



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

The Suburban Land Agency, as represented by Robert Rosin, Development Manager.

PROPOSAL DESCRIPTION

The proposal is for the construction of a Coombs to Weston shared path and bridge link to extend the pedestrian and cycling network in the southern Molonglo Valley.

LOCATION

Blocks 1 and 4, Section 124 Weston and Block 16, Section 52 Coombs.

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.

Construction

1. All works must be carried out in accordance with [Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022](#), available at [Environment protection guidelines \(act.gov.au\)](#) or by calling 132281.
2. 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.
3. 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.

4. All sediment and erosion control measures shall be in place prior to commencing works and shall be maintained until development completion.

Water:

5. For works undertaken in a waterway the contractor must obtain a Water Way Works Licence (WWWL).
6. If the contractor is required to obtain an Environmental Authorisation for the development, then this negates the requirement for a WWWL – however, sufficient environmental controls must be detailed in the Erosion & Sediment Control Plan demonstrating how works in the water way will be managed.

Contamination:

7. The updated site audit report and site audit statement detailed in the “Application for an Environmental Significance Opinion” must be forwarded to the ACT EPA for review and endorsement prior to works commencing.
8. Prior to works commencing, the updated site management plan (ver3) detailed in the “Application for an Environmental Significance Opinion” must be reviewed by the site auditor and once endorsed, forwarded to the ACT EPA along with the site auditor endorsement, for EPA review and endorsement.
9. The Site Management Plan must be implemented before, during and after construction works. Areas within the Weston Ponds Audit area that are disturbed as part of the works must be recorded and the information provided to ACT EPA. The area must be geospatially defined using the Geocentric Datum of Australia 2020 and a corresponding shapefile must be provided.
10. All spoil identified at the site must be managed in accordance with EPA [Information Sheet – Spoil Management in the ACT](#) available at [Environment protection guidelines \(act.gov.au\)](#).
11. 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 [Contaminated sites \(act.gov.au\)](#).
12. No soil is to be disposed from the site without EPA approval.

General vehicle evacuation

13. Evacuation routes with free egress must remain viable from the Southern and Western sides of the blocks.

Identified flood zone (1% AEP)

14. The proposed site is on and adjacent to an area of land that may be inundated by a 1% AEP flood from Molonglo River and Weston Creek. The project risk assessment must consider flood risk, and specific flood risk control measures must be detailed in the Emergency Plan for this development.

Identified dam infrastructure failure flood zone

15. The proposed site is in an area that may become inundated should a dam infrastructure failure occur at Scrivener Dam. The project risk assessment must consider this risk and specific risk control measures must be detailed in the Emergency Plan for this development.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'Craig Weller', with a horizontal line extending to the right.

Craig Weller

Delegate of the Territory Planning Authority

8 August 2024

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 the following entities, in accordance with section 139 (1) of the Act.

1. Work health and safety commissioner

The Work Health and Safety Commissioner does not have any comments on this application for an Environmental Significance Opinion (reference ESO202400033).

This response has been provided on the basis of documents provided by the Impact Assessment unit on 2 July 2024 as being the relevant material for the Work Health and Safety Commissioner's consideration. This response does not take into account any subsequent changes to those 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*.

2. Environment Protection Authority

The Environment Protection Authority (EPA) approves of the ESO provided the following conditions are implemented:

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 [Environment protection guidelines \(act.gov.au\)](#) 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.

Water:

- For works undertaken in a waterway the contractor must obtain a Water Way Works Licence (WWWL).
- If the contractor is required to obtain an Environmental Authorisation for the development, then this negates the requirement for a WWWL – however, sufficient environmental controls must be detailed in the Erosion & Sediment Control Plan demonstrating how works in the water way will be managed.

Contamination:

- The updated site audit report and site audit statement detailed in the “Application for an Environmental Significance Opinion” must be forwarded to the ACT EPA for review and endorsement prior to works commencing.
- Prior to works commencing, the updated site management plan (ver3) detailed in the “Application for an Environmental Significance Opinion” must be reviewed by the site auditor and once endorsed, forwarded to the ACT EPA along with the site auditor endorsement, for EPA review and endorsement.
- The Site Management Plan must be implemented before, during and after construction works. Areas within the Weston Ponds Audit area that are disturbed as part of the works must be recorded and the information provided to ACT EPA. The area must be geospatially defined using the Geocentric Datum of Australia 2020 and a corresponding shapefile must be provided.
- All spoil identified at the site must be managed in accordance with EPA [Information Sheet – Spoil Management in the ACT](#) available at [Environment protection guidelines \(act.gov.au\)](#).

- 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 [Contaminated sites \(act.gov.au\)](#).
- No soil is to be disposed from the site without EPA approval.

For further information please contact the Environment Protection Authority Planning Liaison at EPAPlanningLiaison@act.gov.au.

3. Emergency Services Commissioner

ACT State Emergency Service (SES) has assessed the proposal regarding the following: Criteria	
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 is on and adjacent to an area of land that may be inundated by a 1%AEP flood from *Molonglo River* and *Weston Creek*. 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 blocks.

Identified Dam Infrastructure Failure Flood Zone

- The proposed site is in an area that may become inundated should a dam infrastructure failure occur at *Scrivener 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.

ACTESA Further Information

Further information regarding Development Applications can be obtained by emailing ACTESA Emergency Management EmergencyManagement@act.gov.au.

4. Technical Regulator

Utilities Technical Regulation have reviewed the attached package of documents. Contamination is outside of UTRs scope of regulation, so no comments are made in relation to this.

It is noted that the proposal is for the shared pathway and crosses the Molonglo Valley Interceptor Sewer. This sewer is critical infrastructure owned by Icon Water. UTR are of the view that Icon Water should have the opportunity to review the proposal, in terms of potential impacts on the critical

infrastructure and pipeline protection envelopes / clearance requirements and provide comments. It would be appropriate that these comments were made through DA process.

Undertaking the works as exempt development is not supported by UTR without Icon Water first making comments on the proposal for potential impacts on the sewer, appropriate clearances, and management controls during construction.

5. Director-General of ACT Health

The Health Protection Service (HPS) notes that the Development includes works that traverse the North Weston Ponds Site Audit Area.

The HPS support the ESO being issued where the proposed works are conducted in accordance with the Site Management Plan conducted by SMEC dated 7 January 2015. There are no further public health concerns in relation to the ESO.

Should you require any further information, please contact Jason Drinkwater on 5124 9817 or email Jason.drinkwater@act.gov.au.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The potentially significant environmental impacts resulting from the proposal relates to presence of contamination in the soil. The proposed path traverses a portion of blocks that form the North Weston Ponds Site Audit Area, which has been affected by contamination from a former sewage treatment plant and by extensive filling of building material containing asbestos.

The supporting documentation provided includes mitigations to minimise environmental impact and potential disturbance of contaminated material, including alignment of the path layout to avoid the capping area, avoidance of bulk excavation, and minimisation of tree removal.

Conditions have been included to further reduce and mitigate potential impacts during construction.

It has been demonstrated that if the works are undertaken in a manner consistent with the above conditions attached to the ESO and mitigation measures proposed in the ESO proposal, they are unlikely to cause a significant adverse environmental impact.