

Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 60, Kingston – Mixed Use Development) Notice 2017

Notifiable Instrument NI2017–635

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 60, Kingston – Mixed Use Development) Notice 2017*.

2 Conditional Environmental Significance Opinion

- (1) On 23 November 2017, 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 60, Division of Kingston, of multi-unit housing, serviced apartments, commercial development, landscaping, car parking and associated works.
- (2) In this section:
Conditional environmental significance opinion means the opinion in the schedule.

Note 1: 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
04 December 2017



ACT
Government

Environment, Planning and
Sustainable Development

Schedule

See section 2(2)

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 Hope Watson.

PROPOSAL DESCRIPTION

The proposal is for redevelopment works on Block 1 Section 60 Kingston. The works include multi-unit housing, serviced apartments, commercial development, car parking, landscaping and associated works.

LOCATION

Block 1, Section 60, Kingston.

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 works at the site must be undertaken in accordance with the requirements of the following EPA endorsed documents for the site:
 1. Site audit statement (SAS) for Site 10 Kingston Foreshores Development Precinct (RJP 026 - ACT) dated 12 January 2015; and
 2. "Development Environmental Management Plan, Site 10, Kingston Foreshore Development Precinct, Kingston, ACT, Land Development Agency" dated January 2015 by Environmental Resources Management Australia Pty Ltd.
- No soil or water is to be disposed from site without the approval of the EPA.

- Prior to occupancy of the site, an application for variation of the Crown Lease under the *Planning and Development Act 2007* must be requested and approved to include an additional provision which requires compliance with the above SAS and the site's occupancy environmental management plan (OEMP) titled "Site Occupancy Environmental Management Plan, Site 10, Kingston Foreshore Development Precinct, Kingston, ACT, Land Development Agency" dated January 2015 by Environmental Resources Management Australia Pty Ltd. A copy of the varied lease must be forwarded to the EPA for its records prior to occupancy of the site.
- All works must be carried out in accordance with *Environment Protection Guidelines for Construction and Land Development in the ACT, March 2011*, available by calling 132281.
- Appropriately ACT licensed contractors licensed to provide the full range of duties in the ACT must be engaged for the removal, transport and disposal of all hazardous materials found on the site.
- All hazardous materials found on the site must be disposed of at a facility suitably authorised/licensed to accept the waste.

Attached is a Statement of Reasons for the decision.



Brett Phillips

Delegate of the planning and land authority

23 November 2017

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 significance 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 did not provide comments.

Environment Protection Authority

The Environment Protection Authority recommended conditions relating to actions to be taken during the construction phase and prior to occupation. These conditions have been incorporated into the opinion. In addition, advice was provided that further conditions will be recommended at the development application stage.

Emergency Services Commissioner

ACT Fire and Rescue recognises that demolition and asbestos management must be undertaken in accordance with the Building Act 2004, Dangerous Substances Act 2004 and Work Health and Safety Act 2011. Removal of asbestos or asbestos containing materials is to be conducted by appropriately licenced asbestos removalist. Information about demolition and asbestos management is available from the Access Canberra website or phoning 132281. ACT Fire and Rescue request notification on commencement and completion of all significant asbestos removal. Notification can be made to the ACT Fire and Rescue Comcen on 62004111.

Further information regarding development applications or bushfire principles can be obtained by emailing actf&rrisk&planning@act.gov.au.

Director-General of ACT Health

The Executive Director of the Health Protection Service (HPS) provided advice stating that it supports the proposal subject to the EPA's conditions being met. HPS also recommends compliance with the Development Environmental Management Plan and the Site Occupancy Environmental Management Plan prepared by ERMA Pty Ltd and included in the ESO application.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Hazardous materials surveys undertaken on the site identified the seven potential sources of contamination on the site. As the site had a number of different prior uses, contamination could be from a number of sources and hazardous materials have the potential to have contaminated stormwater, groundwater and soils. Construction works on site have the potential to distribute contaminated materials if they are not contained. In addition, hazardous materials could present a risk to human health if workers or members of the community were to come into direct contact with materials or dust emissions.

Appropriate management and disposal of hazardous materials is required to ensure contamination does not occur.

Based on the information in the application and comments from entities, 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.