

Planning and Development (Environmental Significance Opinion – Block 67 Section 22, Hume – Capital Asphalt fuel and chemical storage upgrade) Notice 2023

Notifiable instrument NI2023–610

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 – Block 67 Section 22, Hume – Capital Asphalt fuel and chemical storage upgrade) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Environmental significance opinion

- (1) On 15 August 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 67 Section 22, Hume, for the proposed Capital Asphalt fuel and chemical storage upgrade, including relocation of the filling bowsers, installation of new underground fuel and oil storage tanks and a bunded area for storage of oil drums.

- (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.

Craig Weller
Delegate of the planning and land authority
26 September 2023



ACT
Government

Environment, Planning and
Sustainable Development

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

Canberra Town Planning, as represented by Peter Whiting, Senior Planner.

PROPOSAL DESCRIPTION

Upgrading the existing Capital Asphalt fuel and chemical storage infrastructure, including relocating the filling bowsters, installation of new underground fuel and oil storage tanks and a bunded area for storage of oil drums.

LOCATION

Block 67 Section 22, Hume (5 Paspaley Street, Hume).

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application (ESO202300026) and in relation to Part 4.2, Item 11, 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, provided the works are undertaken in a manner consistent with the entity advice.

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.

Craig Weller
Delegate of the planning and land authority
15 August 2023

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 4.2 Item 11 - proposal that involves storage of the placard quantity of a dangerous substance on land, or in a building or structure on the land, that, immediately before the commencement day, was not registered in the placard quantity register.

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 (the Commissioner) did not have any comments on the proposed works identified in this application.

Advice:

The Commissioner notes that the quantity of Schedule 11 hazardous chemicals to be used, handled or stored on site following the upgrade to the fuel and chemical storage infrastructure would appear to exceed a manifest quantity under the [Work Health and Safety Regulation 2011](#).

The project proponent should take steps to identify any additional measures which must be put in place under the Work Health and Safety Regulation 2011 to comply with the requirements for workplaces at which Schedule 11 hazardous chemicals are used, handled or stored in excess of a manifest quantity, and ensure that these measures are put in place as part of the proposed works.

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 persons involved in carrying out the proposed work under the Work Health and Safety Act 2011.

Environment Protection Authority (EPA)

EPA did not have any comments on the ESO application. EPA advised that comments will be provided at the DA stage. EPA also noted that amendments to the 'Environmental Authorisation' will be required.

Emergency Services Commissioner

ACT Fire & Rescue has no comments or objection to the ESO application.

Director-General of ACT Health

The Health Protection Service (HPS) has no public health concerns in relation to the granting of the ESO.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The Capital Asphalt fuel and chemical storage upgrade project consists of upgrading the existing Capital Asphalt fuel and chemical storage infrastructure, including relocating the filling bowers, installation of new underground storage tanks for diesel, kerosene and waste oil and a bunded area for storage of oil drums.

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.