

Planning and Development (Conditional Environmental Significance Opinion – Blocks 7, 8 and 9, Section 18 Braddon – Midnight Signage) Notice 2019

Notifiable instrument NI2019–355

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 – Blocks 7, 8 and 9, Section 18 Braddon – Midnight Signage) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 4 June 2019, 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 Blocks 7, 8 and 9 Section 18 Braddon, of signage including awning, ground, high-rise, wall and information signs.

- (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
4 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

Knight Frank Town Planning, on behalf of NG Landholdings Braddon Nominee Pty Ltd.

PROPOSAL DESCRIPTION

The proposal is for the installation of awning, ground, high-rise, wall and information signs.

LOCATION

Blocks 7, 8 and 9, Section 18 Braddon.

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 s 138AB(4) of the Act:

- All construction works must be in accordance with the Environment Protection Authority's (EPA) letter of endorsement of the Auditor's Interim Advice, dated 4 December 2018, which includes the conditions that:
 - All future assessment and management of contamination at the site must be in accordance with the Auditor's requirements
 - Prior to occupation of the site, the Auditor's Site Audit Statement and Report, assessing the suitability of the site for its permitted uses under the Territory Plan, must be reviewed and endorsed by the Environment Protection Authority (EPA)
 - No soil is to be removed off-site without the approval of the EPA.

Attached is a Statement of Reasons for the decision.

Brett Phillips

Delegate of the planning and land authority

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

Work Safety Commissioner

The Work Safety Commissioner had no comments on the application.

Environment Protection Authority (EPA)

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

Emergency Services Commissioner

The Emergency Services Commissioner had no objections on the application.

Director-General of ACT Health (Health Protection Service)

The Health Protection Service (HPS) notes that the comments raised by the HPS in August 2017 regarding the original DA 201630974-7-9 Section 18, are still applicable. The HPS advises the applicant that:

- Proposed swimming pool/s will need to comply with the *ACT Code of Practice to Minimise the Public Health Risks from Swimming/Spa Pools 1999*;
- Food business registration and fit-out assessment applications (with suitably detailed plans) are required to be submitted to the HPS for each proposed food business prior to construction;
- All outlets and taps supplied by the proposed rainwater tanks are clearly identified as being supplied by non-potable water; and
- The design and construction of sedimentation ponds must minimise the potential for the ponds to become a local mosquito nuisance.

Furthermore, the HPS supports the following conditions set out by the Environment Protection Authority (EPA) regarding the Auditor's Interim Advice dated 26 November 2018 that prior to commencement of development works at the site:

- All future assessment and management of contamination at the site must be in accordance with the Auditor's requirements;
- Prior to occupation of the site the Auditor's Site Audit Statement and Report, into the suitability of the site for its permitted uses under the ACT Territory Plan, must be reviewed and endorsed by the Authority;
- No soil is to be removed off-site without the approval of the EPA.

It is noted that the HPS' advice in relation to DA201630974 has been incorporated into the Notice of Decision for the development application. The conditions provided by the EPA have been incorporated into this ESO.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Blocks 7, 8 and 9 Section 18 Braddon are identified on the register of contaminated sites.

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.