



**ACT**

Government

City and Environment

## **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**

Umwelt (Australia) Pty Ltd, as represented by Alexander Garrett, Senior Environmental Consultant.

### **PROPOSAL DESCRIPTION**

The Project purpose is to remediate Deep Creek to effectively manage stormwater flows. Deep Creek discharges to the Molonglo River and collects surface water flows from the developing suburb of Whitlam. The Project Area covers 1.65 hectares downstream of the Deep Creek Dam from the Molonglo Valley Interceptor Sewer (MVIS) access track to the point where Deep Creek discharges to the Molonglo River.

The Project would involve the revegetation of a section of Deep Creek and the construction of three rock chutes. The revegetation and rock chutes have been designed to slow the velocity of stormwater discharge, which would reduce the extent of erosion and sediment discharge into the Molonglo River downstream.

### **LOCATION**

Blocks 6 and 16 Section 39, Whitlam

### **MATTERS TO WHICH THIS OPINION APPLIES**

This opinion applies only to the development proposal as described in the application (ESO202500030).

### **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. Prior to construction or any work commencing on site, a Construction Environmental Management Plan (CEMP) must be submitted to and endorsed by the Territory Planning Authority ([EDPImpact@act.gov.au](mailto:EDPImpact@act.gov.au)) for this development proposal. The CEMP must be consistent with the mitigation measures as stated in the supporting application for an ESO and the [Molonglo Valley Plan for the Protection of Matters of National Environmental Significance \(NES Plan\)](#).
2. All works are to be undertaken in accordance with the endorsed CEMP.
3. The preparation of an Unexpected Finds Protocol (UFP) must be implemented during construction.
4. Where remediation and validation are required at the site following an unexpected find, the site validation report must be forwarded to Environment Protection Authority (EPA) for review and endorsement prior to occupancy of the site.
5. A revised Erosion and Sediment Control Plan (ESCP) must be required when detailed plans are available.
6. Geotechnical investigations are to be undertaken through simplified methods, such as test pitting within and adjacent to the creek and drainage alignments. Where contaminants are identified, appropriate mitigation measures must be implemented to prevent mobilisation into the broader environment. All test pits must be backfilled and compacted in layers, with materials placed to closely match the natural subsurface profile.
7. The installation of three rock chutes is proposed to stabilise the creek bed. This activity will likely involve the use of heavy civil machinery, which may impact the existing topsoil. As the current report does not include specific details regarding the location, design, length, depth, anchoring or cementation, rock sizing, or flow design characteristics, these elements must be assessed and approved by ACT Government engineers during the design phase.
8. The project includes revegetation of approximately 370 metres of riparian corridor along the creek line. Given the limited topsoil and highly erodible soil profile, significant effort will be required to establish vegetation. Species selection must account for any site contamination and be aimed at minimising sedimentation and erosion.
9. The placement of rock and boulder niches is intended to support PTWL habitat. Clarification is required on whether additional rock will be imported or if only material recovered from the channel will be reused during the design phase. All selected rock must be suitable for PTWL habitat enhancement.
10. Emergency Access must not be restricted within the site or past the site during works. Any potential impacts on emergency access must be discussed with ACTRFS so arrangements can be put in place to ensure emergency access impact is minimal.
11. The proposed area of works is within a Strategic Firefighting Advantage Zone (SFAZ) established for the protection of the suburb of Whitlam and to complement the Inner Asset Protection Zone (IAPZ). Revegetation work must comply with Table 27 of the ACT Bushfire

Management Standards and must be able to be cost effectively managed to meet the standards set out.

12. Any high-risk activities as pertaining to bushfire, must not be undertaken under a declaration of a total fire ban. Where high-risk activities are undertaken within the declared bushfire season, a water supply must be onsite and manned whilst high-risk activities are undertaken and must remain in the area, they were conducted 30 minutes after the activity has ceased.

#### Advice

1. All works must be in accordance with the [Molonglo Adaptive Management Strategy](#) and the [Molonglo River Reserve Management Plan 2019](#).
2. The Water Resources Act (2007) includes provisions to enable waterway restoration and riparian enhancement works. These can be discussed when a Waterway Works Licence is being processed for the proposed works.
3. The proposed works extend beneath the Molonglo Valley Interceptor Sewer (MVIS) bridge. It is essential that the design and construction activities do not directly or indirectly impact the MVIS or its supporting infrastructure. Consideration must be given to potential effects on scour, foundations, and piers, and appropriate protective measures should be incorporated into the design.
4. The works appear to be located downstream of the proposed Deep Creek Dam. Utilities Technical Regulator (UTR) require assurance that the proposed activities will not affect the dam site, either directly or indirectly. Confirmation should be obtained from the Suburban Land Agency (SLA), as the dam owner, that the works fall outside the dam footprint and will not interfere with dam construction, flow retardation, or water backup zones. SLA should also review the proposed working area in relation to the dam's design and construction requirements.
5. It is recommended that the design development process explicitly demonstrate how potential damage and disruption to existing water infrastructure will be minimised throughout the project lifecycle.

Attached is a Statement of Reasons for the decision.



George Cilliers

Territory Planning Authority

3 September 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 ESO 202500030).*

*This response has been provided following a review of those application documents which were provided to WorkSafe ACT by the Impact Assessment unit at 4.28 pm on Friday 30 May 2025, which was carried out in line with subsequent advice received from the Impact Assessment unit at 3.45 pm on Thursday 5 June 2025 identifying the specific sections relevant to the Work Health and Safety Commissioner's considerations.*

*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 works under the Work Health and Safety Act 2011.*

### **Environment Protection Authority**

*The Office of the Environment Protection Authority (EPA) supports the preparation of an ESO and provides the following comments:*

- *The preparation of an Unexpected Finds Protocol (UFP) must be implemented during construction.*
- *Where remediation and validation is required at the site following an unexpected find, the site validation report must be forwarded to EPA for review and endorsement prior to occupancy of the site.*
- *The Water Resources Act (2007) includes provisions to enable waterway restoration and riparian enhancement works. These can be discussed when a Waterway Works Licence is being processed for the proposed works.*
- *A revised Erosion and Sediment Control Plan (ESCP) will be required when detailed plans are available.*

### **Emergency Services Commissioner**

*ACTF&R has reviewed Environmental Significance Opinion Application (202500030 - Deep Creek Stabilisation Project) and have no comments or objections.*

*ACTRFS supports the ESO with conditions.*

*ACTRFS supports the ESO for remediation of Deep Creek on the below conditions.*

*Firefighting Access:*

- *Condition 1 – Emergency Access must not be restricted within the site or past the site during works. Any potential impacts on emergency access must be discussed with ACTRFS so arrangements can be put in place to ensure emergency access impact is minimal.*

*Water Supply:*

- *Not applicable for this ESO.*

*Bushfire Protection Requirements:*

- *Condition 2 – The proposed area of works is within a Strategic Firefighting Advantage Zone (SFAZ) established for the protection of the suburb of Whitlam and to complement the Inner Asset Protection Zone (IAPZ). Revegetation work must comply with Table 27 of the ACT Bushfire Management Standards and must be able to be cost effectively managed to meet the standards set out.*
- *Condition 3 – Any high-risk activities as pertaining to bushfire, must not be undertaken under a declaration of a total fire ban. Where high-risk activities are undertaken within the declared bushfire season, a water supply must be onsite and manned whilst high-risk activities are undertaken and must remain in the area, they were conducted 30 minutes after the activity has ceased.*

**Technical Regulator**

*The proposal comprises erosion protection and stabilisation along ~370m of Deep Creek, from downstream of the proposed Deep Creek Dam to the confluence with the Molonglo River and a contributing stormwater drain. A secondary intent of the project is to restore riparian areas and pink-tail worm-lizard (PTWL) habitat to enhance connectivity and habitats for native wildlife.*

*Works proposed within the project area have been noted, these are however very broadly described. Comments are provided against a number of works:*

- *Geotechnical investigations. The investigations are simplified, and likely to comprise test pitting within and adjacent to the creek and drain alignments. Where contaminants are identified, suitably considered controls must be applied to mitigate the risk of mobilisation to the wider environment. This should include test pits being backfilled and effectively compacted in layers, with backfill placed to best match the natural subsurface profile.*
- *The installation of three rock chutes to stabilise the creek bed. This will likely require heavy civil plant movement that may impact the topsoil. No location or design included in the report, length, depth, anchoring/cementation, rock sizing, flow design characteristics. These matters must be carefully considered by ACT Government engineers at the design stage.*

- *Revegetation of 370 m riparian corridor along the creek line. Establishment of the vegetation will need significant effort. The selection of vegetation should consider any contamination present and be installed to minimise sediment and erosion, as the site has limited topsoil and appears to have a highly erodible soil profile.*
- *Placement of rock and boulder niches to support PTWL habitat. Is the intent to bring in additional rock or only recycle that recovered from the channel that is not to be used in the rock chutes? Selected rock should be conducive to pink tailed worm lizard habitat.*

*Works extend beneath the Molonglo Valley Interceptor Sewer (MVIS) bridge. Care must be taken to not adversely impact upon the MVIS directly or indirectly. Design shall consider the MVIS and its supporting infrastructure, including but not limited to scour, foundations and piers.*

*Works appear to be limited to downstream of the proposed Deep Creek Dam. UTR require that the proposed works do not directly or indirectly impact upon the proposed dam site. Confirmation should be sought from the Dam owner (SLA) that these works fall outside and do not impact upon the dam site. UTR consider that the SLA should review the dam footprint, flow retardation and water backing up, and working area required for dam construction.*

*UTR require design progression demonstrates consideration of minimising damage and disruption to water infrastructure.*

*It appears no gas / electrical infrastructure impacted upon, within or adjacent to project area.*

*UTR believe these comments could be resolved through the DA process and suggest an EIS or significant DA not be required, given that the comments made above, and that proposal is for waterway and habitat restoration.*

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

*The Health Protection Service (HPS) notes that the Development includes Unexpected Finds Protocol (UFP) is recommended to be developed and implemented before the proposed works commence.*

*There are no further public health concerns in relation to the ESO being issued.*

#### **POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

The proposed Deep Creek Stabilisation project is associated with potential environmental impacts that must be carefully managed. The primary objective of the development is to enhance Deep Creek's capacity to manage stormwater runoff generated by the expanding suburb of Whitlam. This will be achieved through the installation of rock structures and revegetation measures designed to reduce the velocity of stormwater flows before they discharge into the Molonglo River.

While installing rock structures and habitat features is meant to help stabilise the creek and support species like the Pink-tailed Worm-lizard, it could also disturb fragile soil and existing vegetation. Planting new greenery along the creek might be difficult because the soil is easily eroded and may be contaminated, so choosing the right plants is crucial. Digging and testing the ground could also release harmful substances into nearby waterways, which would affect water quality and local ecosystems. On top of that, the works are close to infrastructure like the Molonglo Valley Interceptor Sewer and Deep Creek Dam, so the design needs to be careful to avoid causing any damage.

There are also risks related to bushfires and access to emergency services. The site is in a key bushfire protection zone, so any construction or revegetation must follow strict fire safety rules. Activities that could spark fires need to be tightly controlled, especially during fire season. It's also important that emergency vehicles can always get through the area. The project could affect underground water infrastructure and other utilities, so the design should include ways to protect them.

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.