



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

PLANIT Strategic Pty Ltd, as represented by Hope Watson, Senior Environmental and Town Planner.

PROPOSAL DESCRIPTION

The proposed works are for upgrades to the active travel infrastructure within the Kingston Foreshore area for the Kingston Bikeway C2 link. Works would include new dedicated cycle paths, tree removals, service relocations, traffic calming measures, lighting, street furniture, tree plantings and landscaping.

LOCATION

Block 1 Section 61, Block 7 Section 11 and Block 2 Section 39, Kingston and several road reserves including Eastlake Parade, Trevillian Quay, Eyre Street, Printers Way and Cunningham Street.

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

Construction

1. All works must be carried out in accordance with the Site Management Plan/Environmental Management Plan prepared by Senversa dated 12 July 2019.
2. All works must be carried out in accordance with the [Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022](#).
3. 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 the Environment Protection Authority (EPA) in respect of that activity prior to works commencing.

4. An Erosion and Sediment Control Plan (ESCP) must be submitted to and be endorsed by the EPA prior to works commencing on site. Any subsequent changes to the ESCP must be endorsed by EPA prior to implementation.
5. All sediment and erosion control measures must be in place prior to commencing works and shall be maintained until development completion.
6. Adjacent roads must be swept clean at all times.

Lights

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

Contamination

8. Prior to any works occurring at the site, a site-specific Unexpected Finds Protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation, and disposal of potential contamination at the site, and contractor induction procedures into the use of the UFP.
9. 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](#).
10. No soil is to be disposed from the site without EPA approval.

Attached is a Statement of Reasons for the decision.



George Cilliers
Territory Planning Authority
5 March 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 ESO202500011).

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 3.45 pm on Thursday 23 January 2025.

This response does not take into account any subsequent changes to those documents, 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) would support the preparation of an ESO subject to the following:

CONDITIONS:

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 ACT Environment Protection 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 the Environment Protection Authority (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 the 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 shall be in place prior to commencing works and shall be maintained until development completion.
- Adjacent roads shall be swept clean at all times.

Lights

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

Contamination

- Prior to any works occurring at the site, a site-specific Unexpected Finds Protocol (UFP) must be prepared by a suitably qualified environmental consultant and implemented during site development works. The UFP must include, amongst other things, appropriate procedures for the identification, assessment, management, validation, and disposal of potential contamination at the site, and contractor induction procedures into the use of the UFP.

- 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 ACT Contaminated Sites.
- No soil is to be disposed from the site without EPA approval.

ADVICE:

General Noise

- Building work, by its nature, is noisy. In residential areas and when the building work will take longer than two weeks, any noisy activities that include material deliveries and work site preparation are only permitted between the following hours:

7:00am to 6:00pm, Monday to Saturday

At all other times, noise emissions must not exceed the zone noise standard of 45 dB daytime and 35 dB nighttime.

Emergency Services Commissioner

ACTF&R has reviewed Request for comments – Environmental Significance Opinion Application (202500011 – Block 01 Section 61 Kingston) and have no comments or objections.

ACT Emergency Services Agency's (ACTESA) position on the Development Application is:	
That the proposal is supported	
That the proposal is supported with conditions	X
That the proposal is not supported	
That further information is required for assessment	

ACT State Emergency Service (SES) has assessed the proposal regarding the following:

Criteria	Assessed	Not Applicable
Identified Riverine Flood Zone	X	
General vehicle evacuation during 1% AEP flood	X	
Dam Infrastructure Failure - Potential Flood Zone:	X	
Notes:		

Identified Flood Zone (1% AEP):

The proposed site includes and is adjacent to an area of land that may be inundated by a 1%AEP flood in Norgrove Park.

ACTSES note that potential flooding may present a public safety risk due to the proximity of public access areas to land that may be subject to flooding. It is recommended that the project risk assessment consider flood risk, and that specific flood risk control measures are detailed in the Emergency Plan for this development.

General vehicle evacuation:

Evacuation routes with free egress remain viable from the Southern and Western sides of the block.

Identified Dam Infrastructure Failure Flood Zone:

The proposed site is in an area that may become inundated should a dam infrastructure failure occur at Googong Dam.

While an incident of this type is rated by the ACT Government as RARE and of MEDIUM risk, it is recommended that the project risk assessment consider this risk and that specific risk control measures are detailed in the Emergency Plan for this development.

Technical Regulator

An environmental Significance Opinion is required for the proposed Kingston bikeway as the proposal involves land included on the register of contaminated sites, under the Environment Protection Act 1997. Contaminated lands matters are outside the remit of Utilities Technical Regulation.

The proposal involves a range of demolition, modification and construction activities for the creation of the bikeway, including changes to kerb and guttering, construction of bike path pavements, stormwater modifications, landscaping and path lighting.

UTR have reviewed the Environmental Significance Opinion Report prepared by Planit dated January 2025 and note it to be comprehensive. Any impacts on utility networks are considered to be manageable.

Director-General of ACT Health

The Health Protection Service (HPS) notes that the proposed site is on the Environment Protection Act 1997 register of contaminated sites due to soil contamination.

The HPS supports the implementation of the Site Management Plan, dated 31 October 2019, by Senversa.

Where the above is implemented, the HPS has no objections to an ESO being granted.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Historical land use has resulted in all the streets and verges in the Kingston Foreshore area being placed on the Register of Contaminated Sites. Contamination issues primarily relate to contaminated fill and soil materials. As the proposed works involve excavation there is the potential to encounter

residual contaminated materials throughout the works area. Potential risks include those to workers via inhalation or dermal contact of contaminated dust and soils, as well as transport of contamination through surface water flows and mechanical transport. The proposed works are not in areas where asbestos contaminated soils have been identified, and works are not expected to result in any interaction with groundwater.

An Environmental Management Plan (EMP) was prepared in 2019 to outline the required environmental management procedures and controls for intrusive works within the Kingston Foreshore area. Although the EMP is now more than five years old, the document has been determined by a qualified consultant to be still valid and applicable for the management of works on this site.

The proposed works will be undertaken in accordance with the EMP which contains several important controls and mitigation measures including the placement of 0.5m of clean fill during construction, appropriate management and disposal of excavated soil, securing the site to prevent public access and use of appropriate PPE.

The EPA and ESA have also provided advice in relation to noise and flood risk that should be carefully considered by the applicant to further reduce potential impacts.

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.