



**ACT**  
Government

Environment, Planning and  
Sustainable Development

## **ENVIRONMENTAL SIGNIFICANCE OPINION**

An application for an Environmental Significance Opinion (ESO) has been received under section 138(1) 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, Environmental Scientist.

### **PROPOSAL DESCRIPTION**

The proposal is for to the replacement of the underground petroleum storage system (UPSS), consisting of underground storage tanks and their associated fuel infrastructure at 7-Eleven Braddon Service Station (the site).

### **LOCATION**

Block 19 Section 28, Braddon.

### **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, 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) The proposed development constitutes a substantial change to the current configuration of the site and therefore must be independently audited by an Environment Protection Authority (EPA) approved auditor and the auditor's findings regarding the site's suitability for the proposed use(s) must be endorsed by the EPA prior to opening or re-opening of the service station at the site.
- 2) EPA endorsed Remediation Action Plan (RAP), which includes a UPSS validation report, is to be implemented at the site.
- 3) Site-specific Health Environment Safety Plan and Construction Environmental Management Plan (CEMP) are developed and implemented.

ADVICE

- An abandoned tank notification 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.
- 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.

Attached is a Statement of Reasons for the decision.



Craig Weller

Delegate of the Territory Planning Authority

9 July 2024

## STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – development proposals requiring an 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 did not have any comments on the proposed works identified in this application for an Environmental Significance Opinion (reference ESO 202400023) but advised 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.

## Environment Protection Authority

The EPA supports the Environmental Significance Opinion with respect to the proposed development at the site comprising of the replacement of the underground petroleum storage system, consisting of underground fuel storage tanks and their associated fuel infrastructure, subject to the following comments:

The site was subject to a statutory site audit and the EPA reviewed the following documents:

- i. Site Audit Statement No. 0103 - 1701ACT dated 26 July 2018; and
- ii. "Site Audit Report 0103 - 1701 7-Eleven Service Station Corner of Mort and Cooyong Streets Braddon ACT" dated 26 July 2018

as submitted by Mr Marc Salmon of Easterly Point Environmental Pty Ltd, an approved site Auditor, under the *Environment Protection Act 1997*.

The EPA supported the Auditor's conclusions in an endorsement letter dated 31 July 2018, as detailed in Part II of the above Site Audit Statement, that:

*"the site is SUITABLE for the following use(s) permitted by its zoning CZ3 – Services Zone as detailed in the ACT Territory Plan 2008 updated on 8 December 2017.*

*List Uses: Continued use as a service station.*

*subject to compliance with the following environmental management plans in light of contamination remaining on the site:*

- *Coffey (July 2018) Groundwater Management Plan, 7-Eleven Braddon Service Station (Store ID: 2289), Corner of Mort Street and Cooyong Street, Braddon ACT, (Ref. 754-MELEN206904\_R02-v4); and*  
*Easterly Point (July 2018) Offsite Environmental Management Plan, 7-Eleven Service Station, Corner of Mort and Cooyong Streets, Braddon ACT, (Ref. 17018.02)."*

In accordance with the Auditor's conclusions

*"All future redevelopment and/or remediation of the site for a change of landuse other than as a service station, or any substantial change to the current configuration of the ongoing use, must be independently audited by an EPA approved auditor and the auditor's findings regarding the site's suitability for the proposed use(s) must be endorsed by the EPA prior to any change of use at the site."*

The EPA advised they would support the ESO subject to the following condition:

The proposed development constitutes a substantial change to the current configuration of the site and therefore must be independently audited by an EPA approved auditor and the auditor's findings regarding the site's suitability for the proposed use(s) must be endorsed by the EPA prior to opening or re-opening of the service station at the site.

**Note:** On 5 July 2024 the Impact Assessment team received advice from the EPA, that they endorse the following document that was included in the ESO application:

‘Interim Site Audit Advice - 0103-2404-03, 7-Eleven Service Station, Braddon ACT, RAP For UPSS Replacement’ dated 10 May 2024, by Easterly Point Environmental Pty Ltd, an accredited site auditor under the *Environment Protection Act 1997*.

### **Emergency Services Commissioner**

ACT State Emergency Service (SES) assessed the proposal and provided following advice regarding 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**

The Technical Regulator did not have any comments.

### **Director-General of ACT Health**

The applicant is advised that the Health Protection Service (HPS) supports the issuing of an ESO where:

- The Environment Protection Authority endorsed Remediation Action Plan, which includes a UPSS validation report, is implemented at the site; and
- Site-specific Health Environment Safety Plan and construction environmental management plan are developed and implemented.

### **POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

The proposal is for the replacement of the underground petroleum storage system (UPSS), consisting of underground storage tanks (USTs) and their associated fuel infrastructure at the site.

Potential adverse environmental impacts include dust, vapours and odours being released during excavation of contaminated soil, traffic, noise and water seepage and run-off related impacts and erosion and sediment control as detailed in the application. Conditions to mitigate impacts include a site audit endorsed by the EPA regarding suitability of the site, implementation of EPA endorsed Remediation Action Plan (RAP) and development and implementation of a Health Environment Safety Plan and a Construction Environmental Management Plan.

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.