

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

Purdon Planning Pty Ltd, as represented by Angela Jones, General manager of Planning.

PROPOSAL DESCRIPTION

The Kingston's Art Precinct (KAP) project involves a Subdivision Design Application (SDA) under the Planning Act 2023 and other works including:

- new buildings for arts organisations, including retail spaces, artist accommodation and open events space;
- public spaces and public carparking; and
- spaces for residential dwellings and other permissible uses to complement surrounding Kingston Foreshore and broader Kingston area.

An ESO was granted on 27 March 2023 but expired in October 2024. The ESO needs renewal before lodging the forthcoming SDA, necessitating the current application.

LOCATION

Blocks 12 and 15, Section 49 Kingston.

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

1. Blocks 12 and 15 Section 49 Kingston have been assessed, remediated, and independently audited. The proposed development must be carried out in accordance with the conditions contained in the EPA endorsement letter "Endorsement of Site Audit Statement and Report - Block 12 and part Block 15 Section 49 Kingston Canberra Central" dated 30 June 2021 related to the site (**Attachment A**).

Attached is a Statement of Reasons for the decision.



George Cilliers
Territory Planning Authority
16 May 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 (TPA) 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 this matter.

This response has been provided based on email advice received from the Impact Assessment unit on 01 April 2025 which identified the relevant documents for the Work Health and Safety Commissioner's consideration. This response does not consider any subsequent changes to the identified 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

The Office of the Environment Protection Authority (EPA) supports the application from a contamination perspective and provides the following advice:

Blocks 12 and 15 Section 49 Kingston have been assessed, remediated, and independently audited. The proposed development must be carried out in accordance with the conditions contained in the EPA endorsement letter “Endorsement of Site Audit Statement and Report” - Block 12 and part Block 15 Section 49 Kingston Canberra Central” dated 30 June 2021 related to the site.
he site.

Emergency Services Commissioner

ACTF&R has reviewed the Environmental Significance Opinion Application (202500019 – Block 12 Section 49 Kingston) and have no comments or objections.

ACTSES has reviewed the subject and have no additional comments or objections. All previous commentary remains valid and expected of this DA.

Technical Regulator

Utilities Technical Regulation have reviewed the ESO application documents for this development and have no comments to offer.

Director-General of ACT Health

The Health Protection Service (HPS) does not oppose the issuing of an ESO.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The Kingston Arts Precinct (KAP) is the final stage of the Kingston Foreshore development and will be

located at Section 49 Kingston (located off Eastlake Parade bound by Giles Street and Wentworth Avenue).

The KAP comprises of Block 15, which includes an existing carpark, vacant building site and Telopea Park electrical substation and Block 12, being the existing Power House currently utilised as an arts space by Canberra Glassworks. The wider Section 49 also includes Block 14, which is the former Bus Depot site.

Due to the nature of contaminants identified across the subject site, it has been placed on the ACT’s Contaminated Sites Register.

The soil and fill on the site are expected to be contaminated, including asbestos-containing material. This contamination poses a significant challenge, requiring careful handling and disposal to prevent further environmental harm.

Low-level residual contamination, such as asbestos-impacted soils, poses a potential risk to the proposed land uses. Implementing Environmental Management Plans (EMPs) will address potential risks associated with residual contamination during development and occupation of the site.

There has been limited assessment in areas near the high voltage cable alignment and Heritage Cottage. However, the TPA understands that these areas will remain as existing use or be developed as paved roads or landscaped public spaces. Should a sensitive use be proposed, further assessment and a separate Environmental Audit will be required to ensure safety and compliance with environmental standards.

The site will be managed under an approved Environmental Protection Agreement with the EPA until it is formally transferred. The Developer and Owners Corporation will be responsible for ongoing management in accordance with the Site Audit Statement (SAS), Development Environmental Management Plan (DEMP), and Occupancy Environmental Management Plan (OEMP).

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.

Ms Petra Oswald
Senior Development Manager
Suburban Land Agency
GPO Box 158
Canberra City ACT 2601

Dear Ms Oswald

**ENDORSEMENT OF SITE AUDIT STATEMENT AND REPORT -
BLOCK 12 AND PART BLOCK 15 SECTION 49 KINGSTON CANBERRA CENTRAL**

The Environment Protection Authority (the Authority) has reviewed the following documents:

- i. Site Audit Statement (RJP 031 – ACT) dated 16 June 2021; and
- ii. Site Audit Report titled *"Former Kingston Powerhouse, Fitters Workshop and Associated Open Space within the Heritage Precinct of Section 49, Kingston Foreshore Development Precinct, ACT Site Audit Report"* dated 16 June 2021

as submitted by Mr Roger Parker of Golder Associates Pty Ltd, an approved site Auditor, under the *Environment Protection Act 1997*.

The Site Audit Statement (SAS) details that the site is suitable for the *"use(s) permitted by its zoning 'CZ-5 Mixed Zone' as detailed in the ACT Territory Plan 2008 updated on 22 December 2020"* and provides a list of specific uses found suitable by the audit (see SAS for details).

The SAS also details that the above findings are subject to compliance with the following environmental management plans:

- *"Site Management Plan Minor Works, Powerhouse Complex and Associated Open Space Areas, Kingston Foreshore Section 49, ACT"*, document JC0715, dated 21 March 2021 by Agon Environmental Pty Ltd hereafter referred to as the "SMP";
- *"Development Environmental Management Plan, Powerhouse Complex and Associated Open Space Areas – Kingston Foreshore Section 49, ACT"*, document no. PS103124-CLM-REP-101 RevF, dated April 2021 by WSP Australia Pty Ltd, hereafter referred to as the "DEMP";

- "Occupancy Environmental Management Plan, Powerhouse Complex and Associated Open Space Areas – Kingston Foreshore Section 49, ACT", document no. PS103124-CLM-REP-102 RevF, dated April 2021 by WSP Australia Pty Ltd, hereafter referred to as the "OEMP"; and
- "Site Management Plan, Kingston Foreshore", document no. C11343_SMP_Rev5, dated October 2019 by Senversa Pty Ltd hereafter referred to as "KFDP-SMP".

The SAS and the above environmental management plans are subject to the following requirements:

Compliance with the SAS and Environmental Management Plans

Prior to Development

- The SMP (or its revisions as approved by an Authority approved environmental Auditor and endorsed by the Authority) must be implemented by the Suburban Land Agency (SLA) or their authorised representative. Schedule A of the Environmental Protection Agreement (the Agreement) between the SLA and Authority has been updated (attached) to include this site and the SMP to the list of sites covered by the Agreement.

Development Phase

- The DEMP (or its revisions as approved by an Authority approved environmental Auditor and endorsed by the Authority) must be implemented until the completion of development of the site by the land custodian of the site or their authorised representative.

Site Occupancy

Prior to Occupancy

- The Auditor's review of the compliance report required under the DEMP must be forwarded to the Authority for review and support;
- Application for variation to the Crown Lease under the *Planning and Development Act 2007* must be requested and approved to include an additional provision which requires compliance with the SAS and OEMP.
- A copy of the updated Crown Lease must be forwarded to the Authority for its records.

Following Occupancy

- The OEMP (or its revisions as approved by an Authority approved environmental Auditor and endorsed by the Authority) must be implemented at the site until such time that the OEMP is no longer deemed to be required, as determined by an Authority approved environmental Auditor and supported in writing by the Authority.



ACT
Government

Environment, Planning and
Sustainable Development

Responsibility for the DEMP

- Following sale and up until the completion of development the implementation and ongoing management of the site in accordance with the DEMP is the responsibility of the land custodian of the site or their authorised representative.

Responsibility for the OEMP

- The implementation and ongoing management of the site in accordance with the OEMP is the responsibility of the leaseholder or their authorised representative (body corporate).

The Authority endorses the SAS for the beneficial uses identified subject to compliance with the above requirements and the Auditor's overall comments as detailed in the SAS.

The Authority notes that the audit has found the site **not suitable** for the following uses permitted by its 'CZ-5 Mixed Zone' zoning:

- Outdoor recreation establishment
- Secondary residence
- Single dwelling house
- Temporary use
- Urban lake, pond and/or retardation basin
- Water storage dam.

Prior to the the site being used for any of uses found not suitable above the site must undergo further assessment and audit. The findings of any subsequent audit must be endorsed by the Authority prior to the site being used for those uses.

This letter of endorsement must be read in conjunction with the documents listed above.

This should not be taken as a warranty by the Territory or the Environment Protection Authority that the land is fit for any particular purpose.

Yours sincerely

Narelle Sargent

Environment Protection Authority 30

June 2021