



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 138A of the *Planning Act 2023* (the Act). In accordance with section 139 of the Act, I provide the following opinion:

APPLICANT

Canberra Town Planning as represented by Nichelle Jackson, Director.

PROPOSAL DESCRIPTION

The proposal is for the development of 26 multi-storey terrace/apartment buildings and its associated works including internal driveways, communal open space, and associated earthworks to facilitate the proposed development.

LOCATION

Block 1, Section 82, Weston. The land was formally used by the Australian Federal Police (AFP) Training College from 1980 to 2016, when the AFP relocated to premises elsewhere in the ACT.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application and in relation to Part 1.2, Item 23.

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 s139 of the Act.

1. All works at the site must be undertaken in accordance with the requirements of the following documents which were submitted as part of the ESO application:
 - Site Audit Statement (No. 257R) and "*Revised Site Audit Report Former Australian Federal Police Complex Block 1 Section 82, Weston, ACT*" dated 08 May 2018 by Mr Rod Harwood of Arcadis Australia Pacific Pty Ltd; and
 - *Environmental Management Plan (EMP for Residual Asbestos in Soil) Former AFP Complex Block 1, Section 82, Weston (2 Unwin Street, Weston ACT)*" dated April 2018 by Safe Work & Environments Pty Ltd.

Note: Where remediation and validation are required at the site under the EMP, the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site.

2. All spoil identified at the site must be managed in accordance with the *EPA Information Sheet- Spoil Management in the ACT*.
3. All soil subject to disposal from the site must be assessed in accordance with the *EPA Information Sheet 4 – Requirements for the reuse and disposal of contaminated soil in the ACT*.
4. No Soil is to be disposed from the site without the approval from the office of the EPA.
5. Any soil to be disturbed around the protected trees must be conducted under the direction of a class A licensed asbestos removal contractor and in accordance with Environment Protection Authority (EPA) requirements to mitigate the risk of asbestos dust exposure and further soil contamination.
6. Any residual asbestos must be managed according to the Environmental Management Plan (EMP). Any proposal to remove the EMP must be submitted to the contaminated site auditor for review and endorsement. The requirements of the EMP may only cease upon written confirmation from the ACT EPA.

Attached is a Statement of Reasons for the decision.

Craig Weller

Delegate of the planning and land authority

February 2024

STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – development proposal requiring an EIS, specifically: Part 1.2, Item 23 - 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 *s139(1)* 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 ESO202400004).

This response has been provided on the basis of email advice received from the Impact Assessment unit on 2 February 2024 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.

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

The EPA has no objection to the ESO and agrees with the ESO statement that all future works at the site must be undertaken in accordance with the requirements of the following documents:

- Site Audit Statement (No. 257R) and *"Revised Site Audit Report Former Australian Federal Police Complex Block 1 Section 82, Weston, ACT"* dated 08 May 2018 by Mr Rod Harwood of Arcadis Australia Pacific Pty Ltd; and
- *"Environmental Management Plan (EMP for Residual Asbestos in Soil) Former AFP Complex Block 1, Section 82, Weston (2 Unwin Street, Weston ACT)"* dated April 2018 by Safe Work & Environments Pty Ltd.

Note: Where remediation and validation are required at the site under the EMP the site validation report must be forwarded to the EPA for review and endorsement prior to occupancy of the site.

More detailed comments will be provided at the DA stage.

Emergency Services Commissioner

ACTF&R has reviewed ESO202400004 – Block 1 Section 82, WESTON and have no comments or objections.

Director-General of ACT Health

The Health Protection Service (HPS) notes that the ESO has previously been approved under ESO number 202100039 and that a new application is being sought as the previous application has expired.

The HPS advises the applicant that the previous comments provided on ESO application 202100039 still apply. This includes the following:

- Any soil to be disturbed around the protected trees must be conducted under the direction of a class A licensed asbestos removal contractor and in accordance with Environment Protection Authority (EPA) requirements to mitigate the risk of asbestos dust exposure and further soil contamination.
- The HPS supports the auditor's comments within the Revised Site Audit Statement by Arcadis dated 08 May 2018. The residual asbestos must be managed according to the Environmental Management Plan (EMP) in place or until such a time the asbestos impacted soil is removed. Any proposal to remove the EMP must be submitted to the contaminated

site auditor for review and endorsement. The requirements of the EMP may only cease upon written confirmation from the ACT EPA.

There are no further public health concerns in relation to the proposed amendments.

Utilities Technical regulation

UTR have no comment for ESO 202400004.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Any potentially significant environmental impacts associated with the proposed development would be expected to occur from the presence of contaminants and hazardous materials including asbestos on the land where the proposed development will take place. The possible impacts include risk to health of workers from exposure to contaminants /hazardous materials during excavation and other ground works, and risk to surrounding environment (soil, ground water, storm water and air pollution) from improper management of spoils during construction works.

After reviewing the supporting documents and mitigation measures identified in the ESO report, it has been demonstrated that if the proposed 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.