

Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 82, Weston – Weston Residential Estate) Notice 2019

Notifiable instrument NI2019–498

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 Residential Estate) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 23 July 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 construction of a residential estate on Block 1 Section 82 Weston.
- (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
23 July 2019



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, town planner.

PROPOSAL DESCRIPTION

The proposal is for a residential estate including 211 single dwelling blocks, one multi-unit block, six communal blocks, internal roads, communal open spaces, bulk earthworks and other associated works. The project will provide for the creation of a total of 260 dwellings.

LOCATION

Block 1, Section 82, Weston.

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 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
 - > "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
- 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.

Attached is a Statement of Reasons for the decision.



George Cilliers

Delegate of the planning and land authority

23 July 2019

STATEMENT OF REASONS

The proposed development is for a residential estate including 211 single dwelling blocks, one multi-unit block, six communal blocks, internal roads, communal open spaces, bulk earthworks and other associated works. The project will provide for the creation of a total of 260 dwellings.

The proposal is 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 and received the following comments, in accordance with s138AA (3) of the Act.

Work Safety Commissioner

The Work Safety Commissioner had no comments on the application.

Emergency Services Commissioner

The Emergency Services Agency had no comments on the application.

Environment Protection Authority (EPA)

The EPA indicated they would support the ESO subject to the inclusion of the following 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*
- > *"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*

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.

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. The HPS provided the following advice:

The proposed site is listed on the register of Contaminated Sites under the Environment Protection Act 1997. The HPS supports the requirement that any demolition and construction works will need to be undertaken in accordance with an approved and updated site management plan and/or construction environmental management plan, endorsed by the Site Auditor and the ACT Environment Protection Authority (EPA); and

The comment raised by the HPS in March 2019 regarding the Draft Estate Development Plan-Weston Section 82 Block 1 is still applicable. The applicant is advised that the HPS support Arcadis' conclusion that the Environmental Management Plan prepared by Safe Work & Environments remain enforced until such time that the auditor and ACT EPA approve cessation of the plan in writing.

It is noted the proponent is required to address comments raised by all relevant entities (including HPS) regarding the draft EDP, as part of the draft EDP pre-circulation.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Block 1 Section 82 Weston is 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.