

Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 68 & Block 2, Section 65 Kingston – East Lake Cable Removal) Notice 2022

Notifiable instrument NI2022– 623

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 68 & Block 2, Section 65, Kingston – East Lake Cable Removal) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 16 November 2022, 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 development, on Block 1, Section 68 and Block 2, Section 65 of Kingston for the demolition of the existing Causeway Switching Station and adjacent electrical infrastructure.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note Under the Act, s section 138AD (6), the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Craig Weller
Delegate of the planning and land authority
5 December 2022



SCHEDULE

ENVIRONMENTAL SIGNIFICANCE OPINION

An application for an Environmental Significance Opinion (ESO) has been received, by the planning and land authority (the authority), 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 opinion:

APPLICANT

Purdon Planning, as represented by Naina Agarwal, Senior Urban Planner and Design Lead.

PROPOSAL DESCRIPTION

The applicant proposes to demolish the Causeway Switching Station and adjacent electrical infrastructure, including power poles and lines.

LOCATION

Block 1, Section 68 and Block 2, Section 65, Kingston (the site)

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application and in relation to Part 4.3, Item 7, of the Act.

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. CEMP

- a) A Construction Environmental Management Plan (CEMP) is to be submitted to and endorsed by the authority (EPDImpact@act.gov.au) prior to the commencement of works. The CEMP must, at a minimum, include an Unexpected Finds Protocol.
- b) At all times, all works must be in accordance with the CEMP.

2. Contaminated Site Remediation

- a) Following the decommissioning of the electrical infrastructure, the Environment Protection Authority (EPA) require that the site be assessed for contamination, remediated as required and the findings of all environmental works independently audited by an EPA approved environmental auditor.
- b) The auditor's findings into site suitability must then be endorsed by the EPA prior to the site being used for any other use.

- c) All areas outside of the Causeway Switching Station site works must be undertaken in accordance with the appropriate auditor endorsed site management plan for the specific audit area.

3. Activity Commencement

Upon determination of the ESO and prior to the commencement of activities, WorkSafe ACT must be advised of the intended commencement and completion dates of all associated activities.

Attached is a Statement of Reasons for the decision.



Craig Weller
Delegate of the planning and land authority

16 November 2022

STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* (the Act) – 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 (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 (the 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 authority consulted with the following entities, in accordance with s138AA (3) of the Act.

Work Safety Commissioner

Due to the anticipated risks posed to workers during the decommissioning and demolition of the Causeway Switching Station and the possible exposure during any incidental handling of polychlorinated biphenyls (PCBs), the Work Health and Safety Commissioner recommends that any ESO issued for this proposed work include a requirement or statement of expectation that WorkSafe ACT will be advised of the intended commencement for the work once it has been determined.

The Commissioner does not have any further comment on this matter.

This response has been provided on the basis of information provided by the Impact Assessment unit by email on 23 August 2022 including the accompanying documents provided for the Work

Health and Safety Commissioner's consideration. This response does not take into account any subsequent changes to those documents or any other information held by the Impact Assessment unit.

In providing this response, the Work Health and Safety Commissioner is not approving or endorsing any proposed work arrangements or any proposed risk control measures, and nothing in this response affects the safety duties of persons involved in carrying out the proposed work under the Work Health and Safety Act 2011.

Environment Protection Authority (EPA)

Following the decommissioning of the electrical infrastructure the EPA will require that the site be assessed for contamination, remediated as required and the findings of all environmental works independently audited by an EPA approved environmental auditor. The auditor's findings into site suitability must then be endorsed by the EPA prior to the site being used for any other use.

Emergency Services Commissioner

ACTF&R has reviewed ESO – 202200027 – Block 1 Section 68, KINGSTON and have no comments or objections.

Director-General of ACT Health

The Health Protection Service (HPS) has reviewed the ESO and associated documentation and notes that the proposed site is listed on the Environment Protection Authority's Register of Contaminated Sites as being potentially contaminated.

The HPS supports the need for a Construction Environmental Management Plan (CEMP) to be put in place prior to the start of any works. The CEMP should incorporate an Unexpected Finds Protocol.

Where the above is implemented, the HPS has no objections to an ESO being granted.

FURTHER INFORMATION

On 20 September 2022, the authority requested further information from the applicant following advice received from the EPA that the commentary on contamination provided in the Environmental Significance Opinion Request Planning Report did not accurately reflect the status of the environmental assessment and audit for the switching station site located with Block 1 Section 68 Kingston and this should be updated and resubmitted.

"The EPA has no records to indicate that the switching station site has been assessed and the assessment and remedial works independently audited in accordance with the requirements of Environmental Protection Agreement between the EPA and the SLA (LDA) for the assessment and management of contamination within the Kingston Foreshore Development Area.

The switching station site must be assessed, remediated and independently audited in accordance with the terms of the above Agreement and the findings of the audit forwarded to the EPA for review and endorsement at the completion of the decommissioning process. For all areas outside of the switching station site works must be undertaken in accordance with the appropriate auditor endorsed site management plan for the specific audit area.”

The applicant provided further information to the authority on 10 October 2022 in response to the above advice stating that the area containing the infrastructure associated with the high voltage Causeway Switching Station was excluded from the Block 1, Section 68 Kingston site audit due to safety and access constraints imposed by Evoenergy.

The applicant confirmed that a Site Audit Report will be undertaken for that part of the site containing the infrastructure associated with the high voltage Causeway Switching Station once the infrastructure is removed and there is clear, unimpeded access.

The applicant’s response was provided to the EPA who confirmed that following the decommissioning of the electrical infrastructure, the EPA will require that the site be assessed for contamination, remediated as required and the findings of all environmental works independently audited by an EPA approved environmental auditor. The auditor’s findings into site suitability must then be endorsed by the EPA prior to the site being used for any other use.

EPA’s advice has been included as a condition of approval in the authority’s ESO.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Provided works are undertaken in a manner consistent with the above conditions attached to the ESO, the authority considers that the proposal is unlikely to cause a significant adverse environmental impact.