

Planning and Development (Environmental Significance Opinion – Service Station Refurbishment at Block 35, Section 539, Chisholm) Notice 2023

Notifiable instrument NI2023–340

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 (Environmental Significance Opinion – Service Station Refurbishment at Block 35, Section 539, Chisholm) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Environmental significance opinion

- (1) On 15 June 2023, the planning and land authority, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant an environmental significance opinion in relation to the development, on Block 35, Section 539, of Chisholm, for minor works at the existing service station including partial demolition and extension of the existing service station store building as well as some external signage refurbishment work.

- (2) In this section:

environmental significance opinion means the opinion in the schedule.

Note Under the Act, s 138AD (6), the 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
28 June 2023



ACT
Government

Environment, Planning and
Sustainable Development

SCHEDULE

ENVIRONMENTAL SIGNIFICANCE OPINION

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

BP Australia Pty Ltd c/- TFA Project Group, as represented by Damien Mackay, Town Planner (TFA).

PROPOSAL DESCRIPTION

Proposed minor works at the existing service station including partial demolition and extension of the existing service station store building and external signage refurbishment work.

LOCATION

Blocks 35 Section 539, Chisholm

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application (ESO202300021) and in relation to Part 4.3, Item 7, of the Act.

OPINION

The planning and land authority is of the opinion that the proposal is unlikely to cause a significant adverse environmental impact.

Note: Work should be undertaken consistent with entity advice. Please refer to **CONSULTATION WITH ENTITIES** for further details.

Attached is a Statement of Reasons for the decision.

George Cilliers

Delegate of the planning and land authority

28 June 2023

STATEMENT OF REASONS

The proposed development (ESO202300021) 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

The Work Health and Safety Commissioner did not have any comments on this matter.

Note: 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 person involved in carrying out the proposed work under the Work Health and Safety Act 2011.

Environment Protection Authority (EPA)

- *EPA supports the application on the basis adequate planning controls will be able to be incorporated at the Development Application stage.*
- *The EPA had no further comments for now and will provide further comments following receipt of the Development Application.*

Emergency Services Commissioner

ACT Fire & Rescue provided the following comment:

- *Due to the proximity to Chisholm Fire Station, please ensure appropriate emergency access to the station is maintained at all times.*

Director-General of ACT Health

The Health Protection Service (HPS) has no public health concerns to raise in relation to this ESO and has no objection in its granting.

The HPS however provided the following advice to the applicant, that at the future Development Application phase:

- *The applicant is advised that the business will need to comply with the Food Act 2001 and the ACT Food Business Fit-Out Guide in relation to the proposed changes to the registered food premises. The applicant is required to submit a Food Business variation application and fit-out application (with suitably detailed plans) to the HPS prior to any changes to the layout of the food premises.*
- *The HPS requests the applicant take all reasonable and practicable measures to suppress dust and minimise detrimental impacts to air quality during demolition and construction works.*

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The proposal is for minor works at the existing service station including partial demolition and extension of the existing service station store building and external signage refurbishment work.

The proposal is unlikely to cause a significant environmental impact. Advice has been provided to ensure that adequate planning controls during the Development Application stage are incorporated for the proposed works. The development will need to comply with any additional conditions of approval included in the notice of decision.

It has been demonstrated that if the works are undertaken in a manner consistent with the above advice attached to the ESO, they are unlikely to cause a significant adverse environmental impact.