



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

Ozta Architects, as represented by Dean Kensit.

PROPOSAL DESCRIPTION

The proposal is for the construction of a building with seven warehouses and associated car parking and services.

LOCATION

Block 50 Section 11, Fyshwick (23 Yallourn Street, Fyshwick).

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.

- Development at the site must be undertaken in accordance with the document titled "*Construction Environmental Management Plan, 23 Yallourn Street, Fyshwick*", dated 18 October 2024 by WSP Australia Pty Ltd.
- The site must continue to be managed in accordance with the document titled "*Environmental Management Plan, 23 Yallourn Street, Fyshwick*", dated 3 May 2018 by Coffey Environments Australia Pty Ltd, as detailed in the Site Audit Statement.
- 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 EPA approval.

Attached is a Statement of Reasons for the decision.



George Cilliers

Chief Planner, Territory Planning Authority

08 January 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 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 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 ESO202300061).

This response has been provided on the basis of information provided by the Impact Assessment unit including advice provided by email at 10.08 am on 4 December 2024 concerning the relevant material 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

The Office of the Environment Protection Authority (EPA) supports the provision of an environmental significance opinion subject to the following conditions:

- Development at the site is undertaken in accordance with the document titled “Construction Environmental Management Plan, 23 Yallourn Street, Fyshwick”, dated 18 October 2024 by WSP Australia Pty Ltd.
- The site continues to be managed in accordance with the document titled “Environmental Management Plan, 23 Yallourn Street, Fyshwick”, dated 3 May 2018 by Coffey Environments Australia Pty Ltd, as detailed in the Site Audit Statement.
- All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT available at Environment protection guidelines (act.gov.au).
- 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 (act.gov.au).
- No soil is to be disposed from the site without EPA approval.

For further information, please contact *the Environment Protection Authority Planning Liaison* at EPAPanningLiaison@act.gov.au.

Emergency Services Commissioner

ACTF&R has reviewed ESO APPLICATION NO: 202300061 BLOCK: 50 SECTION: 11 DIVISION: FYSHWICK and have no comments or objections.

ACTSES has reviewed the subject and have no comments or objections.

All previous commentary remains valid and expected of this DA.

Technical Regulator

Nil comments from UTR.

Director-General of ACT Health

The Health Protection Service (HPS) notes that the proposed development is located on land that is on the Environment Protection Act 1997 register of contaminated sites.

The HPS supports the following:

- the development adheres to both the environmental management plan and construction environmental management plan.
- that the development does not include basements with enclosed air spaces.
- that the land is not used for a caretaker's residence, community use, parkland or an outdoor recreational facility.

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

Should you require any further information, please contact Jason Drinkwater on 02 5124 9817 or email jason.drinkwater@act.gov.au.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The proposed development is for the construction of a building with seven warehouses and associated onsite car parking and services. The subject site (Block 11 Section 50, Fyshwick) for the proposed work is listed on the register of contaminated sites. The site was previously used for commercial laundry and dry-cleaning operations, which resulted in the contamination of soil and ground water on site. Potential impacts associated with the proposal include ingestion or dermal contact with residual or excavated contaminated soil and inhalation of dust generated from residual contaminated soils during excavation works.

The site has been remediated with the outcome validated by JBS&G Consulting. The validation report concluded that the soil has been treated to a level that is consistent with expected permissible use for the site, being commercial and industrial facilities. Ground water and soil vapour has been treated to the extent practicable, which has substantially reduced potential to human health risk to acceptable levels for permissible uses except for occupation of a caretaker's residence, community use, an outdoor recreation facility, parkland and any development which includes a basement with an enclosed air space.

A site-specific Construction Environmental Management Plan (CEMP) has been developed by WSP as part of the ESO application, to manage the potential impacts of the proposed construction. It has been demonstrated that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, and as per the mitigation measures outlined in the CEMP, they are unlikely to cause a significant adverse environmental impact.