review of supplied environmental site assessments indicates that the tank was removed in 2012 and found to be in good condition with no indicators of any leaks.

I have not identified any reason to believe that the project proponents might not comply with their obligations under the Work Health and Safety Act 2011 in relation to risks associated with the development works, including managing any risks associated with possible contaminants on site. However, when advising whether the Work Health and Safety Commissioner wishes to make any comments on this matter, we should include a disclaimer to the effect that:

- In providing this response, the Commissioner is not approving or endorsing the proposed work arrangements or any proposed risk control measure; and*
- Nothing in this response affects the safety duties of persons involved in the work under the Work Health and Safety Act 2011.*

Environment Protection Authority

The Environment Protection Authority (Authority) provides the following advice/comments:

Conditions

- All works at the site must be undertaken in accordance with the requirements of the following documents:*
 - Site Audit Statement (No. 257R) and "Revised Site Audit Report Former Australian Federal Police Complex Block 1 Section 82, Weston, ACT" dated 08 May 2018 by Mr Rod Harwood of Arcadis Australia Pacific Pty Ltd; and*
 - Environmental Management Plan (EMP for Residual Asbestos in Soil) Former AFP Complex Block 1, Section 82, Weston (2 Unwin Street, Weston ACT)" dated April 2018 by Safe Work & Environments Pty Ltd.*

Note: Where remediation and validation is required at the site under the EMP, the site validation report must be forwarded to the Authority for review and endorsement prior to occupancy of the site.

- All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.*
- All soil subject to disposal from the site must be assessed in accordance with 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 approval from the Office of the Environment Protection Authority.*

Emergency Services Commissioner

No comments.

Director-General of ACT Health

The Health Protection Service (HPS) notes that medium density residential housing is proposed for development on block 1 section 82 Weston. The HPS also notes that the site is on the Environment Protection Authority's register of contaminated sites.

The HPS has reviewed the supplied documents and advises the applicant:

- Any soil to be disturbed around the protected trees must be conducted under the direction of a class A licensed asbestos removal contractor and in accordance with Environment Protection Authority (EPA) requirements to mitigate the risk of asbestos dust exposure and further soil contamination.*
- The HPS supports the auditor's comments within the Revised Site Audit Statement by Arcadis dated 08 May 2018. The residual asbestos must be managed according to the Environmental Management Plan (EMP) in place or until such a time the asbestos impacted soil is removed. Any proposal to remove the EMP must be submitted to the contaminated site auditor for review and endorsement. The requirements of the EMP may only cease upon written confirmation from the ACT EPA.*

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

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.