

Planning and Development (Conditional Environmental Significance Opinion – Block 3, Section 41, Lyneham – Wattle Street Terraces) Notice 2024

Notifiable instrument NI2024–46

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 3, Section 41, Lyneham – Wattle Street Terraces) Notice 2024*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 21 July 2023, the planning and land authority, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (repealed), gave the Applicant a conditional environmental significance opinion in relation to the development of 12 attached houses and associated works on a remediated former petrol station site, on Block 3, Section 41, Lyneham.

- (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
24 January 2024



SCHEDULE

ENVIRONMENTAL SIGNIFICANCE OPINION

An application for an Environmental Significance Opinion (ESO) has been received 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 environmental significance opinion:

APPLICANT

Purdon Planning Pty Ltd, as represented by Bradley Yates, Senior Urban Planner.

PROPOSAL DESCRIPTION

The proposal is for the development of 12 attached houses and associated on-site landscaping and services on a former petrol station site, which has undergone previous remediation works.

LOCATION

Block 3 Section 41, 66 Wattle Street Lyneham.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application (ESO202300024) 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:

- All works at the site must be undertaken in accordance with the document titled "Site Environmental Management Plan Former Service Station Lyneham (Site ID: 28074)" dated 23 February 2021 by WSP Australia Pty Ltd.
- All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.
- All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.
- No soil is to be disposed from site without approval from the Office of the Environment Protection Authority.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'Craig Weller', with a stylized, cursive script.

Craig Weller

Delegate of the planning and land authority

21 July 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 ESO202300024). This response has been provided on the basis of email advice received from the Impact Assessment unit on 15 June 2023 which identified the relevant documents for the Work Health and Safety Commissioner’s consideration. This response does not take into account any subsequent changes to the identified 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 Environment Protection Authority would support the application subject to the following conditions:

- *All works at the site must be undertaken in accordance with the document titled "Site Environmental Management Plan Former Service Station Lyneham (Site ID: 28074)" dated 23 February 2021 by WSP Australia Pty Ltd.*
- *All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.*
- *All soil subject to disposal from the site must be assessed in accordance with EPA Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.*
- *No soil is to be disposed from site without approval from the Office of the Environment Protection Authority.*

Further advice will be provided following review of the Development Application.

Emergency Services Commissioner

ACTF&R has reviewed ESO 202300024 – Block 3 Section 41, LYNEHAM and have no comments or objections.

Director-General of ACT Health

The Health Protection Service (HPS) notes that the Development site is listed on the Environmental Protection Authority's register of contaminated sites and the EPA endorsed Site Audit Statement and a Site Audit Report notes that the site may permit some of the uses of a CZ4- Local Centre.

The HPS advises the following:

- *Due to the previous land use (as a service station) and existing hydrocarbon contamination at the site, the HPS request that the applicant considers the risk, and guards against, hydrocarbon permeation of the reticulated plumbing supply to the dwellings.*
- *The HPS supports that the subject site must exclude childcare centres, preschools, schools and colleges and hospitals and that access to site soils must be restricted.*

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

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The proposal is for the development of 12 attached houses and associated on-site landscaping and services on a former petrol station site, which has undergone previous remediation works.

The Site Environmental Management Plan (SEMP) describes management measures that are required to avoid health and environmental impacts due to residual site contamination from the previous use of the site. A condition has been included that any development at the site must be undertaken in accordance with the SEMP.

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.