



ACT
Government

Environment, Planning and
Sustainable Development

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

WSP Australia Pty Limited, as represented by Cleo Courtney, Graduate Environmental Scientist.

PROPOSAL DESCRIPTION

The proposal is for the replacement of an underground petroleum storage system, consisting of underground storage tanks and their associated fuel infrastructure.

LOCATION

Block 7, Section 7 Fyshwick – also known as 149 Canberra Avenue, Fyshwick (the site).

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application and in relation to Schedule 1, Part 1.2, item 23 of the *Planning (General) Regulation 2023*.

OPINION

Provided the works are undertaken in a manner consistent with the following conditions and the mitigation measures in the supporting documentation, 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:

1. Prior to any reconfiguration of buildings or replacement of the tanks at the site, or the site being used for another land use, the site must be assessed and remediated in accordance with the Environment Protection Authority (EPA) endorsed guidelines by a suitably qualified environmental consultant, and the assessment report and remedial works must be independently audited by an EPA approved environmental auditor.
2. Prior to the commencement of remediation works, a remedial action plan (RAP) for any proposed remediation works must be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the EPA.
3. Prior to the commencement of development works, auditor interim advice indicating that the commencement of development will not impact on the on-going assessment and remedial works at the site must be reviewed and endorsed by the EPA.

4. Prior to the area being used for other purposes than the current use, the findings of the independent audit into the site's suitability for its proposed and permitted uses from a contamination perspective must be reviewed and endorsed by the EPA.
5. All spoil identified at the site must be managed in accordance with EPA [Information Sheet – Spoil Management in the ACT](#).
6. 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](#).
7. No soil is to be disposed from the site without approval from the Office of the EPA.
8. All modification works and operation of the petroleum storage facility must be carried out in accordance with “Environment Guidelines for Petroleum Storage in the ACT, June 2019”, available at www.environment.act.gov.au or by calling 132281.
9. Any significant modifications or repairs to a petroleum storage system should be designed and undertaken by a competent and experienced person in accordance with AS 4897.
10. All new, significantly modified and replacement Underground Petroleum Storage Systems shall require equipment level 1 as specified in AS 4897 for the tanks, pipework, tank fill points, cathodic protection, and tank pit observation wells.
11. All new, significantly modified and replacement underground petroleum storage systems must have Stage 1 Vapour Recovery (VR1) fitted to the storage tanks (apart from diesel and LPG).
12. The remote tank fill points, which are currently located outside in the garden, must be dedicated to one tank only and provided with a spill containment device with a minimum capacity of 15 litres per fill point, and overflows and spills from the spill containment device should be directed to a Class 1 full retention oil/water separator or Class 1 stormwater quality improvement device.
13. All ground surfaces within the fuel delivery area including tank fill point and fuel dispensing area must be made of impervious material and run off from these areas should be directly to a Class 1 full retention Oil/Water separator or Class 1 stormwater quality improvement device.
14. Any future associated future Development Applications must consider the risk of hydrocarbon permeation in reticulated plumbing that is in direct contact with site soil.
15. All reasonable measures should be taken to prevent food that is stored in the 7 Eleven food business from contamination of dust, vapours and other material resulting from the removal and installation of the new underground petroleum storage system.

Note: An abandoned tank notification will need to be made under Section 367 of the Work Health and Safety Regulation 2011 as soon as practicable once the existing

underground storage tanks are no longer being used to store flammable liquids at the workplace.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'Craig Weller', with a horizontal line extending to the right.

Craig Weller

Delegate of the Territory Planning Authority

22 July 2024

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 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 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 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 Territory Planning Authority consulted with the following entities, in accordance with section 139 (1) of the Act.

Work health and safety commissioner.

The Work Health and Safety Commissioner does not have any comments on this application for an Environmental Significance Opinion (reference ESO202400032) but advises that an abandoned tank notification will need to be made under Section 367 of the Work Health and Safety Regulation 2011 as soon as practicable once the existing underground storage tanks are no longer being used to store flammable liquids at the workplace.

This response has been provided on the basis of the information contained in documents which had been made available to WorkSafe ACT for the Work Health and Safety Commissioner's consideration by the Impact Assessment unit as at 5.00 pm on 14 June 2024.

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 person involved in carrying out the proposed work under the Work Health and Safety Act 2011.

Environment Protection Authority

Contamination:

Prior to any reconfiguration of buildings or replacement of the tanks at the site, or the site being used for another land use, further assessment and audit of the site will be required according to the following conditions:

- *The site must be assessed and remediated in accordance with the guidelines endorsed by the EPA by a suitably qualified environmental consultant;*
- *The adequacy of the assessment and remedial works must be independently audited by an EPA approved environmental auditor;*
- *Prior to the commencement of remediation works, a remedial action plan (RAP) for any proposed remediation works must be reviewed and endorsed by the auditor with a copy of the RAP endorsement provided to the EPA;*
- *Prior to the commencement of development works, Auditor interim advice indicating that the commencement of development will not impact on the on-going assessment and remedial works at the site must be reviewed and endorsed by the EPA;*
Prior to the area being used for other purposes the findings of the independent audit into the site's suitability for its proposed and permitted uses from a contamination perspective must be reviewed and endorsed by the EPA.

Any works on the site are subject to the following conditions:

- *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 the site without approval from the Office of the Environment Protection Authority.*

New fuel storage system:

The applicant must adhere to the following conditions when designing the new petroleum tanks and associated infrastructure:

- All modification works and operation of the petroleum storage facility must be carried out in accordance with “Environment Guidelines for Petroleum Storage in the ACT, June 2019”, available at www.environment.act.gov.au or by calling 132281.
- Any significant modifications or repairs to a petroleum storage system should be designed and undertaken by a competent and experienced person in accordance with AS 4897.
- All new, significantly modified and replacement Underground Petroleum Storage Systems shall require equipment level 1 as specified in AS 4897 for the tanks, pipework, tank fill points, cathodic protection, and tank pit observation wells.
- All new, significantly modified and replacement underground petroleum storage systems must have Stage 1 Vapour Recovery (VR1) fitted to the storage tanks (apart from diesel and LPG).
- The remote tank fill points, which are currently located outside in the garden, must be dedicated to one tank only and provided with a spill containment device with a minimum capacity of 15 litres per fill point, and overflows and spills from the spill containment device should be directed to a Class 1 full retention oil/water separator or Class 1 stormwater quality improvement device.
- All ground surfaces within the fuel delivery area including tank fill point and fuel dispensing area must be made of impervious material and run off from these areas should be directed to a Class 1 full retention oil/water separator or Class 1 stormwater quality improvement device.

Emergency Services Commissioner

ACTF&R have no comments or objections.

Technical Regulator

No comments received.

Director-General of ACT Health

The Health Protection Service (HPS) notes that the Development does not include any changes to the registered food business conducted by 7 Eleven at this site.

Due to current land use as a service station, identified defects with an existing underground storage tank and potential hydrocarbon contamination on the site, there may be a potential that the reticulated water supply to the building containing a food business may become contaminated with residual hydrocarbons.

The HPS requests that the applicant considers within associated future DAs the risk of hydrocarbon permeation in reticulated plumbing that is in direct contact with site soil.

The HPS requests that all reasonable measures should be taken to prevent food that is stored in the 7 Eleven food business from contamination of dust, vapours and other material resulting from the removal and installation of the new underground petroleum storage system.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The proposal is for the replacement of the underground petroleum storage system consisting of underground storage tanks and their associated fuel infrastructure at the site. The proposal site is listed on the register of contaminated sites, and potential adverse environmental impacts related to contamination include:

- dust, vapours, and odours being released into the atmosphere, particularly when excavation of potentially contaminated soil is carried out;
- chemical/fuel spills from equipment and/or vehicles;
- surface water run-off entering and leaving excavation and stockpile areas;
- subsurface seepage and accumulation of water into excavations; and
- erosion of soil and subsequent run-off of potentially contaminated sediment and water into nearby stormwater drains, gutters, roads and access ways.

Conditions to mitigate impacts include site audit and spoil management requirements from the EPA, including an endorsed remediation action plan (RAP) prior to the commencement of works. In addition, EPA requirements around the design of fuel tanks and associated infrastructure have been included as conditions this ESO to ensure required standards are met. Conditions have also been included to mitigate the potential for any contamination of reticulated plumbing or of food, if stored on site.

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.