



ENVIRONMENTAL SIGNIFICANCE OPINION

An application for an Environmental Significance Opinion (ESO) has been received under section 138 of the *Planning Act 2023* (the Act). In accordance with section 140(4) of the Act, I provide the following environmental significance opinion:

APPLICANT

Gyde Consulting, as represented by Ingrid Shelton, Senior Associate.

PROPOSAL DESCRIPTION

Redevelopment involving the demolition of two existing hardstands, the removal of an existing overhead awning, and the construction of a new fuel bay including an above ground diesel tank for 69,700 litres of diesel, the excavation for and installation of two in-ground spill capture storage tanks, a proposed warehouse extension and a new awning.

LOCATION

Block 42, Section 28, Hume (31 Sawmill Circuit).

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application.

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 section 140(4) of the Act.

CONDITIONS

1) General

All works are to be undertaken in accordance with the mitigation measures proposed in Environmental Significance Opinion Report (Final), prepared by Gyde Consulting, dated 1 July 2025.

2) Contamination

- a. All spoil identified at the site must be managed in accordance with EPA Guidelines for [Spoil Management in the ACT](#) available at [Environment Protection Policies & Guidelines](#).

- b. 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](#) available at [Contaminated Sites](#).
- c. No soil is to be disposed from the site without EPA approval.

3) Construction

- a. All works must be carried out in accordance with “[Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022](#)” available at [Environment Protection Policies & Guidelines](#) or by calling 132281.
- b. As the site is greater than 0.3 hectares, the construction is an activity listed in Schedule 1 as a Class B activity under the [Environment Protection Act 1997](#).
 - i. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with EPA in respect of that activity **prior to works commencing**.
- c. An [Erosion and Sediment Control Plan](#) (ESCP) must be submitted to and be endorsed by EPA **prior to works commencing** on site.
 - i. Any subsequent changes to the ESCP must be endorsed by EPA prior to implementation.
- d. All sediment and erosion control measures must be in place **prior to works commencing** and must be maintained until development completion.
- e. Adjacent roads must be swept clean at all times

4) Noise

- a. Noise from equipment, which is installed permanently or used temporarily during development, including air conditioning units, heat pumps, pool pumps, etc. must comply with the noise standard at the site boundary at all times as per the [Environment Protection Regulation 2005](#).
 - i. Please consider the type and location of noise generating equipment prior to installation.
 - ii. Written assurance should be sought from the supplier/installer of the equipment confirming it complies with the Noise Zone Standard as per the [Environment Protection Regulation 2005](#).

5) Fuel Storage

- a. An above-ground petroleum storage system should be designed, installed, and maintained in accordance with AS 1940 - The Storage and Handling of Flammable and Combustible Liquids and AS 1692 - Steel Tanks for Flammable and Combustible Liquids.

- b. The installation of a self-bunded petroleum storage tank must be carried out in accordance with Section 2.2.1 of the "[Environmental Guidelines for Petroleum Storage in the ACT, June 2019](#)" available at [Environment Protection Policies & Guidelines](#) or by calling 132281.
- c. Steel bollards must be installed to protect the tanks from damage.
- d. The fuel dispensing area and fuel storage areas must be roofed with a minimum ten-degree overhang.
- e. All ground surfaces within the fuel dispensing area and fuel storage area must be made of impervious material. Asphalt is not considered to be a suitable material as it can react with petroleum products.
- f. Stormwater run-off from the fuel dispensing area, fuel storage area, and other areas of the site that have potential to generate wastewater should be diverted to an oil water separator prior to discharge to the sewer system (subject to approval from the relevant utility) or directed to an appropriately sized stormwater improvement device prior to discharge to the stormwater system.
- g. The storage of more than 50 cubic metres of petroleum products is listed in Schedule 1 of the [Environment Protection Act 1997](#) as a Class A activity. The lessee/operator of the site must hold an **Environmental Authorisation (EA)** in relation to that activity prior to the commissioning of the activity's operation. The application can be submitted via [Application for an Environmental Authorisation](#).
- h. The lessee/ site operator must develop an **Environment Management Plan (EMP)** in accordance with Section 6 (Operational Requirements) of the "[Environmental Guidelines for Petroleum Storage in the ACT, June 2019](#)" and submit it in conjunction with the [Application for an Environmental Authorisation](#).

ADVICE

1) Construction Noise

- a. Building work, by its nature, is noisy. Within the identified area, any noisy activities including material deliveries and work site preparation are only permitted between the following hours:
 - i. 6:00am to 8:00pm, 7 days a week (including public holidays)
 - ii. At all other times, noise emissions must not exceed the zone noise standard.

65 dB daytime and 55 dB nighttime (Zone A)

60 dB daytime and 50 dB nighttime (Zone B)

2) Lights

- a. All external lights must comply with Australian Standards AS4282:2023 Control of the obtrusive effects of outdoor lighting.

3) Dust

- a. Where building work generates dust, all reasonable and practicable measures must be taken to minimise that dust. This can often be achieved by damping the ground with a light water spray.

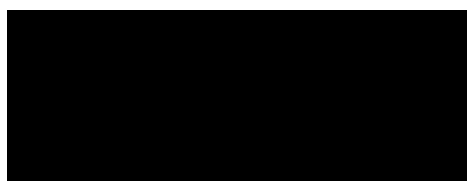
4) Fire

- a. Burning of waste materials on site, including building waste such as plastics, chemicals, or wood that is painted, chemically treated, or contaminated with chemicals is illegal.
- b. A fire may be permitted for heating purposes provided it is in a brazier or constructed fireplace.
- c. Only seasoned untreated timber can be burnt for heating purposes.

5) Water Supply

It is considered that the site, and proposed fuel storage and warehouse extension, should be discussed with Icon Water and ACT Fire and Rescue to determine water pressure and flows in the area, if these requirements are met for the development type and if an onsite water tank should be constructed to supplement water supplies in the occurrence of a fire. This should be addressed as part of a development application for the proposal.

Attached is a Statement of Reasons for the decision.



George Cilliers

Territory Planning Authority

28 August 2025

STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – development proposals requiring environmental impact assessment, being:

Part 1.2 item 15 - proposal that involves storage of the placard quantity of a schedule 11 hazardous chemical on land, or in a building or other structure on land, that is not mentioned in the *Planning and Development (Placard Quantity Premises) List 2018* (NI2018-532) (repealed).

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Territory Planning Authority (TPA) for an opinion to that effect.

Meaning of *significant* adverse environmental impact – *Planning Act 2023*, section 104

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 TPA consulted with entities, in accordance with section 139 (1) of the Act. Entity responses are provided below:

Work Health and Safety Commissioner

The Work Health and Safety Commissioner does not have any comments on the proposed works identified in this application for an Environmental Significance Opinion (reference ESO202500031).

This response has been provided on the basis of information provided by the Impact Assessment unit on 10 July 2025 for the Work Health and Safety Commissioner's consideration.

This response does not take into account any changes to the application documents which occurred after copies of those documents were provided to WorkSafe ACT, nor 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 person who may be involved in carrying out the proposed work under the Work Health and Safety Act 2011.

Environment Protection Authority

Thank you for referring the Environmental Significance Opinion (ESO) application ESO202500031 - Sawmill Circuit, Hume to the Office of the Environment Protection Authority (EPA) for review.

EPA would support the preparation of an ESO subject to the following conditions and advice:

CONDITIONS:

Contamination

- *All spoil identified at the site must be managed in accordance with EPA Guidelines for [Spoil Management in the ACT](#) available at [Environment Protection Policies & Guidelines](#).*
- *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](#) available at [Contaminated Sites](#).*
- *No soil is to be disposed from the site without EPA approval.*

Construction

- *All works must be carried out in accordance with "[Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022](#)" available at [Environment Protection Policies & Guidelines](#) or by calling 132281.*
- *As the site is greater than 0.3 hectares, the construction is an activity listed in Schedule 1 as a Class B activity under the [Environment Protection Act 1997](#).*
 - *The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with EPA in respect of that activity **prior to works commencing**.*
- *An [Erosion and Sediment Control Plan \(ESCP\)](#) must be submitted to and be endorsed by EPA **prior to works commencing** on site.*
 - *Any subsequent changes to the ESCP must be endorsed by EPA prior to implementation.*

- All sediment and erosion control measures must be in place **prior to works commencing** and must be maintained until development completion.
- Adjacent roads must be swept clean at all times

Noise

- Noise from equipment, which is installed permanently or used temporarily during development, including air conditioning units, heat pumps, pool pumps, etc. must comply with the noise standard at the site boundary at all times as per the [Environment Protection Regulation 2005](#).
 - Please consider the type and location of noise generating equipment prior to installation.
 - Written assurance should be sought from the supplier/installer of the equipment confirming it complies with the Noise Zone Standard as per the [Environment Protection Regulation 2005](#).

Fuel Storage

- An above-ground petroleum storage system should be designed, installed, and maintained in accordance with AS 1940 - The Storage and Handling of Flammable and Combustible Liquids and AS 1692 - Steel Tanks for Flammable and Combustible Liquids.
- The installation of a self-bunded petroleum storage tank must be carried out in accordance with Section 2.2.1 of the "[Environmental Guidelines for Petroleum Storage in the ACT, June 2019](#)" available at [Environment Protection Policies & Guidelines](#) or by calling 132281.
- Steel bollards must be installed to protect the tanks from damage.
- The fuel dispensing area and fuel storage areas must be roofed with a minimum ten-degree overhang.
- All ground surfaces within the fuel dispensing area and fuel storage area must be made of impervious material. Asphalt is not considered to be a suitable material as it can react with petroleum products.
- Stormwater run-off from the fuel dispensing area, fuel storage area, and other areas of the site that have potential to generate wastewater should be diverted to an oil water separator prior to discharge to the sewer system (subject to approval from the relevant utility) or directed to an appropriately sized stormwater improvement device prior to discharge to the stormwater system.
- The storage of more than 50 cubic metres of petroleum products is listed in Schedule 1 of the [Environment Protection Act 1997](#) as a Class A activity. The lessee/operator of the site must hold an **Environmental Authorisation (EA)** in relation to that activity prior to the commissioning of the activity's operation. The application can be submitted via [Application for an Environmental Authorisation](#).

- The lessee/ site operator must develop an **Environment Management Plan (EMP)** in accordance with Section 6 (Operational Requirements) of the “[Environmental Guidelines for Petroleum Storage in the ACT, June 2019](#)” and submit it in conjunction with the [Application for an Environmental Authorisation](#).

ADVICE:

Construction Noise

- Building work, by its nature, is noisy. Within the identified area, any noisy activities including material deliveries and work site preparation are only permitted between the following hours:
 - 6:00am to 8:00pm, 7 days a week (including public holidays)
 - At all other times, noise emissions must not exceed the zone noise standard.
 - 65 dB daytime and 55 dB nighttime (Zone A)
 - 60 dB daytime and 50 dB nighttime (Zone B)

Lights

- All external lights must comply with Australian Standards AS4282:2023 Control of the obtrusive effects of outdoor lighting.

Dust

- Where building work generates dust, all reasonable and practicable measures must be taken to minimise that dust. This can often be achieved by damping the ground with a light water spray.

Fire

- Burning of waste materials on site, including building waste such as plastics, chemicals, or wood that is painted, chemically treated, or contaminated with chemicals is illegal.
- A fire may be permitted for heating purposes provided it is in a brazier or constructed fireplace.
- Only seasoned untreated timber can be burnt for heating purposes.

For further information, please contact the EPA Planning Liaison Officer at EPAPlanningLiaison@act.gov.au.

Emergency Services Commissioner

ACT Fire and Rescue (ACTF&R)

ACTF&R has reviewed ESO 202500030 - B42 S28 HUME and have no comments or objections to the proposed warehouse extension.

Further consideration may be made at referral of the building application for construction code compliance.

Note: the TPA confirmed with ACTF&R that they had considered all aspects of the development proposal, including the storage tank for 69,700 litres of diesel.

ACT State Emergency Service (ACTSES)

ACTSES has reviewed the subject DA and are unable to provide an assessment as no flood study/mapping is available. Flood mapping should be available through EPSDD and/or SLA and should be sourced from them.

Note: the TPA confirmed with ACTSES that this was not a request for further information. ACTSES stated *'there are a number of areas in Canberra for which ACTSES has no flood studies/mapping. ACTSES is unable to make an informed assessment on areas where flood studies/mapping have not been conducted by the ACTG (ACT Government), or have not been made available by CED (City and Environment Directorate), SLA (Suburban Land Agency), or individual developers where they have conducted studies.'* In addition, ACTSES noted *'potentially chemical storage could be treated as a "sensitive development" and need to be above the 0.2% AEP (Annual Exceedance Probability) flood, but that guidance would come from CED.'*

Utilities Technical Regulator (UTR)

From a water supply perspective for fighting fires, areas of Hume do not meet the required water pressure and flow firefighting requirements for some industrial premises. In some cases, this has occurred due to the minimum firefighting flow requirements being revised from 60 to 150 l/s in Icon Waters Standard. It is considered that the site, and proposed fuel storage and warehouse extension, should be discussed with Icon Water and ACT Fire and Rescue to determine water pressure and flows in the area, if these requirements are met for the development type and if an onsite water tank should be constructed to supplement water supplies in the occurrence of a fire. This should be addressed as part of a development application for the proposal.

From a utilities perspective, UTR agree with the ESO conclusion, and are supportive of the proposal being approved via Development Application.

Director-General of ACT Health

The HPS advises the following:

- *The development of an Unexpected Finds Protocol is supported.*

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

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The site is located in the Hume industrial area and is currently developed for the JJ's Waste and Recycling Depot (JJ's). Existing operations on site including recyclable materials collection, a recycling facility, and warehouse with ancillary offices. The development proposal includes an onsite refuelling bay to increase operational efficiency. The installation of an above ground fuel tank to store 69,700 litres of diesel triggers the requirement for an ESO.

The potential environmental impacts associated with the fuel tank include spills and fires. The ESO application proposes measures to mitigate the risk of impacts. The proposal includes two in ground storage tanks for overspill management. An onsite Facilities Manual will be used by JJ's for the management of hazards and environmental incidents. Diesel refuelling will be undertaken within bunded areas, and the implementation of spill control mechanisms will ensure no process water will be discharged from the site. A condition of the ESO is that the development is to be undertaken in accordance with the mitigation measures proposed in the application. In addition, the ESO has fuel storage conditions from the Environment Protection Authority (EPA).

ACT State Emergency Service (ACTSES) noted that there was the potential for chemical storage to be treated as a "sensitive development" needing to be above the 0.2% AEP flood (this is equivalent to a 1 in 500 year flood). It is unknown if the site is above the 0.2% AEP, but ACTmapi mapping shows the site is well outside the 1.0% AEP (equivalent to 1 in 100 year flood), and given the conditions attached to the ESO, the risk of a significant adverse environmental impact due to flooding is considered by the TPA to be unlikely.

It has been demonstrated that if the proposal is undertaken in a manner consistent with the above conditions attached to the ESO, it is unlikely to cause a significant adverse environmental impact.