REMOVAL OF UNDERGROUND STORAGE TANKS FROM ACT GOVERNMENT BUSINESS/INDUSTRIAL PARK FACILITY, MITCHELL

APPLICATION FOR EIS EXEMPTION CONSIDERATION REPORT MAY 2017
This report evaluates the application for an exemption under section 211 of the *Planning and Development Act 2007*, from requiring a completed Environmental Impact Statement in the development application for the removal of underground storage tanks from an ACT Government business/industrial park facility, Mitchell.

**Ref no:** 201700003

**Date lodged:** 04/04/2017

**Project:** Removal of underground storage tanks from ACT Government Business/Industrial Park Facility, Mitchell.

**Street no. and name:** 9 Sandford Street, Mitchell

**Proponent:** Incidental Civil Works

The following information provides the certificate of approval for issue of this report.

**Document no:** 1-2017/01274

**Date of issue:** 16 May 2017

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<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td><strong>Reviewed by</strong></td>
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<tr>
<td>Executive Director</td>
<td>Brett Phillips</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Director- General</td>
<td>Gary Rake</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Approved by</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director-General</td>
<td>Ben Ponton</td>
<td></td>
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<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>Australian Capital Territory</td>
</tr>
<tr>
<td>CEMP</td>
<td>Construction environmental management plan</td>
</tr>
<tr>
<td>DA</td>
<td>Development application</td>
</tr>
<tr>
<td>DoE</td>
<td>Australian Government Department of the Environment and Energy</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental impact assessment: the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals before major decisions and commitments are made.</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental impact statement: a document prepared to detail the expected environmental, social and economic effects of a development, and state commitments to avoid, mitigate or satisfactorily control and manage any potential adverse impacts of the development on the environment. In the ACT, an EIS is required for proposals in the impact track as per Section 127 of the <em>Planning and Development Act 2007</em>.</td>
</tr>
<tr>
<td>EMP</td>
<td>Environmental management plan</td>
</tr>
<tr>
<td>EPBC Act</td>
<td><em>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</em></td>
</tr>
<tr>
<td>EPSDD</td>
<td>Environment Planning and Sustainable Development Directorate</td>
</tr>
<tr>
<td>EPA</td>
<td>Environment Protection Authority</td>
</tr>
<tr>
<td>MNES</td>
<td>Matter of national environmental significance</td>
</tr>
<tr>
<td>PD Act</td>
<td><em>Planning and Development Act 2007 (ACT)</em></td>
</tr>
<tr>
<td>TCCS</td>
<td>Transport Canberra and City Services</td>
</tr>
<tr>
<td>UPSS</td>
<td>Underground petroleum storage system</td>
</tr>
<tr>
<td>UST</td>
<td>Underground storage tank</td>
</tr>
</tbody>
</table>
1. Introduction

This report is to the ACT Minister for Planning and Land Management on the assessment of the Environmental Impact Statement (EIS) exemption application in relation to the removal of underground storage tanks from ACT Government business/industrial park facility, Mitchell. The application was made by Incidental Civil Works under section 211B of the Planning and Development Act 2007 (PD Act).

If an EIS exemption is granted, a development application (DA) will be required to be lodged in the impact track. The DA process will also include a statutory public notification period.

1.1. Project

The project involves the removal and decommissioning of four on site underground storage tanks (UST’s); one waste oil tank with a capacity of 2,250 litres, two UST’s with a capacity of 8,600 litres and a larger UST with a capacity of 27,276 litres. In addition the works will include excavation and stockpiling of any potentially impacted soils. The EIS exemption application states that the project works will include:

- The removal and disposal of the concrete overlying the underground petroleum storage system (UPSS) area with all concrete to be transported offsite to a licensed concrete recycling facility.
- The pump out of any liquid remaining in the UST’s and pipe work (the UPSSs) followed by the cleaning and rinsing of the UPSSs with all liquid waste to be transported offsite for disposal at a licensed waste disposal facility. An inspection of the fuel storage tanks in December 2016 indicated that all tanks contained minor volumes of liquid.
- The degassing of the UST’s by a licensed environmental remediation contractor.
- The excavation and stockpiling of backfill sands from above and adjacent to the UST’s with all stockpiled sands to be placed atop an impermeable barrier with hay bale bunding constructed around the perimeter of the stockpile.
- The removal of one 27,000L, two 8,600L UST’s and one 2,250L waste oil tank in accordance with AS4976-2008 Australian Standard: the removal of Underground Petroleum Storage Systems, with all tanks to be transported offsite for disposal at a licensed UPSS destruction facility.
- The removal of all accessible UPSS fuel transfer, return pipes, vent pipes and fuel dispensing infrastructure in accordance with AS4976-2008 Australian Standard: the removal of Underground Petroleum Storage Systems. All pipe work will be transported offsite for disposal at a licensed UST destruction facility for disposal.
- The removal and stockpiling of all UPSS backfill sands and any potentially impacted natural soils from the UPSS excavation and fuel bowser stand areas.
- The collection of soil validation samples from the base of the UPSS pipe work trenches, from beneath the former fuel bowser stand areas, along the walls and base of the UPSS excavations.
The collection of soil samples from all stockpiled backfill sands and any potentially impacted natural soils removed from the UPSS excavations.

The submission of soil samples to a National Association of Testing Authorities (NATA) accredited laboratory for analysis for a selection of analytes identified as contaminants of potential concern.

Preparation of a detailed ‘UPSS removal and validation report’ detailing Northwood Environmentals findings and recommendations and submission of the report to the ACT Environment Protection Authority (EPA).

The project includes an assessment of soils exposed along the excavation walls and bases for residual hydrocarbon impacts associated with the past operations on the site. Testing of the soil and groundwater in the excavated area will be undertaken along with reporting to the EPA, with the desired outcome for the proponent being validation and reinstatement of the site.

1.1.1. Project location

The proposed project is located in the south of Mitchell in an industrial estate on Sandford Street. The works are proposed on Block 2, Section 16 Mitchell.

The site is to the north of the Crace Grasslands and is in the Gungahlin strategic assessment area. The site has a number of warehouse type buildings and the proposed works will take place on the concrete driveway on the eastern side of building 5 (see figure 1).
1.1.2. Legal land description and tenancy
The removal of UPSS from the ACT Government industrial park facility will directly affect one block. Table shows the legal land description for each block affected by the proposal and the details of tenancy type and tenant.

Table 1 - Legal land description and tenancy

<table>
<thead>
<tr>
<th>Block</th>
<th>Division</th>
<th>Tenancy</th>
<th>Tenant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Directly affected lands</td>
<td></td>
</tr>
<tr>
<td>2/16</td>
<td>Mitchell</td>
<td>Unleased Territory Land</td>
<td>Other ACT Government Agency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Neighbouring lands</td>
<td></td>
</tr>
<tr>
<td>9/17</td>
<td>Mitchell</td>
<td>Leased Territory Land</td>
<td>Private Lease</td>
</tr>
<tr>
<td>3/16</td>
<td>Mitchell</td>
<td>Unleased Territory Land</td>
<td>Other ACT Government Agency</td>
</tr>
<tr>
<td>5/42</td>
<td>Mitchell</td>
<td>EPSDD - Unleased</td>
<td>PCS Environment</td>
</tr>
<tr>
<td>2/17</td>
<td>Mitchell</td>
<td>Leased Territory Land</td>
<td>Private Lease</td>
</tr>
</tbody>
</table>

1.2. Background
The site is a former Transport Canberra and City Services (TCCS) business/industrial park facility which has been used for a variety of means including vehicle storage, call centre and medical storage. Among other things the site was used to store petroleum for TAMS vehicles and waste oil in the tanks under the concrete driveway of building 5.

The proponent is undertaking to remove all hazardous materials from this site including the underground storage tanks. The proponent’s goal after remediation of the site is for the site to be assessed for its suitability for continued use within its current land use zoning classification.
2. Environmental impact assessment

Environmental impact assessment processes are used to identify, predict, plan for and manage the impacts of development proposals before a decision is made about the project going ahead.

An environmental impact assessment process is required to be undertaken for projects in the impact track.

Section 123 of the PD Act states that the impact track applies to a development if:

- the relevant development table states that the impact track applies
- the proposal is of a kind mentioned in Schedule 4 of the PD Act
- the Minister makes a declaration under section 124
- section 125 or section 132 applies to the proposal, or
- the Commonwealth Minister responsible for the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) advises the Minister in writing that the development is a controlled action under the EPBC Act, section 76.

2.1. Impact track triggers

This proposal is in the impact track as it is a development of a kind mentioned in Schedule 4 of the PD Act. This proposal triggers the Schedule 4 item listed in Table 2.

Table 2 - EIS triggers per Schedule 4 of the PD Act

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 4.3, item 7</td>
<td>Proposal involving land included on the register of contaminated sites under the Environment Protection Act 1997.</td>
</tr>
</tbody>
</table>
2.2. Section 211 Process

The flowchart below outlines the EIS exemption application process.

[Flowchart of Section 211 Process]

Notes:
- Proponent is strongly advised to seek advice from EPD before submitting an EIS exemption application.
- EPD may seek advice from relevant agencies to inform its assessment of the request.
- The exemption (and report) is a Notifiable Instrument which is placed on the legislation register.

Figure 2 - The section 211 process
2.3. The EIS exemption application

In accordance with section 211B of the PD Act the application for an EIS exemption was submitted by Incidental Civil Works to the planning and land authority (the Authority), within the Environment, Planning and Sustainable Development Directorate (EPSDD) on 3 April 2017. As required by *EIS exemption application - Form 1M*, the application contained the following information to inform assessment:

- Northwood Environmental - Application for EIS exemption (10 January 2017)
- Robson Environmental - Hazardous Materials Survey and Management Plan (27 March 2015)
- Certificate of approval for issue of documents (3 June 2015)
- Robson Environmental - Personnel CV Information (Submitted on 21 March 2017)

2.4. EIS exemption decision

Section 211H of the PD Act states that the Minister may grant an EIS exemption for the proposal if satisfied that the exempted environmental impact of the development has already been sufficiently addressed by a recent study, whether or not the recent study relates to the particular development proposal.

In deciding whether the environmental impact of the development proposal has been sufficiently addressed by the recent study, the Minister must consider:

(a) whether the recent study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal; and

(b) if the recent study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds; and

(c) whether the part of the recent study relevant to the proposal required public consultation through a statutory process or as part of a government policy development; and

(d) if the recent study is more than 18 months old—whether the Minister is satisfied that the information in the study is current; and

(e) any submissions received during the consultation period for the EIS exemption application.

This report documents the information presented by the proponent and information received during entity consultation and public notification to inform the Minister in making a decision.

For each impact track trigger an assessment of the supporting information will be made against the criteria above in the corresponding sub-sections under Section 4 of this report.
2.5. Consultation
Entity consultation and public notification were both undertaken for the proposal as required by the PD Act.

2.5.1. Entity referral
Section 211E of the PD Act requires the Minister to consult with entities prescribed in the Planning and Development Regulations 2008 about the EIS exemption application. The Minister may also seek advice from other entities.

For this proposal the Authority referred the application to the following mandatory and relevant entities:

**Table 3 Entity Comments**

<table>
<thead>
<tr>
<th>Entity</th>
<th>Entity response</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICON Water</td>
<td>ICON Water has no comments in regards to the removal of underground storage tanks from ACT Government industrial park facility.</td>
</tr>
<tr>
<td>Environment Protection Authority</td>
<td>No concerns with the exemption being granted. Further comments will be provided at the development application stage.</td>
</tr>
<tr>
<td>TCCS</td>
<td>No comment.</td>
</tr>
</tbody>
</table>

2.5.2. Public consultation
The PD Act requires the Minister to consult with the public on the EIS exemption application for a minimum of 15 working days. The EIS exemption application was publicly notified from 12 April 2017 to 5 May 2017 in accordance with Section 211C of the PD Act.

No public submissions were received during the consultation period and the revised application has stated this.
3. **Matters of National Environmental Significance**

Under the EPBC Act a person must not take an action that has, will have, or is likely to have a significant impact on any matters of national environmental significance (MNES) without approval from the Commonwealth Minister for the Environment and Energy.

The proposed works are located in the Gungahlin strategic assessment area. The Gungahlin strategic assessment was endorsed in accordance with the EPBC Act in June 2013. The proposed works, located in an existing commercial/industrial area are consistent with the strategic assessment.

4. **Impacts on Schedule 4 items**

This section summarises the impacts of the development on relevant items from Schedule 4 of the PD Act. The supporting studies and the comments of referral entities and the public are listed along with any recommended mitigation measures. A conclusion is made on whether or not the information satisfies the requirements of section 211 of the PD Act.

4.1. **Schedule 4 Part 4.3 Item 7– proposal involving land included on the register of contaminated sites under the Environment Protection Act 1997**

Block 2 Section 16 Mitchell is on the ACT Register of Contaminated Sites. The works are proposed to remove underground tanks to ensure compliance with the *ACT Government: Environmental Guidelines for Service Station Sites and Hydrocarbon Storage (2014).*

4.1.1. **Impacts**

The following potential key impacts were identified:

- Dust generation during works;
- Hydrocarbon odours being emitted after concrete is removed from above the infrastructure;
- Odour issues associated with pumping out the USTs; and
- Potential contamination of soil and mobilisation through wind and rainfall events as a result of stockpiling.

4.1.2. **Previous studies and investigation**

The proponent has submitted two reports which address impacts on the local environment in support of the EIS exemption application. The information submitted by the proponent to support the application is listed and assessed for relevance against the requirements of section 211H of the PD Act.
It is considered that these studies provide sufficient detail to allow an assessment of the environmental impacts associated with the proposal.

4.1.3. Entity referral and public comments

No issues were raised by entities in relation to this item. Further comments will be provided at the development application stage.

No public comments were received.

4.1.4. Recommended mitigation measures

The recommended mitigation measures from the authority’s assessment and the reports submitted by the proponent against the impacts of the development on the local environment are included in Table.
Table 5 - Mitigation measures

<table>
<thead>
<tr>
<th>Number</th>
<th>Impact of development</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dust generation during works.</td>
<td>Water will be sprayed on stockpiles and equipment if excessive dust is being produced or there are high wind conditions.</td>
</tr>
<tr>
<td>2</td>
<td>Hydrocarbon odours being emitted after concrete is removed from above the infrastructure.</td>
<td>Monitoring air conditions during works, with works being stopped until air conditions return to pre work levels.</td>
</tr>
<tr>
<td>3</td>
<td>Odour issues associated with pumping out the USTs.</td>
<td>Monitoring air conditions during works, with works being stopped until air conditions return to pre work levels.</td>
</tr>
<tr>
<td>4</td>
<td>Potential contamination of soil and mobilisation through wind and rainfall events as a result of stockpiling.</td>
<td>Materials will be stockpiled on impermeable barriers and bunding will be constructed around all stockpiles.</td>
</tr>
</tbody>
</table>

Additional mitigation measures are detailed in the EIS Exemption application report.

4.1.5. Conclusion

The supporting studies and the comments of relevant entities provide sufficient information on the impacts of the proposal on the local environment.

Further investigation and environmental assessment of the impacts of the proposal is not considered necessary for this project. The conditions attached to this EIS Exemption will be applied through conditions of approval on any subsequent development application.
5. Conclusion
Having regard to the supporting information provided by the applicant and comments received from referral entities and during the public consultation period the planning and land authority has assessed the removal of underground storage tanks from the ACT Government Business/Industrial Park Facility, Block 2 Section 16 Mitchell as meeting the requirements for an EIS exemption under the PD Act.

It is the Environment, Planning and Sustainable Development Directorate’s assessment that the proponent has provided sufficient information to the ACT Government and the community to allow an informed evaluation of potential environmental impacts which could be attributed to the proposal. The supporting information has proposed a range of mitigation measures to reduce or avoid potential environmental impacts arising from construction and operational activities associated with the project.

The planning and land authority’s recommendation is that the supporting information submitted with the application has adequately identified and considered those matters of potentially significant impact and that further environmental assessment is not required. The expected environmental impact of the development proposal has already been sufficiently addressed by recent studies.

The planning and land authority’s recommendation is that the Minister grants the removal of underground storage tanks from the ACT Government Business/Industrial Park Facility, Mitchell an EIS exemption under section 211H of the PD Act.