

Planning and Development (Environmental Significance Opinion – Block 13, Section 18, Fyshwick – AMPOL Fyshwick) Notice 2023

Notifiable instrument NI2023–651

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 13, Section 18, Fyshwick – AMPOL Fyshwick) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Environmental significance opinion

- (1) On 4 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 demolition, on Block 13, Section 18, of Fyshwick, of remaining hardstand and below ground infrastructure, which will include soil remediation, disposal and bulk earthworks.

- (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
18 October 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

WSP Australia Pty Limited, as represented by Alex Garrett, Senior Environmental Scientist.

PROPOSAL DESCRIPTION

The proposal is for the demolition of remaining hardstand and below ground infrastructure, which will include soil remediation, disposal and bulk earthworks.

LOCATION

Block 13, Section 18, Fyshwick.

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 application documents, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.

Craig Weller
Delegate of the planning and land authority

4 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 4.3 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 does not have any comments on this application for an Environmental Significance Opinion (reference ESO202300031).

This response has been provided on the basis of email advice received from the Impact Assessment unit on 4 July 2023 which identified the relevant material for the Work Health and Safety Commissioner's consideration.

This response does not take into account any subsequent changes to the identified material 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

The EPA has no comments on the ESO. Advice including recommended conditions of approval will be provided to the ACTPLA following review of the detailed plans in the Development Application.

Emergency Services Commissioner

ACTF&R has reviewed the environmental significance opinion application ESO 202300031 and has no comment or objections

Director-General of ACT Health

The Health Protection Service (HPS) notes that the proposed site is on the *Environment Protection Act 1997* register of contaminated sites due to soil contamination and will be subject to oversight from the Environment Protection Authority.

The HPS has no public health concerns in relation to the granting of an ESO for this development.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Historically the site has been utilised as a bulk fuel storage depot from approximately the mid-1960's to 2015 and was undeveloped land prior to this. The project site is currently vacant following above ground infrastructure demolition and initial remediation works.

The following potential adverse environmental impacts may result from the project:

- Dust, vapours and odours being released into the atmosphere, particularly when excavation of potentially contaminated soil is carried out,
- Noise of installation equipment during works (e.g. excavators, trucks, etc.),
- Erosion of soil and subsequent run-off of potentially contaminated sediment and water into nearby stormwater drains,
- Transport of contaminated soil via wheels from trucks leaving the project site, and
- Accumulation of water into excavations during rainfall.

Several mitigation measures are listed in the application, including but not limited to a Construction Environmental Management Plan (CEMP), which all works will be undertaken in accordance with.

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