

# Planning and Development (Conditional Environmental Significance Opinion – Block 13, Section 28, Narrabundah – lease variation and development of a two-storey commercial building) Notice 2024

Notifiable instrument NI2024–424

made under the

Planning and Development Act 2007 (repealed), s138AD (Requirements in relation to environmental significance opinions)

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 13, Section 28, Narrabundah – lease variation and development of a two-storey commercial building) Notice 2024*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 12 July 2024, the planning and land authority, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (repealed), gave the Applicant a conditional environmental significance opinion in relation to a lease variation and construction on Block 13, Section 28, of Narrabundah, for the development of a two-storey commercial building.

(2) In this section:

*conditional environmental significance opinion* means the opinion in the schedule.

*Note* Under the Act, s 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 territory planning authority  
26 July 2024



**ACT**  
Government

Environment, Planning and  
Sustainable Development

## **SCHEDULE**

### **ENVIRONMENTAL SIGNIFICANCE OPINION**

An application for an Environmental Significance Opinion (ESO) has been received by the territory planning 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 Pieter Van Der Walt, Director.

#### **PROPOSAL DESCRIPTION**

The proposal is to vary the purpose clause of the lease to remove the existing Motor Service Station and associated uses and replace them with the uses of Indoor Recreation, Office, Shop and Restaurant. The proposal also includes the development of a two-storey commercial building.

#### **LOCATION**

Block 13, Section 28 Narrabundah (also known as 58 Kootara Crescent).

#### **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.

- Due to the previous land use as a service station and the potential for remaining hydrocarbon contamination on the site, there may be a potential risk that the reticulated water supply lines transverse land contaminated with residual hydrocarbons. For any relevant development application for the site the applicant must consider the risk of hydrocarbon permeation in reticulated plumbing that is in direct contact with site soil.

- Any food business will need to comply with the *Food Act 2001* and the ACT Food Business Fit-Out Guide. Any future food businesses are required to submit food business registrations and fit-out applications (with suitably detailed plans) to the Health Protection Service (HPS) prior to construction. The applicant is advised to contact the HPS for further information.

Attached is a Statement of Reasons for the decision.



Craig Weller

Delegate of the territory planning authority

11 July 2024

## 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 territory planning 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 territory planning authority consulted with the following entities, in accordance with s138AA (3) of the Act.

### **Work Safety Commissioner**

Thank you for your email of 13 June 2024 (below) seeking any comments from the Work Health and Safety Commissioner in relation to the application for an Environmental Significance Opinion in respect of the Narrabundah Service Station Redevelopment project.

The Work Health and Safety Commissioner does not have any comments on this application for an Environmental Significance Opinion (reference ESO202300050). This response has been provided on the basis of documents provided by the Impact Assessment unit on 13 June 2024 as being the relevant material 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**

The Office of the Environment Protection Authority (OEPA) has reviewed the Site Audit Report and Site Audit Statement for 58 Kootara Crescent, Narrabundah. The EPA has endorsed these documents as detailed in the attached endorsement letter ([Attachment A](#)).

The EPA endorsement letter lists the suitability of the site for permissible uses under the CZ4 zoning. As long as the proposed development falls within the suitable uses the EPA is satisfied that no further contamination assessment is needed.

For further information please contact the Environment Protection Authority Planning Liaison at [EPAPanningLiaison@act.gov.au](mailto:EPAPanningLiaison@act.gov.au).

### **Emergency Services Commissioner**

ACTF&R has reviewed the Environmental Significance Opinion Application #202300050 Block 13 Section 28, NARRABUNDAH and have no comments or objections.

### **Director-General of ACT Health**

Thank you for the documentation received on 13 June 2024 regarding the Environmental Significance Opinion for the development of a two-storey commercial building and lease variation for Block 13 Section 28 in Narrabundah.

The Health Protection Service (HPS) notes that the Development site is listed on the Environmental Protection Authority's register of contaminated sites as it is a former service station site. It is noted

that site assessments, remediation works, and validation reports have been conducted for previous DAs on the same block and section.

The HPS advises the following:

- Due to the previous land use as a service station and the potential for remaining hydrocarbon contamination on the site. There may be a potential that the reticulated water supply lines to transverse land contaminated with residual hydrocarbons. The HPS request that the applicant considers the risk of hydrocarbon permeation in reticulated plumbing that is in direct contact with site soil.
- Any food business will need to comply with the *Food Act 2001* and the ACT Food Business Fit-Out Guide. Any future food businesses are required to submit food business registrations and fit-out applications (with suitably detailed plans) to the HPS prior to construction. The applicant is advised to contact the HPS for further information.

There are no further public health concerns in relation to the Environmental Significance Opinion.

#### **Utilities Technical Regulation**

Nil comments from UTR.

#### **POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

The potentially significant environmental impacts resulting from the proposed work relates to the presence of contamination in the soil and groundwater. The site was previously used as a service station and is listed on the register of contaminated sites under the *Environment Protection Act 1997*). However, remediation of the site has since been undertaken and a subsequent site audit report considered it to be suitable for other land uses.

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.



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

*File Ref: 1-2020/61722*

Ms Jolien Janse Van Rensberg  
Town Planner  
Canberra Town Planning  
501B/23 Challis Street  
Dickson ACT 2602

Dear Ms Janse Van Rensberg

**RE: ENDORSEMENT OF SITE AUDIT STATEMENT AND REPORT – BLOCK 13 SECTION 28  
NARRABUNDAH CANBERRA CENTRAL**

The Environment Protection Authority (the Authority) has reviewed the following documents:

- “58 Kootara Crescent, Narrabundah, ACT, Site Audit Report”, dated 14 January 2021, and
- “Site Audit Statement, 58 Kootara Crescent, Narrabundah, ACT”, dated 14 January 2021, by Andrew Kohlrusch of GHD Pty Ltd, an accredited site auditor under the Environment Protection Act 1997.

The Authority has assessed the documents and supports the Auditor's findings that the site is suitable for the following uses permissible under the CZ4: Local Centre Zone under the Territory Plan:

Ancillary use  
Car park  
Community Use  
Consolidation  
Demolition  
Guest house  
Home business  
Indoor entertainment facility  
Indoor recreation facility  
Industrial trades  
Light industry  
Minor use  
Non retail commercial use  
Pedestrian Plaza  
Residential use  
Recyclable material collection



Restaurant  
Service Station  
Shop  
Sign  
Subdivision  
Temporary use  
Veterinary hospital.

It is noted that the uses Parkland and single dwelling housing are excluded from the above conclusion, further investigation may need to be conducted for these land uses.

The assessment has been generally undertaken in accordance with the Authority's Contaminated Sites Environment Protection Policy 2017 and associated guidelines.

This letter of endorsement must be read in conjunction with the above report.

Where the above report has been submitted in accordance with a condition of a development approval, the report along with this letter of endorsement must be lodged with the ACT Environment, Planning and Sustainable Development Directorate using their eDevelopment system.

This should not be taken as a warranty by the Authority or the Territory that the land is fit for any particular purpose.

Yours sincerely



Rodney Dix  
Delegate, Environment Protection Authority

17 June 2024