Molonglo Valley Stage 2 - Urban Development, Infrastructure and Link Bridge

Application for s211 Exemption Consideration Report

JULY 2013
This report evaluates the request for an exemption under section 211 of the *Planning and Development Act 2007*, from requiring a completed Environmental Impact Statement for the Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge.

**Ref no:** 1-2013/13923

**Date lodged:** -

**Project:** Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge

**Street no. and name:** N/A

**Proponent:** Economic Development Directorate, ACT Government

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<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Signature</th>
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<tbody>
<tr>
<td>Reviewed by</td>
<td>A/g Technical Coordinator</td>
<td>Jonathan Teasdale</td>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>ACT</strong></td>
</tr>
<tr>
<td><strong>APZ</strong></td>
</tr>
<tr>
<td><strong>Box-Gum woodland</strong></td>
</tr>
<tr>
<td><strong>CEMP</strong></td>
</tr>
<tr>
<td><strong>CMP</strong></td>
</tr>
<tr>
<td><strong>Clearing of native vegetation</strong></td>
</tr>
<tr>
<td><strong>Controlled Action (EPBC)</strong></td>
</tr>
<tr>
<td><strong>DA</strong></td>
</tr>
<tr>
<td><strong>Ecological community</strong></td>
</tr>
<tr>
<td><strong>EDD</strong></td>
</tr>
<tr>
<td><strong>EDP</strong></td>
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<td><strong>EIA</strong></td>
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<td><strong>EIS</strong></td>
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<td><strong>EMP</strong></td>
</tr>
<tr>
<td><strong>EPBC Act</strong></td>
</tr>
<tr>
<td><strong>ESDD</strong></td>
</tr>
<tr>
<td><strong>MVS 2</strong></td>
</tr>
</tbody>
</table>
| **Matters of National Environmental Significance (MNES)** | The following matters listed under Part 2, Division 1 of the EPBC Act:  
  - listed threatened species and ecological communities;  
  - migratory species protected under international agreements;  
  - Ramsar wetlands of international importance;  
  - the Commonwealth marine environment;  
  - World Heritage properties; |

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- National Heritage places;
- Nuclear actions; and

<table>
<thead>
<tr>
<th>NES Plan</th>
<th>Molonglo Valley Plan for the Protection of Matters of National Environmental Significance – NES Plan (September 2011).</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC Act</td>
<td>Nature Conservation Act 1980</td>
</tr>
<tr>
<td>Natural Temperate Grassland</td>
<td>“Natural Temperate Grassland of the Southern Highlands of NSW and the ACT,” which is an EPBC Act listed ecological community.</td>
</tr>
<tr>
<td>PAD</td>
<td>Potential Archaeological Deposit site.</td>
</tr>
<tr>
<td>PDF</td>
<td>Planning and Design Framework</td>
</tr>
<tr>
<td>PRA</td>
<td>Preliminary Risk Assessment</td>
</tr>
<tr>
<td>PTWL</td>
<td>Pink Tailed Worm Lizard, <em>Aprasia parapulchella</em></td>
</tr>
<tr>
<td>RAO</td>
<td>Representative Aboriginal Organisations</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>Department of Sustainability, Environment, Water, Population and Communities</td>
</tr>
</tbody>
</table>
1. Introduction

This report is to the ACT Minister for Environment and Sustainable Development on the assessment of Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge for an exemption from requiring a completed Environmental Impact Statement. This process is in response to a request from the Economic Development Directorate (EDD) to consolidate the two existing exemptions for Molonglo Valley Stage 2 on the basis of the information provided in support of these applications.

This report brings together the relevant findings and supporting information of the two previous assessments of applications made under section 211 of the Planning and Development Act 2007 (the Act), submitted by the Economic Development Directorate (EDD) in 2012.

The two previous applications prepared by EDD had identified potential impacts of the proposed development and provided information supporting their request for Ministerial exemption under s211. This report draws on the findings of the assessment of those exemptions and consolidates the information to reduce the duplication of considerations for future development applications.

The effect of this request is to consolidate the existing exemptions into a single exemption. By definition, the existing exemptions will need to be revoked should a single exemption decision be made. Although not a legal consideration under the legislation, a side effect of any such decision is that it will lead to regulatory efficiency, stakeholder certainty and administrative streamlining. This is also consistent with the Government’s commitment to the Coalition of Australian Government’ agenda of environment regulation reform.

As a result of recent amendments to the Act, any new decision will result in the expiry date of the exemption aligning with the Commonwealth Strategic Assessment decision for Molonglo, namely 31 December 2041.

As a general observation we note that the information to address impacts provided in support of the two original exemptions remains current and largely unchanged. On this basis, the same information is relied upon to support this request.

1.1. Project

This section gives an overview of the Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge (the project) including its location and background to the project. This section also outlines any public consultation undertaken by the proponent for the project.

The Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge (CBRE, 2012) states that the Molonglo Valley urban expansion is to occur in three separate stages. Stage 1 (comprising the new suburbs of North Weston, Coombs and Wright) is currently under construction. Molonglo Valley Stage 2 (MVS 2) has been designed to accommodate approximately 18,000 people. It will also include the principal commercial centre of Molonglo Valley, together with smaller local centres. Stage 3 is to the north of the Molonglo River and works are expected to commence in coming years.
with timing dependant on market demand. Ultimately these three development stages are anticipated to accommodate 55,000 people.

The Molonglo Valley will grow over several decades as a series of integrated communities within the spectacular natural landscape of the river corridor, its surrounding valleys and rolling hills. (CBRE, 2012, Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge, p11)

This s211 exemption consolidates two previous s211 requests and includes the urban development, supporting infrastructure and Link Bridge of MVS 2 as identified in Figure 1, and includes:

1. Urban development (including the B1 Area) and supporting infrastructure
2. A combined sewer and pedestrian link bridge with associated sewer connections
3. Sewer 3 Central

Figure 1 - Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge.
Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge (CBRE, 2012, pg. 10) states that the objective of the project is to facilitate urban development within the MVS 2 area including associated infrastructure. This will be achieved through the construction of roads, stormwater management measures, utility and other services and supporting infrastructure and development necessary to allow the subdivision and sale of land for residential and other urban uses (including commercial and community uses).

The following activities are to be considered as they are associated with the construction and operation of MVS 2 urban areas, Infrastructure and Link Bridge.

Activities that will occur as part of the development phase will include:

(a) Contaminated land remediation
(b) Construction of stormwater management infrastructure
(c) Construction of utility services
(d) Construction of roads and transport infrastructure (including busways, footpaths and cycleways)
(e) Construction of dwellings
(f) Construction of community and commercial buildings and infrastructure
(g) Landscaping

Activities that will occur as part of the operational phase will include:

(h) Residential activities
(i) Commercial activities (including retail and employment activities)
(j) Community activities (including amongst others education, cultural, religious activities)
(k) Recreational activities (including the use of parks and open spaces)

1.1.1. Project location

The s211 exemption relates to land in the Molonglo Valley of the Australian Capital Territory. The land is located to the west of Canberra City.

The MVS 2 development area is bounded to the north and east by the Molonglo River, to the south-east by the suburbs or Wright and Coombs, to the south by Uriarra Road and to the west by the boundary of the Molonglo Valley district boundary (as defined in DV 281 to the Territory Plan). Figure 2 shows the location of the works.
1.1.2. Legal land description and tenancy

The Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge will affect 22 blocks. Table 1 shows the legal land description for each block affected by the project and the details of tenancy type and tenant.
Table 1 - Legal land description and tenancy

<table>
<thead>
<tr>
<th>Block/Section</th>
<th>District/Division</th>
<th>Tenancy</th>
<th>Tenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1</td>
<td>Molonglo Valley/ Denman Prospect</td>
<td>Holding Lease</td>
<td>LDA</td>
</tr>
<tr>
<td>3/1</td>
<td>Molonglo Valley/ Denman Prospect</td>
<td>Holding Lease</td>
<td>LDA</td>
</tr>
<tr>
<td>1/2</td>
<td>Molonglo Valley/ Denman Prospect</td>
<td>Unleased Territory Land</td>
<td>Custodian - TAMSD</td>
</tr>
<tr>
<td>1/3</td>
<td>Molonglo Valley/ Denman Prospect</td>
<td>Unleased Territory Land</td>
<td>Custodian - TAMSD</td>
</tr>
<tr>
<td>2/3</td>
<td>Molonglo Valley/ Denman Prospect</td>
<td>Unleased Territory Land</td>
<td>Custodian - TAMSD</td>
</tr>
<tr>
<td>3/3</td>
<td>Molonglo Valley/ Denman Prospect</td>
<td>Unleased Territory Land</td>
<td>Custodian - TAMSD</td>
</tr>
<tr>
<td>11</td>
<td>Molonglo Valley</td>
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<td>17</td>
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<td>20</td>
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<td>Unleased Territory Land</td>
<td>Custodian – ACT Property Group</td>
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<td>23</td>
<td>Molonglo Valley</td>
<td>Unleased Territory Land</td>
<td>Custodian – ACT Property Group</td>
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<td>61</td>
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</tr>
<tr>
<td>64</td>
<td>Molonglo Valley</td>
<td>Unleased Territory Land</td>
<td>Custodian - TAMSD</td>
</tr>
<tr>
<td>64</td>
<td>Coppins Crossing road</td>
<td>Unleased Territory Land</td>
<td>Custodian - TAMSD</td>
</tr>
</tbody>
</table>

1.2. Proponent

The ACT Government - Economic Development Directorate (EDD) was the proponent for the two previous s211 exemption requests which are consolidated to form this report. EDD is the proponent for the purpose of this report. On 24 July 2013, EDD requested that the two existing exemptions be consolidated and a new single decision be made.
1.3. Background

The original s211 exemptions were requested by the proponent to demonstrate to the ACT Minister for Environment and Sustainable Development that sufficient studies had already been undertaken to address the impacts of the proposed development and that no further information on the expected environmental impacts would be gained through an EIS process.

The proponent had provided a statement of the proposals’ objectives, specifically, to undertake urban development in line with the requirements of the Territory Plan. The works are to occur within MVS 2 on land identified as Future Urban Area (FUA). Associated with the urban development are infrastructure works as described under Section 1.1 of this report.

The need for urban development in the Molonglo Valley was identified in the Canberra Spatial Plan 2004. A subsequent variation to the Territory Plan (Plan Variation No 281) was adopted in August 2008 allowing urban development to occur within the Molonglo Valley. The suburbs of Wright and Coombs within Molonglo Valley Stage 1 are currently under construction and were subject to an s211 exemption in July 2009.

In May 2012 an s211 exemption was granted for critical infrastructure and urban development for Area B1 of MVS 2. This initial exemption was known as Molonglo Valley Stage 2 – Urban Development Area B1. In August 2012 a second request for s211 was granted exemption for the remaining portion of urban Development in MVS 2, this was known as the Molonglo Valley Stage 2 (part) Link Bridge and Sewer 3 Central.

The Molonglo Valley Urban Development has been subject to a strategic assessment under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). The strategic assessment resulted in the production and formal endorsement of the NES Plan. This plan identifies and describes the required management, mitigation and offsetting requirements of the Australian Government Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) to adequately protect matters of National Environmental Significance (MNES). A description of this process and document can be found in section 3 of this report.

The Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (the NES Plan), (ACT Planning and Land Authority, ESDD, ACT Government, September 2011) has identified requirements for key ecological and environmental features which has guided the location of the urban development and critical infrastructure.

To identify possible environmental impacts processes outside the NES Plan requirements, the proponent has utilised the Preliminary Risk Assessment, Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure (PRA), by NGH Environmental dated August 2011. The PRA (NGH Environmental, 2011) provides a preliminary risk assessment, which assesses the unmitigated risks resulting from development, and an indicative mitigated risk assessment which considers the potential to effectively manage these risks.

This report identifies possible assessment processes that are required under ACT legislation for a part of the development area and formally identifies and assesses environmental risks associated with the land release areas. The area covered by the PRA is shown in Figure 3.
It should be noted that while this report provides consideration for an exemption from the requirement to prepare an EIS, it does not provide development consent or consideration of the project’s compliance against the Territory Plan or other design and siting requirements. Design and siting approvals are sought through subsequent EDP and DA’s.

1.4. Public consultation

The original s211 applications for exemption were not, and are not required to be, subject to any public exposure as part of the statutory consideration process. However the ACT Government has engaged with the community in the planning of Molonglo Valley. The engagement involved the consultation and notification of various documents and plans including the Canberra Spatial Plan (2004), the Molonglo Valley Structure Planning Study (2006), Territory Plan variation (plan variation No. 281), the Molonglo and North Weston Structure Plan (2008) and the NES Plan (September 2011).
More recently with the preparation of the *Molonglo Valley stage 2 Planning and Design Framework* (April 2012), a community engagement program occurred. All consultation that has happened to date is available on the ESDD website. Future activities associated with the engagement program will be posted on the ESDD website and advertised in local newspapers.

http://www.actpla.act.gov.au/topics/significant_projects/planning_studies/molonglo_valley_stage_2_planning_project
2. Environmental impact assessment

Environmental impact assessment is a process for identifying, predicting, planning for and managing the physical, ecological, economic and social impacts of development proposals prior to approval being considered.

2.1. Impact track

A development proposal which requires development approval is in the impact track if the development is of a type mentioned in s123 of the Act. Section 123 of the Act states that the impact track applies to a development if:

- the relevant development table states that the impact track applies
- the proposal is of a kind mentioned in schedule 4 of the Act
- the Minister makes a declaration under section 124
- section 125 or section 132 applies to the proposal, or
- the Commonwealth Minister responsible for the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) advises the Minister in writing that the development is a controlled action under the EPBC Act, section 76.

2.1.1. Impact track triggers

The project is a development in the impact track as it triggers the items outlined in Table 2, from schedule 4 of the Act.

Table 2 - EIS triggers per Schedule 4 of the Act

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description</th>
</tr>
</thead>
</table>
| Part 4.3, item 1 | A proposal that is likely to have a significant adverse environmental impact on 1 or more of the following, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact:
(a) a species or ecological community that is endangered;
(b) a species that is vulnerable;
(c) a species that is protected;
(d) a species with special protection status;
(e) a species or ecological community if a threatening process has been declared under the Nature Conservation Act 1980, s 38 (4) in relation to the species or community;
(f) a species or ecological community if the flora and fauna committee has stated criteria for assessing whether the committee should recommend the making of a declaration under the Nature Conservation Act 1980, s 38 (Declaration of species, community or process) in relation to the species or community; |

Note Criteria are specified under the Nature Conservation Act 1980, s 35. An instrument under that Act, s 35 is a disallowable
An instrument and must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(g) an endangered species, an endangered population, an endangered ecological community, a critically endangered species, a critically endangered ecological community or species presumed extinct under the Threatened Species Conservation Act 1995 (NSW), if the potential impact of the proposal will be on the species or community in New South Wales

Part 4.3 Item 2

Proposal involving—

(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area under the territory plan unless the conservator of flora and fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact; or

(b) the clearing of more than 5.0ha of native vegetation on land that is designated as a future urban area under the territory plan unless the conservator of flora and fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact

Part 4.3 Item 3

Proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact

Part 4.3 Item 6

Proposal that is likely to have a significant adverse impact on the heritage significance of a place or object registered under the Heritage Act 2004, unless the heritage council produces an environmental significance opinion that the proposal is not likely to have a significant adverse impact

The major project components and associated construction and operational activities (as identified in section 1.1 of this report) are cross-referenced against the schedule 4 items they potentially trigger in Table 3.
Table 3 - Project development component and potential EIS trigger item applicability

<table>
<thead>
<tr>
<th>Project component</th>
<th>Part 4.3, item 1, a)</th>
<th>Part 4.3, item 2, b)</th>
<th>Part 4.3, item 3</th>
<th>Part 4.3, item 6</th>
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</thead>
<tbody>
<tr>
<td><strong>Major component projects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Urban development (including the B1 Area) and supporting infrastructure</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Likely (Multiple Sites)</td>
</tr>
<tr>
<td>2. A combined sewer and pedestrian link bridge with associated sewer connections</td>
<td>Yes</td>
<td>Likely</td>
<td>Yes</td>
<td>Yes (cons. access) (PAD1, MV11-12)</td>
</tr>
<tr>
<td>3. Sewer 3 Central</td>
<td>Likely</td>
<td>Likely</td>
<td>Yes</td>
<td>Yes (MV3)</td>
</tr>
<tr>
<td><strong>Construction activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Contaminated land remediation</td>
<td>Likely</td>
<td>Yes</td>
<td>Yes</td>
<td>Possibly</td>
</tr>
<tr>
<td>(b) Construction of stormwater management infrastructure</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Possibly</td>
</tr>
<tr>
<td>(c) Construction of utility services</td>
<td>Likely</td>
<td>Likely</td>
<td>Likely</td>
<td>Possibly</td>
</tr>
<tr>
<td>(d) Construction of roads and transport infrastructure (including busways, footpaths and cycleways)</td>
<td>Yes</td>
<td>Yes</td>
<td>Likely</td>
<td>Yes (Multiple sites)</td>
</tr>
<tr>
<td>(e) Construction of dwellings</td>
<td>Yes</td>
<td>Yes</td>
<td>Unlikely</td>
<td>Yes (Multiple sites)</td>
</tr>
<tr>
<td>(f) Construction of community and commercial buildings and infrastructure</td>
<td>Yes</td>
<td>Yes</td>
<td>Unlikely</td>
<td>Possibly</td>
</tr>
<tr>
<td>(g) Landscaping</td>
<td>Yes</td>
<td>Possibly</td>
<td>Likely</td>
<td>Possibly</td>
</tr>
<tr>
<td><strong>Operational activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(h) Residential activities</td>
<td>Likely</td>
<td>N/A</td>
<td>Unlikely</td>
<td>Possibly</td>
</tr>
<tr>
<td>(i) Commercial activities (including retail and employment activities)</td>
<td>Unlikely</td>
<td>N/A</td>
<td>Unlikely</td>
<td>Unlikely</td>
</tr>
<tr>
<td>(j) Community activities (including amongst others education, cultural, religious activities)</td>
<td>Possibly</td>
<td>N/A</td>
<td>Likely</td>
<td>Possibly</td>
</tr>
<tr>
<td>(k) Recreational activities (including the use of parks and open spaces)</td>
<td>Likely</td>
<td>Unlikely</td>
<td>Yes</td>
<td>Likely</td>
</tr>
</tbody>
</table>

2.2. s211 Process

A s211 report documents the information presented by the proponent to demonstrate that the environmental impacts of a project have been investigated and are fully understood. It informs both decision makers and the community of the likely impacts for the proposal. The s211 report also considers measures, or reasonable alternatives that would avoid or minimise adverse impacts or enhance the quality of the environment.

An s211 exemption may be given for a proposal if the Minister is satisfied that the expected environmental impact of the development proposal has already been sufficiently addressed by another study, whether or not the study relates to the particular development proposal.

An overview of the s211 process is outlined in the flowchart at Figure 4.
Prepare and lodge application for exemption (under s211)

ESDD assesses application for s211 exemption

The Minister may:
- Grant the proposal an exemption
- Refuse to grant the project an exemption

Legend
- The planning and land authority - ESDD
- Proponent

Exemption granted

Unsatisfactory application is rejected and proponent advised to undertake an EIS

The Minister prepares a report for consideration by the Minister

Notes:
- Proponent is strongly advised to seek advice from ESDD before submitting an application
- ESDD may seek advice from relevant agencies to inform its assessment of the application
- The exemption is a Notifiable Instrument which is placed on the legislation register and is valid for 18 months from the date of notification; and
- If the project is subject to an approval issued under Part 9 or Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 the exemption is valid until that approval expires.

Figure 4 - The s211 process
2.3. s211 requirements under the Planning and Development Regulation 2008

Section 211 of the Act requires the Minister to take into account prescribed criteria in deciding whether the environmental impact of the development proposal has been sufficiently addressed by the other study in deciding whether to grant an exemption from requiring a completed EIS.

Section 50A of the Planning and Development Regulation 2008 (the Regulation) prescribes the following criteria that the Minister must consider:

(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;
(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;
(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;
(d) that the study is not more than 5 years old;
(e) if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.

For each impact track trigger of the proposal (as identified in section 2.1.1 of this report) an assessment of the supporting information will be made against the criteria above in the corresponding sub-sections under section 4 of this report.

2.4. The s211 application

The original two s211 requests were submitted by the EDD to the planning and land authority, within ESDD on 8 March 2012 and 25 June 2012 respectively. As some of the documents submitted in support of the original s211 applications are now older than 18 months in age it was necessary to determine if the documents were still current.

In order to ascertain if the information contained in the supporting studies (18 months of age or older) were still current, ESDD commissioned a review of those documents by Mr Peter Cowper, B.Nat.Res, of Umwelt Australia Pty Ltd in July 2013.

Mr Cowper concluded in reviewing the documents that whilst there had been some change to the environment of the MVS 2 area, particularly as a result of ongoing development of MVS 2 infrastructure (as enabled by the original s211 exemptions and other processes), that the studies were sufficiently current to inform consideration of the impacts of the proposed development. A copy of Mr Cowper’s report is at Appendix 1 of this report.

In accordance with the requirements of Application for exemption from EIS (s211) - Form 1M, the applications contained the following information to inform the assessment of the application:

Molonglo Valley Stage 2 – Urban Development Area B1

(a) Request for s211 exemption Molonglo Stage 2 Area B1, Molonglo Urban Development, CBRE CB Richard Ellis, February 2012
Molonglo Valley Stage 2 (part) Link Bridge and Sewer 3 Central

(a) Request for s211 exemption Molonglo Valley Stage 2 (part) and Link Bridge, CBRE CB Richard Ellis, June 2012

(b) Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, NES Plan, ACT Planning and Land Authority, September 2011 *

(c) Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley, Eco Logical Australia, March 2009 *

(d) Planning and Design Framework – Molonglo Valley Stage 2, ESDD, ACT Government, April 2012

(e) Territory Plan Variation 281, ACTPLA, ACT Government, August 2008

(f) Preliminary Assessment of Draft Variation to the Territory Plan (DV281), ACTPLA, ACT Government, August 2007

(g) Territory Plan Molonglo and North Weston Structure Plan, ACTPLA, ACT Government, May 2010

(h) North Weston Odour Study, ACTEW, February 2007

(i) Molonglo Suburbs 3 and 4 and Group Centre – Background Investigations – Preliminary Geotechnical Assessment, Aecom, July 2010

(j) Phase 1 Environmental Site Assessment Stage 2 Molonglo (West), ACT, Aecom, August 2010

(k) Preliminary Assessment Evaluation for the Molonglo Valley Draft Variation, Aecom, February 2008

(l) Final Molonglo Valley Ecological Impact Review, Biosis, August 2006

(m) Molonglo Stage 2 Detailed Heritage Assessment – Aboriginal and Historical Heritage, Biosis, August 2010

(n) Location and Characteristics of Raptor Nesting Sites in the Molonglo Valley ACT, EA Systems, 2007

(o) Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley, Eco Logical Australia, March 2009


Molonglo Valley Stage 2 (part) Link Bridge and Sewer 3 Central

(a) Preliminary Risk Assessment – Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure, NGH Environmental, August 2011

(b) Draft Strategic Assessment Report for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, Eco Logical Australia, March 2010

(c) Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, NES Plan, ACT Planning and Land Authority, Sept 2011

(d) Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley, Eco Logical Australia, March 2009

(e) Draft Planning and Design Framework – Molonglo Valley Stage 2, ESDD, ACT Government, July 2011

(f) Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley, Eco Logical Australia, March 2009

(g) Molonglo Valley Stage 2: Draft Planning and Design Framework - Important Planning Requirements for first land release area, ESDD, ACT Government, June 2011.
(t) Molonglo River Riparian Zone Vegetation and Habitat Survey and Mapping Project, Ecological Australia, May 2008
(u) Providing recreational resources – Social Infrastructure Advice, Eltons, September 2010
(v) Preliminary Assessment Evaluation for the Molonglo Valley Draft Variation to the Territory Plan, ENSR, February 2008
(w) National Capital Plan Amendment 63, National Capital Authority, September 2008
(y) Phase 1 Environmental Site Assessment Molonglo Stage 3, Aecom, June 2012
(z) Molonglo Detailed Heritage Assessment – Aboriginal and Historical Heritage, Biosis Research, May 2012
(aa) Vegetation Communities at Coppins Crossing, Geoff Butler & Associates, June 2012

* -Documents were submitted in support of both applications

2.5. Entity referral

The Act does not require referral of a proposed s211 exemption to entities. ESDD may however seek advice from entities as necessary to inform the preparation of advice to the Minister. In assessing the original s211 requests ESDD referred the applications to the following entities:

- Actew AGL – water and sewer, electrical networks and Jemena gas networks
- The Conservator of Flora and Fauna (the Conservator)
- The ACT Heritage Council
- Nature Conservation Policy, ESDD
- The National Capital Authority (NCA)
- ACT Health
- City Planning, ESDD
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC)
- The Environment Protection Authority (EPA)
- The Emergency Services Agency (ESA)
- The Territory and Municipal Services Directorate (TAMSD)

As some time had elapsed since the referred entities originally provided advice on the s211 requests, the project was referred to entities on 23 July 2013. The entities were asked to consider if the supporting information was still sufficient in establishing the condition of the environment and the potential impacts of the project. Comments (if received) from entities on the consolidated s211 reports are included in Appendix 2 of this report. Comments received were supportive of the granting of a consolidated s211 exemption for the proposal on the basis that the information provided is still current.

The EPA’s comments on the request for a consolidated s211 identified some new matters as a result of information gathered since the original s211s were granted.

The areas subject to the (original) s211 Exemptions 1 and 2 detailed below are currently subject to environmental assessment and audit due to past activities at the site which may have resulted in the contamination of land. The ACT Government’s Strategic Plan
Contaminated Sites Management, 1995, specifically requires that potentially contaminated land be investigated at the earliest stages of the planning process to ensure suitability for development.

The assessments and audits are currently being carried out by the Land Development Agency, EDD. The EPA is yet to receive the results of all the environmental assessments and audits within exemption areas 1 and 2 to confirm the areas are suitable for the proposed and permitted land uses. The EPA has however endorsed the site audits for the area known as Denman Prospect Estate Stage 1 (as detailed in the Figure 5) subject to conditions as detailed in the letter from the EPA to the planning and land authority within ESDD dated 18 September 2012 and 2 November 2012 (see Appendix 7 of this report).

As detailed previously in response to the original s211 applications, prior to any area being used for other uses the areas must be assessed, remediated (if required) to ensure the sites are suitable for the proposed and permitted uses. The assessment and remedial works must be reviewed and approved by the independent auditor and endorsed by the EPA prior to development commencing.

Based on the processes currently underway by LDA (EDD) and the EPA’s understanding of the contamination issues identified within the exemption areas, the EPA is again comfortable in supporting the s211 exemption provided the areas impacted by contamination are assessed and remediated (as required) and the audits endorsed by the EPA prior to development.
Figure 5 – Contaminated land site audit report areas within MVS 2

The comments of each agency as provided against the original applications are included against each schedule 4 item discussed in chapter 4. All entity comments received on the two original exemptions and the requested consolidation are included at Appendix 2 along with any assessment of the comments provided. Any conditions recommended by a referral entity are included in section 6.1 of this report.
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3. Matters of National Environmental Significance

Under the EPBC Act a person must not take an action that has, will have, or is likely to have a significant impact on any MNES without approval from the Australian Government Minister for Sustainability, Environment, Water, Population and Communities. The key MNES associated with this application is listed threatened species and communities and includes:

- White box yellow Box – Blakely’s Red Gum grassy Woodland and Derived Native Grassland (Box-Gum woodland)
- Natural temperate Grassland of the Southern tablelands of NSW and the ACT (Natural Temperate Grasslands)
- *Aprasia parapulchella* - Pink tailed work lizard (PTWL)
- *Polytelis swainsonii* – Superb Parrot
- *Lathamus discolor* - Swift Parrot
- *Merops ornatus* - Rainbow Bee-eater

3.1. EPBC referral – Strategic Assessment

Under section 146 of the EPBC Act, the Australian Government Environment Minister may agree to assess the impacts of actions under a policy, plan or program as a Strategic Assessment, this may include (but is not limited to):

- regional-scale development plans and policies
- large-scale industrial development and associated infrastructure
- fire, vegetation/resource or pest management policies, plans or programs
- water extraction/use policies
- infrastructure plans and policies
- industry sector policies

Within this context a strategic assessment normally applies to multiple natured projects which would otherwise be assessed on a case-by-case basis under the EPBC Act.

Preliminary environmental investigations in the Molonglo and North Weston area identified several matters of NES. These included; the Pink-tailed Worm-lizard (listed under the EPBC Act as vulnerable), White Box-Yellow Box-Blakely’s Red Gum grassy woodland and derived native grassland (listed as critically endangered), and Natural temperate grasslands of the Southern Tablelands of NSW and the ACT (listed as endangered).

On 16 September 2008 the Federal Minister and the ACT Minister for Planning, announced that a Strategic Assessment of the proposed Molonglo and North Weston Structure Plan (the Structure Plan) would be undertaken in accordance with section 146 of the EPBC Act. Figure 6 illustrates the area of land covered by the strategic assessment.
Figure 6 - Area of Molonglo Valley covered by the Strategic Assessment
The Structure Plan is part of the Territory Plan and it sets out the planning and development guidelines and principles for urban development and associated infrastructure at Molonglo and North Weston. It guides urban and commercial development in the Molonglo Valley, including associated infrastructure. The Structure Plan considers a broad range of environmental, social and economic planning issues. It addresses many issues which are unlikely to have an impact on nationally protected matters, and may require adjustment during the life of the Structure Plan.

To protect nationally significant matters without unduly constraining the Structure Plan’s implementation, the Federal Environment Minister amended the decision to include a strategic assessment the ACT Government’s Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (the NES Plan). The NES Plan identifies nationally protected matters in the Molonglo Valley likely to be affected by implementing the Structure Plan, and sets out protection and conservation strategies to avoid unacceptable impacts. The strategic assessment ensures that development taken in the Molonglo Valley avoids unacceptable impacts on matters protected under national environment law.

To meet the ACT Government’s land release schedule, the suburbs of North Weston, Coombs and Wright were removed from the strategic assessment process and were subsequently assessed and approved under separate EPBC Act Part 9 referrals (EPBC referrals 2009/4752, 2009/5041 and 2009/5050).

On 7 October 2011, the Federal Environment Minister endorsed the NES Plan. This was the third strategic assessment in Australia to reach the endorsement stage. The endorsement of the NES Plan allows the Federal Environment Minister to consider giving approval to actions or class of actions that are taken in accordance with the endorsed Plan.

On 20 December 2011, the Federal Environment Minister approved actions associated with urban development in East Molonglo as described in the endorsed NES Plan. A copy of the signed approval instrument is at Appendix 3.

The NES Plan describes adaptive management strategies to be implemented to continually improve management practices through monitoring and evaluation. The AMS will inform the content and timing of specific management plans required by the NES Plan and is required to be completed and approved by the Federal Environment Minister, or their delegate, prior to the commencement of construction of Molonglo Valley Stage 2 and key infrastructure projects (John Gorton Drive Stage 2A and Sewers) or within 18 months of endorsement of the NES Plan, whichever occurs first. The NES Plan Annual Report to SEWPAC will identify compliance with the AMS.
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4. Evaluation of information - Schedule 4 items

This section summarises the impacts of the development on relevant items from Schedule 4 of the Act. Key findings are presented for each item based on an assessment of the information provided by the proponent and the supporting studies, investigations or reports. The comments of referral entities are listed along with any recommended mitigation measures. A conclusion is made on whether or not the information satisfies the requirements of s211 of the Act. The development activities and impacts associated with them are described under the schedule 4 items from the Act where they apply.

An assessment of the impacts and risk identified in the s211 requests is included in section 6 of this report. Table 13 provides a summarised risk assessment and notes on ESDD’s assessment on the information provided. This information supplements the information in this section.

4.1. Item 1 Part 4.3 Schedule 4 – impacts on species or ecological communities

The development of MVS 2 will result in impacts on threatened species and ecological communities listed under both the EPBC Act (discussed in section 3 of this report) and the NC Act.

The proposal is likely to impact on the listed species and ecological communities identified under the NC Act and/or the EPBC Act as shown in Table 4.

Table 4 - Listed species and ecological communities

<table>
<thead>
<tr>
<th>Endangered Ecological Communities</th>
<th>NC Act status</th>
<th>EPBC Act status</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Box, Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland)</td>
<td>Endangered</td>
<td>Critically Endangered</td>
</tr>
<tr>
<td>Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT (Natural Temperate Grasslands)</td>
<td>Endangered</td>
<td>Endangered</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woodland Bird species</th>
<th>NC Act status</th>
<th>EPBC Act status</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Polytelis swainsonii</em> – Superb parrot</td>
<td>Vulnerable</td>
<td>Vulnerable</td>
</tr>
<tr>
<td><em>Lathamus discolor</em> - Swift parrot</td>
<td>Vulnerable</td>
<td>Endangered</td>
</tr>
<tr>
<td><em>Xanthomyza phrygia</em> - Regent honeyeater</td>
<td>Endangered</td>
<td>Endangered</td>
</tr>
<tr>
<td><em>Grantiella picta</em> - Painted honeyeater</td>
<td>Vulnerable</td>
<td>Not listed</td>
</tr>
<tr>
<td><em>Climacteris picumnus</em> - Brown treecreeper</td>
<td>Vulnerable</td>
<td>Not listed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vulnerable Fauna species</th>
<th>NC Act status</th>
<th>EPBC Act status</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Hieraaetus morphnoides</em> - Little eagle</td>
<td>Vulnerable</td>
<td>Not listed</td>
</tr>
<tr>
<td><em>Aprasia parapulchella</em> - Pink tailed worm lizard</td>
<td>Vulnerable</td>
<td>Vulnerable</td>
</tr>
<tr>
<td><em>Perunga ochracea</em> - Perunga grasshopper</td>
<td>Vulnerable</td>
<td>Not listed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Endangered Flora species</th>
<th>NC Act status</th>
<th>EPBC Act status</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Swainsona recta</em> - Small purple pea</td>
<td>Endangered</td>
<td>Endangered</td>
</tr>
<tr>
<td><em>Rutidosis leptorrhynchoides</em> - Button wrinklewort</td>
<td>Endangered</td>
<td>Endangered</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Threatened Fish species</th>
<th>NC Act status</th>
<th>EPBC Act status</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Gadopsis bispinosus</em> – Two-spined blackfish</td>
<td>Vulnerable</td>
<td>Not listed</td>
</tr>
<tr>
<td><em>Euastacus armatus</em> – Murray River Crayfish</td>
<td>Vulnerable</td>
<td>Not listed</td>
</tr>
</tbody>
</table>
4.1.1. Impacts

The identified impacts on species and ecological communities are:

- Removal of endangered ecological communities – Box Gum Woodland and Natural Temperate Grassland
- Reduction of woodland connectivity and impediment to fauna movement from the removal of remnant trees, dead timber (standing and fallen) and woodland patches
- Removal of remnant trees including those with hollows which provide woodland bird habitat
- Damage to or removal of Pink tailed worm lizard habitat and Perunga grasshopper habitat from rock collection, excavation and bulk earthworks
- Damage or removal of important habitat to threatened birds species from the removal of existing woodland and remnant trees and other habitat such as cliff ledges and mid-storey vegetation
- Removal of or damage to native flora species such as Button Wrinklewort and Small Purple Pea
- Formalisation of stormwater systems may change hydrological conditions, changing vegetation composition and inundating habitat for species such as the PTWL
- Construction and operational/recreational activities which disturb soil, introduce weeds or change vegetation composition impacting on water quality (sedimentation or eutrophication of waterways) and habitat value for threatened fish species
- Bulk earthworks and land clearing removing vegetation of foraging areas for birds
- Asset Protection Zone (APZ) and landscape maintenance activities such as mowing/slashing causing; soil disturbance, weed introduction and requiring surface rock removal
- Noise and vibration from construction activities disturbing fauna species
- Impact from bushfires on species and ecological communities from fire ignited by construction or operational activities
- Urban use causing disturbance to fauna from light and noise, landscape maintenance and predation by domestic animals
- Urban development introducing urbanised species (urban specialists) such as Indian Myna, Common (feral) Pigeon and Australian Magpie into the environment which compete with threatened birds

4.1.2. Previous Studies and Investigation

The proponent has submitted six supporting documents which address impacts on species or ecological communities in support of the s211 requests. The information submitted by the proponent to support the applications is listed in Table 5.
<table>
<thead>
<tr>
<th>Title of report</th>
<th>Public consultation</th>
<th>Age of report</th>
<th>Reviewed for currency</th>
<th>Expert/Peer reviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (the NES Plan), ACT Planning and Land Authority, ESDD, ACT Government, September 2011</td>
<td>Yes – as part of EPBC Strategic Assessment</td>
<td>23 Months</td>
<td>Yes – Peter Cowper B.Nat.Res, Umwelt Australia Pty Ltd, (July 2013)</td>
<td>Assessed by SEWPAC</td>
</tr>
<tr>
<td>Preliminary Risk Assessment – Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure, NGH Environmental, August 2011</td>
<td>No</td>
<td>24 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Yes</td>
</tr>
<tr>
<td>Draft Strategic Assessment Report for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, Eco Logical Australia, March 2010</td>
<td>Yes – as part of EPBC Strategic Assessment (Associated document)</td>
<td>3 years and 4 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Assessed by DSEWPAC</td>
</tr>
<tr>
<td>Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley, Eco Logical Australia, March 2009</td>
<td>Yes – as part of EPBC Strategic Assessment (Associated document)</td>
<td>4 years 4 months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Yes – referenced in PRA by NGH Environmental and as part of NES Plan</td>
</tr>
<tr>
<td>Molonglo River Riparian Zone Vegetation and Habitat Survey and Mapping Project, Ecological Australia, May 2008</td>
<td>No</td>
<td>5 + years</td>
<td>Yes - P. Cowper (July 2013) - for the purpose of s50A of the Regulation this report is not considered current</td>
<td>Yes - informed draft PDF</td>
</tr>
<tr>
<td>Location and Characteristics of Raptor Nesting Sites in the Molonglo Valley ACT, EA Systems, 2007</td>
<td>No</td>
<td>5 + years</td>
<td>Yes - P. Cowper (July 2013); for the purpose of s50A of the Regulation this report is not considered current.</td>
<td>Yes – referenced in PRA by NGH Environmental and as part of NES Plan</td>
</tr>
</tbody>
</table>

For additional information on the public consultation undertaken by the proponent refer to section 1.4 of this report.

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3 Has the report been made available as part of a public consultation process for comment for this or another project?

4 Content of reports should be reviewed for currency if report is older than 18 months as environmental values may have changed.
4.1.3. Key findings

To identify the potential impacts on these species and communities, ESDD (and others) commissioned numerous investigations and studies. The studies undertaken sufficiently address the potential impacts. Some information gaps remain with regards to the amount of PTWL habitat and Box Gum Woodland to be removed or impacted on by the proposal. This is a result of not knowing the final design of the urban development and supporting infrastructure. The NES Plan allows for the removal of and impact on a maximum of 110 ha of Box Gum Woodland and 27 ha of PTWL habitat.

The Key findings in relation to the original s211 requests and supporting information are:

- The original s211 requests did not state the amount of Box Gum Woodland that will be removed by MVS 2. However we are satisfied that the impacts of the removal of this endangered ecological community have been sufficiently addressed as all stages of the Molonglo Valley development will not clear more than a total of 110 ha, as allowed by the NES Plan.

- The original s211 requests did not state the amount of PTWL habitat that will be removed by MVS 2. However we are satisfied that the impacts of the removal of habitat for this endangered species have been sufficiently addressed as all stages of the Molonglo Valley development will not clear more than a total of 27 ha, as allowed by the NES Plan.

- As a condition of reporting required by the NES Plan it is necessary to calculate the total area of PTWL habitat that is removed to ensure the allowed limit is not exceeded. This will be particularly relevant to the construction of the link bridge due to location and access requirements for its construction.

- The likelihood of impacts on many woodland birds is not known as targeted investigations as to their presence in the potential habitat in the area have not been undertaken. However the original s211 requests stated that it is unlikely that the identified woodland bird species will be present on the site due to lack of suitable habitat.

- The management of the River Park and APZs will have to be undertaken in accordance with the NES Plan and the River Park Concept Plan, to reduce impacts upon Species and Ecological Communities.

- Education of future residents will be critical to ensure that the urban use of the area does not significantly impact upon species and ecological communities.

The Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge (CBRE, 2012) includes a plan which identifies the habitat areas for PTWL and raptors/bird of prey species, refer to Appendix 4. The potential habitat for woodland bird species is associated with woodland areas particularly those with hollow bearing trees. The vegetation mapping in Appendix 5 gives some indication of woodland areas, however hollow bearing trees have not been identified or mapped. This has implications on the understanding of the potential impacts on woodland bird species. However due to the lack of suitable habitat any impact is likely to be minimal.

4.1.4. Entity referral and comments

The Conservator of Flora and Fauna provided the following comments on the original requests which related to impacts on species and ecological communities:
- The urban development and supporting infrastructure will need to avoid PTWL habitat wherever possible, and keep account of the habitat lost per the NES Plan the requirement.
- Where works are within the River Corridor Park the need for there to be a large and ongoing program of restoration and weed control. African lovegrass is abundant in the vicinity of the works and will require a specific control focus.

The comments of the referral entities and notes on an assessment of the matters raised can be found in Appendix 2 of this report.

### 4.1.5. Recommended mitigation measures

The recommended mitigation measures from the entity comments received and the supporting documents submitted by the proponent against the impacts of the development on species and ecological communities are included in Table 6.

<table>
<thead>
<tr>
<th>No.</th>
<th>Impact of development</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Removal of endangered ecological communities</td>
<td>Develop in areas of degraded vegetation or predominantly exotic vegetation; Undertake further investigation of significance of vegetation to be removed; Offset significant vegetation to be located in parklands and urban open spaces; CEMP to control erosion and sedimentation and the effects on vegetation; Weed control measures to reduce ingress of weeds; Implementation of the Molonglo River Park Concept Plan to protect and manage areas within identified public lands.</td>
</tr>
<tr>
<td>2</td>
<td>Reduction of woodland connectivity</td>
<td>Limit mid and over story vegetation removal especially in areas of ecological significance such as the Molonglo River Corridor; Reduce clearing in identified woodland connections; Implementation of the Molonglo River Park Concept Plan to protect and manage areas within identified public land; Develop parks and reserves to improve connectivity between areas of ecological significance and offset clearing of identified woodland connections.</td>
</tr>
<tr>
<td>3</td>
<td>Tree hollows being removed</td>
<td>Management options are to reduce clearing of tree hollows, manage clearing to reduce injuring individuals and timing of construction/clearing to avoid breeding disruptions; Strategic preservation of Hollow bearing trees; Relocation of felled limbs/trees containing hollows into reserved areas.</td>
</tr>
<tr>
<td>4</td>
<td>Damage or removal of PTWL habitat and Perunga grasshopper habitat</td>
<td>Protection of important habitat by fencing and signage during construction (avoiding key habitat); CEMP to protect habitat from construction activities and indirect impacts; Enhance connectivity by strategically located parks and open spaces areas; Implementation of the Molonglo River Park Concept Plans.</td>
</tr>
<tr>
<td>No.</td>
<td>Impact of development</td>
<td>Mitigation Measures</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5</td>
<td>Damage or removal of habitat important to, and direct impacts on threatened birds</td>
<td>Mitigation measures specified for woodland connectivity, tree hollows and removal of endangered ecological communities would assist for this species if found to be present; Construction timing to limit disruption on breeding times; Field investigations and/or targeted surveys to determine the presence of species. Recommendations on the management of the species should it occur should be presented prior to any development occurring on site; Implementation of mitigation and management measures from the NES Plan.</td>
</tr>
<tr>
<td>6</td>
<td>Removal of or damage to native flora species</td>
<td>If specimens are found, fencing of key habitat areas (areas of environmental significance) would be appropriate to protect from construction activities</td>
</tr>
</tbody>
</table>
• Management activities associated with urban use, such as open space maintenance and APZs management activities

It should be noted when considering the impacts of removing *native vegetation* that Box-Gum Woodland and Natural Temperate Grassland communities are considered as contributing to what is defined as *native vegetation*.

### 4.2.2. Previous Studies and Investigation

The proponent has submitted six supporting documents which address impacts on clearing of native vegetation in support of the original s211 requests. The information submitted by the proponent to support the s211 requests is listed in Table 7.

**Table 7 - Assessment of supporting information - Item 2, Part 4.3, Schedule 4**

<table>
<thead>
<tr>
<th>Title of report</th>
<th>Public consultation</th>
<th>Age of report</th>
<th>Reviewed for currency</th>
<th>Expert/Peer reviewed</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (the NES Plan)</em>, ACT Planning and Land Authority, ESDD, ACT Government, September 2011</td>
<td>Yes – as part of EPBC Strategic Assessment</td>
<td>23 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Assessed by SEWPAC</td>
<td></td>
</tr>
<tr>
<td><em>Draft Strategic Assessment Report for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance</em>, EcoLogical Australia, March 2010</td>
<td>Yes – as part of EPBC Strategic Assessment (Associated document)</td>
<td>3 years and 4 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Assessed by DSEWPAC</td>
<td></td>
</tr>
<tr>
<td><em>Molonglo Development Stage 2 Vegetation Assessment</em>, EcoLogical Australia, October 2010</td>
<td>No</td>
<td>2 years 9 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td><em>Vegetation Communities at Coppins Crossing</em>, Geoff Butler &amp; Associates, June 2012</td>
<td>No</td>
<td>13 Months</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td><em>Preliminary Risk Assessment – Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure</em>, NGH Environmental, August 2011</td>
<td>No</td>
<td>23 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><em>Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley</em>, EcoLogical Australia, March 2009</td>
<td>Yes – as part of EPBC Strategic Assessment (Associated document)</td>
<td>4 years 4 months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Yes – referenced in PRA by NGH Environmental and as part of NES Plan</td>
<td></td>
</tr>
</tbody>
</table>

5 Has the report been made available as part of a public consultation process for comment for this or another project?

6Content of reports should be reviewed for currency if report is older than 18 months as environmental values may have changed.
For additional information on the public consultation undertaken by the proponent refer to section 1.4 of this report.

### 4.2.3. Key findings

The project will permanently clear more than 5.0ha of native vegetation. The key findings of the assessment of the s211 requests are:

- The development will clear Box-Gum Woodland. The total area of this critically endangered community to be cleared has not been identified. However we are satisfied that the impacts of the removal of this endangered ecological community have been sufficiently addressed as all stages of the Molonglo Valley development will not clear more than a total of 110 ha, as allowed by the NES Plan.
- The NES Plan allows for the removal of a total of 110 ha of Box Gum Woodland within the Strategic Assessment area (which covers all of the East Molonglo area - including stage 2, stage 3 and the river park area).
- As a condition of reporting required by the NES Plan it is necessary to calculate the total area of Box-Gum Woodland that is removed to ensure the allowed limit is not exceeded.

The s211 requests included a plan which shows the classification and location of different vegetation communities within the MVS 2 area, refer to Appendix 5.

### 4.2.4. Entity referral and comments

No entities provided comments on the proposal which related specifically to the impacts of clearing of native vegetation. The comments of the referral entities and notes on an assessment of the matters raised can be found in Appendix 2 this report.

### 4.2.5. Recommended mitigation measures

The recommended mitigation measures from the s211 requests and supporting documents submitted by the proponent against the impacts of the development of the clearing of native vegetation are included in Table 8.

<table>
<thead>
<tr>
<th>No.</th>
<th>Impact of development</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Permanent clearing of native vegetation</td>
<td>Develop in areas of degraded vegetation or predominantly exotic vegetation;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Undertake further investigation of significance of vegetation to be removed;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>offset significant vegetation to be located in parklands and urban open spaces;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CEMP to control erosion and sedimentation and the effects on vegetation;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weed control measures to reduce ingress of weeds;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Implementation of the Molonglo River Park Concept Plan to protect and manage areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td>within identified public lands.</td>
</tr>
</tbody>
</table>
4.2.6. Conclusion

The six supporting studies provide sufficient information on the impacts of the proposal from the clearing of native vegetation.

Further investigation and environmental assessment of the impacts of the proposal on clearing of native vegetation is not required for this project. The recommended mitigation measures will be applied through conditions of approval in any subsequent development application.

4.3. Item 3 Part 4.3 Schedule 4 – works on public land reserved under s315 of the Act

The Link Bridge and sewer infrastructure will occur within the Molonglo River Corridor which is land designated as Special Purpose Reserve under s315 of the Act. Operational and recreational activities associated with the urban development of the MVS 2 will occur within the Special Purpose Reserve and may also potentially impact on species and ecological communities, heritage items, and water quality. The Molonglo River Corridor will be subject to the Molonglo River Park Concept Plan as required by the NES Plan.

4.3.1. Impacts

The identified impacts associated with the proposed development which will potentially affect public land reserved under s315 of the Act are:

<table>
<thead>
<tr>
<th>Clearing of Native vegetation, including soil disturbance and removal of surface rock</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Clearing of land, native vegetation, soil disturbance, removal of surface rock – which will have impacts on species mentioned in Section 4.1 of this report including PTWL.</td>
</tr>
<tr>
<td>• Potential to impact on water quality within the Molonglo River.</td>
</tr>
<tr>
<td>• Increased potential to introduce/spread weed species.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sedimentation and erosion</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Sedimentation and erosion impacts will include possible disturbance of aquatic fauna habitat, pollution of waterways and reduced water quality in the Molonglo River.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Presence of Urban development – operational activities, recreational use</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Creation and maintenance of formal trails for recreational use and maintenance of open spaces and infrastructure within the river corridor (subject to the Molonglo River Park Concept Plan).</td>
</tr>
<tr>
<td>• Creation of informal trails.</td>
</tr>
<tr>
<td>• Waste dumping.</td>
</tr>
<tr>
<td>• Fossil collection impacting on geological heritage sites.</td>
</tr>
<tr>
<td>• Introduction/spreading of weed species.</td>
</tr>
<tr>
<td>• Introduction of non-native animals.</td>
</tr>
<tr>
<td>• Recreational use including water based activities.</td>
</tr>
<tr>
<td>• The creation and maintenance of asset protection zones.</td>
</tr>
</tbody>
</table>
4.3.2. Previous Studies and Investigation

The proponent has submitted five supporting documents which address impacts on the Molonglo River Corridor in support of the original applications for an s211 exemption. The submitted reports indirectly address impacts on public land (land reserved under s315 of the Act). The information submitted by the proponent to support the applications is listed in Table 9.

Table 9 - Assessment of supporting information - Item 3, Part 4.3, Schedule 4

<table>
<thead>
<tr>
<th>Title of report</th>
<th>Public consultation</th>
<th>Age of report</th>
<th>Reviewed for currency</th>
<th>Expert/Peer reviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Risk Assessment – Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure, NGH Environmental, August 2011</td>
<td>No</td>
<td>24 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Yes</td>
</tr>
<tr>
<td>Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, NES Plan, ACT Planning and Land Authority, ESDD, ACT Government, September 2011</td>
<td>Yes - as part of EPBC Strategic Assessment</td>
<td>23 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Assessed by SEWPAC</td>
</tr>
<tr>
<td>Draft Strategic Assessment Report for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, Eco Logical Australia, March 2010</td>
<td>Yes – as part of EPBC Strategic Assessment (Associated document)</td>
<td>3 years and 4 Months</td>
<td>Yes - P. Cowper (July 2013)</td>
<td>Assessed by DSEWPAC</td>
</tr>
<tr>
<td>Phase 1 Environmental Site Assessment Molonglo Stage 3, Aecom, June 2012</td>
<td>No</td>
<td>13 Months</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Vegetation Communities at Coppins Crossing, Geoff Butler &amp; Associates, June 2012</td>
<td>No</td>
<td>13 Months</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

For additional information on the public consultation undertaken by the proponent refer to section 1.4 of this report.

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7 Has the report been made available as part of a public consultation process for comment for this or another project?

8 Content of reports should be reviewed for currency if report is older than 18 months as environmental values may have changed.
4.3.3. **Key findings**

The MVS 2 development will impact on land reserved under s315 of the Act. The key findings of the original assessments of the s211 requests were:

- *The Molonglo river corridor between the northern and southern areas will be an important area for both conservation and recreation.* (ESDD, NES Plan, 2011, pg 9.).

- *The Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge* (CBRE, 2012) executive summary states the following with regards to potential impacts of the proposal on the Molonglo River Corridor:
  
  ‘*The Molonglo River Corridor has been identified as having woodland connectivity and ecological values although the quality of vegetation along the stretch of river adjacent to the current S211 area ranges from very low to moderate. Works within the corridor in this instance are limited to the construction and operation of the Link Bridge, which have been positioned in a location identified as having very low quality vegetation. Works within this area will be guided by the Molonglo River Corridor Park Concept Plan*.’ (CBRE, 2012, Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge, pg 45.).

- The urban development and link bridge will impact upon the area defined under s315 special purpose reserve (Molonglo River Corridor). Development in the Molonglo River Corridor will be subject to the Molonglo River Park Concept Plan.

- The Molonglo River Park Concept Plan will include measures to manage impacts on the values of the Special Purpose Reserve.

- The ultimate extent of the MVS 2 urban development boundaries will be subject to the finalisation of the Molonglo River Park Concept Plan.

- The Molonglo River Park Concept Plan will include adaptive management actions consistent with the NES Plan. Establishing management zones identifying areas for conservation, recreation with a particular focus on protection and management of matters of National Environmental Significance.

- A Plan of Management for the Molonglo River Park is to be developed in accordance with the NES Plan.

4.3.4. **Entity referral and comments**

The Conservator of Flora and Fauna provided the following comments on the proposal which related to impacts on the area defined under s315 special purpose reserve – Molonglo River Corridor:

- The urban development and supporting infrastructure will need to avoid PTWL habitat wherever possible, and keep account of the habitat lost per the NES Plan the requirement

- Where works are within the River Corridor Park the need for there to be a large and ongoing program of restoration and weed control. African lovegrass is abundant in the vicinity of the works and will require a specific control focus.

The comments of the referral entities and notes on an assessment of the matters raised can be found in Appendix 2 of this report.
4.3.5. **Recommended mitigation measures**

The recommended mitigation measures from the Conservator of Flora and Fauna’s comments and the s211 requests against the impacts of the development on area defined under s315 special purpose reserve – Molonglo River Corridor are included in Table 10.

**Table 10 - Mitigation measures - land reserved under s315 of the Act**

<table>
<thead>
<tr>
<th>No.</th>
<th>Impact of development</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Construction activities which generate soil (including soil with vegetative composition and potential weed introduction) or water pollution risks (sedimentation or eutrophication of waterways). Formalised stormwater systems may change hydrological conditions, changing vegetation composition.</td>
<td>Implementation of the Molonglo River Park Concept Plans; Restricting or managing works within the river corridor to limit the risk of erosion; Restricting or managing works within the river corridor to limit the risk of direct impacts; Stormwater infrastructure design to improve water qualities flowing through waterways (swales, ponds); CMP to manage the handing of potential contaminants/pollutants during construction; Stringent sediment and erosion controls during construction implemented through CEMP; Weed management strategies during construction; Asset protection and fire hazard management strategies to limit the impact on the area and reduce the risk of fire occurring in the area.</td>
</tr>
<tr>
<td>2</td>
<td>Operational activities which generate soil (including soil with vegetative composition and potential weed introduction) or water pollution risks (sedimentation or eutrophication of waterways).</td>
<td>Implementation of the Molonglo River Park Concept Plans; Restricting or managing works within the river corridor to limit the risk of erosion; Restricting or managing works within the river corridor to limit the risk of direct impacts; Asset protection and fire hazard management strategies to limit the impact on the area and reduce the risk of fire occurring in the area.</td>
</tr>
<tr>
<td>3</td>
<td>Presence of Urban development – operational activities, recreational use</td>
<td>Implementation of the Molonglo River Park Concept Plans; Implementation of the Plan of Management in accordance with the NES Plan.</td>
</tr>
</tbody>
</table>

4.3.6. **Conclusion**

The five supporting studies and the comments of the Conservator of Flora and Fauna provide sufficient information on the impacts of the proposal on the area defined under s315 special purpose reserve – Molonglo River Corridor.

Further investigation and environmental assessment of the impacts of the proposal on the area defined under s315 special purpose reserve – Molonglo River Corridor is not required for this project. The recommended mitigation measures will be applied through conditions of approval in any subsequent development application.
4.4. Item 6 Part 4.3 Schedule 4 – impacts on the heritage significance of a place or object

The Molonglo Valley Stage 2 (Part), Link Bridge and Sewer 3 Central development will impact on the heritage significance of a place or object through the clearing of land for construction activities. Impacts will occur due to the development of the urban footprint and future use of the area, associated infrastructure, proposed works within the river corridor, and management of APZs. This will result in permanent disturbance of identified and non-identified cultural heritage sites.

4.4.1. Impacts

The identified impacts associated with the proposed development which will potentially affect the heritage significance of a place or object are:

- **Permanent clearing, including soil disturbance and removal of surface rock**
  - Clearing of land, excavation, soil disturbance, removal of surface rock from construction and operational activities will have impacts on the heritage significance of a place or object.
  - Disturbance of identified and un-identified cultural heritage sites.

- **Removal of over storey vegetation**
  - Permanent clearing resulting in removal of significant landscape.
  - Removal of over storey vegetation could result in loss of trees of Aboriginal and European/Historical cultural significance.

- **Formalisation of stormwater infrastructure and ponds and associated erosion and soil loss**
  - Construction would include clearing, including soil disturbance and removal of surface rock.
  - Disturbance of identified and un-identified cultural heritage sites.
  - Changed hydrology could cause erosion and soil loss.
  - The establishment and operation of surface water detention ponds and stormwater direction could impact sites through inundation (sites would not be destroyed but would be inaccessible) and scouring or erosion.

- **Presence of Urban development – operational activities, recreational use**
  - Impacting on visual amenity.
  - Increased use.
  - Disturbance of identified and non-identified cultural heritage sites.
  - Creation and maintenance of formal trails for recreational use and maintenance of open spaces and infrastructure within the river corridor.
  - Creation of informal trails.
  - Fossil collection impacting on geological heritage sites.
  - The creation and maintenance of asset protection zones.
4.4.2. Previous Studies and Investigation

The proponent has submitted three reports which address impacts on the heritage significance of a place or object in support of the s211 request. The information submitted by the proponent to support the application is listed in Table 11.

Table 11 - Assessment of supporting information - Item 6, Part 4.3, Schedule 4

<table>
<thead>
<tr>
<th>Title of report</th>
<th>Public consultation</th>
<th>Age of report</th>
<th>Reviewed for currency</th>
<th>Expert/Peer reviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Risk Assessment – Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure, NGH Environmental, August 2011</td>
<td>No</td>
<td>12 Months</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Molonglo Stage 2 Detailed Heritage Assessment – Aboriginal and Historical Heritage, Biosis, August 2010</td>
<td>No</td>
<td>3 years</td>
<td>Yes – refer to Heritage Council Comments</td>
<td>Yes – refer to Heritage Council Comments</td>
</tr>
<tr>
<td>Molonglo Detailed Heritage Assessment – Aboriginal and Historical Heritage, Biosis Research, May 2012</td>
<td>No</td>
<td>3 Months</td>
<td>No – refer to Heritage Council Comments</td>
<td>No – refer to Heritage Council Comments</td>
</tr>
</tbody>
</table>

For additional information on the public consultation undertaken by the proponent refer to section 1.4 of this report.

4.4.3. Key findings

The development of the project will impact on the heritage significance of a place or object. The key findings of the assessment of the s211 request are:

- The Biosis (2010) heritage assessment identified 38 Aboriginal cultural heritage sites, two historical cultural heritage sites and two geological sites are in the vicinity of the s211 area.
- The Biosis (2012) heritage assessment identified two additional Aboriginal cultural heritage sites and one Potential Archaeological Deposit site (PAD).
- A detailed archaeological salvage program should be undertaken prior to development proceeding. The proposed methodology of the salvage program should be compiled into a report, and submitted to ACT Heritage Unit for review and approval. All artefactual material should be salvaged and deposited for curation with the ACT Heritage Unit.
- Monitoring of the construction by the Representative Aboriginal Organisations (RAOs) with a qualified heritage professional is recommended in areas where large surfaces scatters occurred in the western section of the study area. These areas are MV7, MV2, MV5, MV14 and MV19.
- If previously unidentified archaeological artefacts or sites are located during the course of development within the study area, the process outlined in the Unanticipated Discovery Plan should be followed.

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9 Has the report been made available as part of a public consultation process for comment for this or another project?
10 Content of reports should be reviewed for currency if report is older than 18 months as environmental values may have changed.
Two identified historical sites are within the boundaries of Molonglo Valley stage 2. The Pioneers Hut (MHS2) is located within the boundaries of the urban development area and the Tree with Surveyors Mark (MHS1) is located in the deferred area to the west of the current s211 boundary. Both of these objects are assessed as being of low to moderate conservation significance. MHS2 should be conserved and a Conservation Management Plan (CMP) prepared to ensure its protection and conservation.

Geological site SU19 and Geological site SU18 are outside the boundaries of the urban development for Molonglo Stage 2. The impact of the Link Bridge and associated sewer connection on the geological sites has been considered by the NGH PRA. The Outer Asset Protection Zones (OAPZ) may impact on site SU18. The Molonglo River Park Concept Plan will guide bushfire management, conservation management and Development within the river corridor. The OAPZ locations are outside the current s211 boundary.

The s211 request included a plan which shows the location of the identified objects of heritage significance, refer to Appendix 6.

4.4.4. Entity referral and comments

The ACT Heritage Council provided the following comments on the project which related to impacts on the heritage significance of a place or object:

- There are CMPs for the Molonglo Stage 2 area;
- The management recommendations of the CMPs must be adhered to;
- The approved Unanticipated Discovery Protocols must be adhered to;
- The s211 boundary appears to deviate from the boundaries of the previously surveyed area. If any impacts occur within the apparently amended footprint, a cultural heritage assessment will be required;
- For the area north of the Molonglo River, BIOSIS Research has prepared the document titled: Molonglo: Detailed Heritage Assessment – Aboriginal and Historical Heritage (May 2012). At this stage, the Heritage Council has not endorsed the document; therefore all future actions must be undertaken in accordance with Heritage Council advice. Additional heritage requirements may arise from this report, and the recommendations contained therein and in any subsequent documents must be adhered to.

4.4.5. Recommended mitigation measures

The recommended mitigation measures from the comments of the ACT Heritage Council and s211 request against the impacts of the development on the heritage significance of a place or object are included in Table 12.
Table 12 - Mitigation measures – heritage significance of a place or object

<table>
<thead>
<tr>
<th>No.</th>
<th>Impact of development</th>
<th>Mitigation Measures</th>
</tr>
</thead>
</table>
| 1   | Clearing vegetation, soil disturbance including excavation and removal of rock surface. | Undertake works in accordance with management recommendations outlined within the Conservation Management Plans, as well as all previously approved Unanticipated Discovery Protocols.  
     |                                                                                        | Undertake cultural heritage assessments where development is proposed to occur outside of previously surveyed areas.  
     |                                                                                        | Undertake actions in accordance with the advice of the ACT Heritage Council.                                                                                   |
| 2   | Clearing of significant over storey vegetation.                                         | Develop in area of degraded vegetation or predominantly exotic vegetation.  
     |                                                                                        | Undertaken further investigation of significance of vegetation to be removed.  
     |                                                                                        | Undertake actions in accordance with the advice of the ACT Heritage Council.                                                                                   |
| 3   | Formalisation of stormwater infrastructure and ponds and associated erosion and soil loss. | Undertake works in accordance with management recommendations outlined within the Conservation Management Plans, as well as all previously approved Unanticipated Discovery Protocols.  
     |                                                                                        | Undertake cultural heritage assessments where development is proposed to occur outside of previously surveyed areas.  
     |                                                                                        | Undertake actions in accordance with the advice of the ACT Heritage Council.                                                                                   |
| 4   | Presence of Urban development – operational activities, recreational use                 | Implement Conservation management Plans.  
     |                                                                                        | Undertake actions in accordance with the advice of the ACT Heritage Council.                                                                                   |

4.4.6. Conclusion

The three supporting studies and the comments of the ACT Heritage Council provide sufficient information on the impacts of the proposal on the heritage significance of a place or object.

Further investigation and environmental assessment of the impacts of the proposal on the heritage significance of a place or object is not required for this project. The recommended mitigation measures will be applied through conditions of approval in any subsequent development application.
5. Other potential environmental impacts

5.1. Bushfire management

The MVS 2 is intended to contain up to 18,000 people who are required to be protected from the hazards of bushfire. The management of land on the periphery of the urban area has the potential to impact upon endangered species and ecological communities and on the management of the Molonglo River riparian area. Bushfire management methods often depend on reducing risks associated with fires by reducing the quantity and combustibility of available fuels.

For residential areas which are bounded by significant areas of open space, fuel reduction is achieved through maintenance of asset protection zones (APZ). APZs are usually grazed by domesticated livestock, un-domesticated native fauna (primarily Kangaroos) or mown by mechanical means to ensure an appropriate fuel quantity is maintained.

5.1.1. Impacts

The following potential impacts from the maintenance of APZs were identified:

- Removal of remnant trees of Box-Gum Woodland communities due to fire hazard
- Introduction of weeds and impacts on seed production of Box-Gum Woodland Derived Grasslands and Natural Temperate Grasslands within the Molonglo River riparian area
- Mortality of individual plants of endangered species by mechanical compaction or over grazing
- Impacts on PTWL and Perunga Grasshopper from injury or mortality from management activities
- Damage to Limestone bluffs and terraces from management activities
- Erosion of soils from tracks worn by people, livestock and plant/machinery
- Impacts on PTWL from the collection/removal of surface rock to improve ease of slashing/mowing activities with APZ’s

5.1.2. Recommended mitigation measures

The management of the APZs and the River Park will be critical to reducing risks associated with bushfires on urban populations in MVS 2. The undertaking of management activities for APZs has the potential to cause a number of impacts on the environment. It will be critical for Environment Management Plans to be prepared for APZs and fuel management activities before any works are undertaken towards establishing the APZs.

Environment Management Plans for APZ activities should be developed in consultation with the intended land manager or lessee, the relevant ACT Government agencies for the conservation of species and ecological communities and the developer of the urban areas. Plans of management for APZs should be economically feasible and sustainable for the environment and local residents.
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6. Risk assessment – methodology and outcomes

The s211 requests included an assessment of risk associated with the project. The risk assessments considered the activities associated with the proposal which may impact the environment and includes the impacts discussed in chapter 4 of this report as well as other impacts not specifically associated with schedule 4 triggers.

The proponent’s risk assessment was guided by the Preliminary Risk Assessment conducted by NGH Environmental. It is apparent that the PRA did not cover the whole of the MVS 2 area which is the subject of this exemption. To overcome this, the proponent had compared the environmental values of the PRA study area with the residual area to identify if the risk assessment results could be used. The Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge (CBRE, 2012) stated that the studies used by NGH Environmental in their preparation of the PRA covered the residual area and therefore the identified risks should be similar.

The proponent used the PRA and their comparison for the residual area to identify any knowledge gaps and to proposed mitigation measures.

An assessment of the risk assessment is included in Table 13. For comparison the identified risk from the NGH Environmental PRA is compared to the same risk (as assessed by the proponent) once the identified avoidance, mitigation and offset measures have been applied.

The proponent’s risk assessment methodology utilised a consequence and likelihood criteria assessment. The consequence criteria (Figure 7) and likelihood criteria (Figure 8) are used in conjunction with the risk matrix at Figure 9, to determine the expected level of risk associated with an impact.

![Figure 7 - Consequence criteria](Image)

Consequence criteria

The consequence to:

- Natural systems or processes, e.g. hydrology, nutrient cycles, atmospheric properties or geomorphological processes; or
- Places of extraordinary landscape diversity or rare or uncommon landscapes or physical (e.g. geomorphological, geological or hydrological) features, or physical phenomena; or
- Type examples of physical landscapes, physical features or phenomena; or
- Places used as a research, teaching, reference or benchmark site due to physical characteristics;

would be:

- Negligible
  - Negligible water, soil or atmospheric pollution, as defined by relevant guidelines
- Minor
  - Minor water, soil or atmospheric pollution
- Moderate
  - Soil, water or atmospheric pollution resulting in fines or infringement notices. Small scale but generally reversible damage to physical features or phenomena.
- Major
  - Medium term damage. May be reversed but would require significant effort and/or financial outlay. Potential for significant fines or legal action.
- Catastrophic
  - Permanent or long-term damage or destruction of features or processes, that could not be practically reversed (definition of long term in accordance with relevant guidelines).
Likelihood criteria

The likelihood of the impact occurring is considered:

- **Remote**: May occur in exceptional circumstances
  - <1% chance of occurring

- **Unlikely**: Not expected to occur under usual and exceptional circumstances
  - 1-20% chance of occurring

- **Possible**: Could occur under usual or exceptional circumstances
  - 21-49% chance of occurring

- **Likely**: High likelihood of occurring even under usual circumstances
  - 50-85% chance of occurring

- **Almost certain or inevitable**: Expected to occur
  - >85% chance of occurring

Consequence

Negligible | Minor | Moderate | Major | Catastrophic
---|---|---|---|---
Low | Low | Low | Medium | Medium
Low | Low | Medium | High | High
Low | Medium | High | Very High | Very High
Medium | High | Very High | Extrem[e | Extrem[e
Medium | High | Very High | Extrem[e | Extrem[e

Figure 8 - Likelihood criteria

Figure 9 - Risk Matrix
<table>
<thead>
<tr>
<th>Identified risk</th>
<th>Risk Rating PRA by NGH Environmental (unmitigated)</th>
<th>Risk rating from S211 request by CBRE (mitigated)</th>
<th>Assessment comments and findings on information submitted by the proponent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air quality</strong></td>
<td>High</td>
<td>Low</td>
<td>Further studies are required on odour management measures in relation to sewer venting. Sewer vents are located on the Molonglo Valley Interceptor Sewer located on the northern side of the Molonglo River. A range of mitigation measures are recommended to reduce impacts from dust and particulates during construction.</td>
</tr>
<tr>
<td><strong>Climate change, emissions</strong></td>
<td>High</td>
<td>Low</td>
<td>Construction vehicles, residential traffic and household energy use are primary emissions and primary causes of local emissions. Mitigation may include: • home energy ratings to reduce the use of heating/cooling • transport planning to reduce the use of private motorised transport • limiting the amount of time that constructions are left idling.</td>
</tr>
<tr>
<td><strong>Steep slopes</strong></td>
<td>Very high</td>
<td>High</td>
<td>Sediment and erosion control measures will mitigate the impacts during construction and operation. Clearing steep slopes should be avoided where possible. Recreational activities which caused tracks to be worn can cause erosion on steep slopes. The management of recreational activities in the river corridor will be important.</td>
</tr>
<tr>
<td><strong>Contaminated land</strong></td>
<td>Very high</td>
<td>Medium</td>
<td>Targeted contamination searches may be required prior to determining suburb layouts and designs and prior to works commencing on critical infrastructure. CEMPS should be implemented to manage potential contaminants during construction.</td>
</tr>
<tr>
<td><strong>Waterways, water quality &amp; ground water: -Waterways &amp; gullies</strong></td>
<td>Extreme</td>
<td>High</td>
<td>The proponent has noted that there is potential for a significant adverse environmental impact on water quality in Molonglo River. CEMPS and sediment and erosion control measures during construction will assist in mitigation. The construction of stormwater quality control ponds will help to maintain downstream water quality.</td>
</tr>
<tr>
<td><strong>Waterways, water quality &amp; ground water: -Groundwater</strong></td>
<td>Very high</td>
<td>High</td>
<td>While risk would be mitigated, the proponent has noted that there is potential for a significant adverse environmental impact on water quality in Molonglo River. Water Sensitive Urban Design (WSUD) requirements are likely to mitigate impacts of the development of the local hydrology. CEMPS should be implemented to manage potential contaminants during construction.</td>
</tr>
<tr>
<td><strong>Native Vegetation - ACT Stringy Bark Woodland</strong></td>
<td>Extreme</td>
<td>Extreme</td>
<td>A strip of Stringy Bark derived grassland is located within the south east boundary of Area B1, where it adjoins the Molonglo River Corridor. With the exception of the former, there does not appear to be any other ACT Stringy Bark Woodland within the urban development area of MVS 2 which is the subject of this application. It is noted that where this community occurs on to the west of the MVS 2 area and may be impacted by APZ</td>
</tr>
<tr>
<td>Identified risk</td>
<td>Risk Rating PRA by NGH Environmental (unmitigated)</td>
<td>Risk rating from S211 request by CBRE (mitigated)</td>
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<td>management activities.</td>
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<td></td>
<td>The Draft PDF describes this area as being maintained and used as an APZ until refined by further studies. It is unclear what regimes will be in place for the APZs and the impact this will have on this woodland. However the negotiation of appropriate land management practices for APZ with the relevant stakeholders should mitigate risks on this ecological community.</td>
</tr>
<tr>
<td>Native Vegetation - Box-Gum Woodland</td>
<td>Extreme</td>
<td>Extreme</td>
<td>Box-Gum Woodland is located in various patches of differing qualities around the MVS 2 area. Patches identified as V, W, X, Y, Z, AA, BB, CC, DD, EE and FF (which have been classified as Regeneration - of very low conservation value) will be completely impacted by the urban development area. High value Patch D which straddles the Molonglo River Corridor boundary and the MVS 2 urban development area and will be impacted by the development. Patch D has also been identified as having habitat connectivity values. Refer to Appendix 5 of this report for identification of woodland patches. The amount of Box-Gum Woodland which is cleared by the MVS 2 developments must be calculated, recorded and reported to SEWPAC under the NES Plan.</td>
</tr>
<tr>
<td>Native Vegetation – Natural Temperate Grassland</td>
<td>Not considered</td>
<td>Not considered</td>
<td>Natural Temperate Grassland (NTG) within the MVS 2 area is primarily constrained to the Molonglo River riparian zone. Patches of NTG are unlikely to be directly affected by the development footprint but will be potentially affected by recreational and land management activities. The implementation of the River Park Concept Plan will be important in mitigating the impacts on this ecological community.</td>
</tr>
<tr>
<td>Native vegetation - Area to be cleared</td>
<td>Extreme</td>
<td>Extreme</td>
<td>The clearance of native vegetation will be widespread as a result of the proposal. Attempts to avoid high quality vegetation will be undertaken and a range of mitigation measures are proposed. Management of remaining native vegetation will be an important ongoing management consideration. The PRA by NGH Environmental describes the overall impact on native vegetation and vegetation of conservation significance to remain at extreme because:</td>
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- an accurate calculation of the areas of native vegetation and the vegetation type
<table>
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<tr>
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<td>being removed is required</td>
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<td>construction activities will remove over and mid storey vegetation and disturb soil</td>
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<td>establishment of asset protection zones will significantly alter and/or remove the overlying native vegetation.</td>
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<tr>
<td>Woodland connectivity</td>
<td>Extreme</td>
<td>Dependent on the ability to manage threatened species impacts</td>
<td>The connectivity of remaining woodland patches in the MVS 2 area is subject to significant impact by the removal of patches of woodland by the urban development. Impacts on the removal of remnant of old growth trees should be considered against woodland bird species. There is a limited extent of significant trees within the development area.</td>
</tr>
<tr>
<td>Tree hollows</td>
<td>Extreme</td>
<td>Dependent on the ability to manage threatened species impacts</td>
<td>Tree hollows provide habitat for a variety of woodland birds and fauna species. Tree hollows directly collate with the location of woodlands with high numbers of remnant trees. There are few identified significant trees within the MVS 2 area. Some individual trees may remain outside the identified woodland patches and these will need to be assessed before they are potentially impacted by future DA’s. The management of impacts on threatened woodland birds (should they be present) is partially reliant on the retention of hollow bearing trees as habitat.</td>
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<td>Subsequent development applications will need to be accompanied by a tree management plan which describes protection, removal or other damage which will occur to trees within the development area. It should be noted that the Tree Protection Act 2005 applies to trees which meet the required criteria for the purposes of this Act.</td>
</tr>
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<td>If trees with hollows are to be removed, the timing of construction/clearing should be managed to avoid breeding disruption and mortality of birds and young in nests.</td>
</tr>
<tr>
<td>Button Wrinklewort</td>
<td>Extreme</td>
<td>Low</td>
<td>This species may occur in areas of Box-Gum Woodland and Natural Temperate Grasslands. Surveys have not recorded any occurrence of the species within the study area. The proponent has stated that it is unlikely that the development will have a significant impact on this species. This is a species protected under the NC Act (not an MNES species).</td>
</tr>
<tr>
<td>Small purple pea</td>
<td>Extreme</td>
<td>Low</td>
<td>This species may occur in areas of native grasslands; however, surveys have not recorded any occurrence of the species within the study area. This species is protected under the NC Act (it is not an MNES species).</td>
</tr>
<tr>
<td>Pink Tailed Worm</td>
<td>High quality habitat</td>
<td>High quality habitat</td>
<td>PTWL is locally and nationally listed as vulnerable. It is considered reasonably common in parts of the ACT and has patchy distribution within the Molonglo Valley, in particular the</td>
</tr>
<tr>
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<tr>
<td>Lizard</td>
<td>Moderate quality habitat – very high</td>
<td>Moderate quality habitat – very high</td>
<td>Molonglo River Corridor.</td>
</tr>
<tr>
<td></td>
<td>Low quality habitat - High</td>
<td>Low quality habitat - High</td>
<td>The MVS 2 development will impact on patches of high and moderate quality PTWL habitat located throughout the MVS 2 area, the Molonglo River Corridor and the areas potentially impacted by APZs.</td>
</tr>
<tr>
<td>Regent honeyeater</td>
<td>Very high</td>
<td>Medium</td>
<td>The development will be required to conform to the NES Plan recommendations for PTWL mitigation measures and management. This includes a maximum of 27 ha of impact on High and Moderate quality habitat.</td>
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<td>Management of risks to PTWL include protection of important habitat and management of indirect impacts that may change habitat quality (high to moderate etc). Enhancing connectivity is a consideration for offsetting impacts.</td>
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<td>Options to avoid a significant impact are to avoid key habitat during construction through the implementation of a Construction Environment Management Plan (CEMP). Establishing buffers around habitat and operational management plans to limit direct and indirect impacts. Detail planning of the urban development and supporting infrastructure is required to avoid and mitigate impacts on this species. The management of PTWL and habitat is required as part of the adaptive management strategy under the NES Plan.</td>
</tr>
<tr>
<td>Painted honeyeater</td>
<td>Very high</td>
<td>High</td>
<td>The s211 requests considered it unlikely that this species occurs within the development area and unlikely that the Molonglo study area is a key habitat for the species due to incompatible forest typology. The proponent has stated that given the low likelihood for this species to occur in MVS 2 area, that it is unlikely that the development will have a significant impact on this species.</td>
</tr>
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<td>The NES Plan does not address this species, however It is protected under the NC Act.</td>
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<td>The mitigated risk is unable to be further downgraded without ascertaining the occurrence of this species within the proposed development area.</td>
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<tr>
<td></td>
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<td></td>
<td>This species may occur within the MVS 2 area and in the Molonglo River Corridor which has been identified as an important route for species migration and movement. The works</td>
</tr>
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s211 Exemption Report
Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge
Version: 1.0
FINAL – 25/07/2013
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<td>associated with the proposal encroach into the river corridor however the proponent has stated that no substantial urban development will occur in the river corridor.</td>
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<td>Woodland patches have been identified as potential habitat for this species and impacts on woodland patches will also potentially impact on this species. Protection and enhancement to the connectivity between woodland patches has been identified as important to managing risk to this species.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The mitigated risk is unable to be further downgraded without ascertaining the occurrence of this species within the proposed development area.</td>
</tr>
<tr>
<td>Brown treecreeper</td>
<td>Very high</td>
<td>Very high</td>
<td>There is a known population of Brown treecreepers at Kama Nature Reserve; however the proponent has identified the lack of suitable habitat within the MVS 2 area as reducing risk associated with lost woodland connectivity.</td>
</tr>
<tr>
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<td></td>
<td>Management measures for risks associated with this species include managing trees containing hollows at the DA stage to ensure any potential habitat trees are managed appropriately.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The mitigated risk is unable to be further downgraded without ascertaining the occurrence of this species within the proposed development area.</td>
</tr>
<tr>
<td>Superb parrot</td>
<td>Very high</td>
<td>Very high</td>
<td>The Superb parrot prefers woodland communities such as those located within Kama Nature Reserve and the species has been recorded there. However the woodland patches and the connectivity of these patches in study area of the PRA by NGH Environmental and the area covered by the NES Plan are not considered to be important habitat for this species.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The s211 request considers it unlikely that this species will be present in MVS 2 area. However no targeted surveys have been undertaken to confirm the presence or absence of this species. The mitigated risk is unable to be further downgraded without ascertaining the occurrence of this species within the proposed development area.</td>
</tr>
<tr>
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<td></td>
<td>Management of trees containing hollows will be required at the DA stage to ensure the</td>
</tr>
<tr>
<td>Identified risk</td>
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<tr>
<td>Little eagle</td>
<td>Very high</td>
<td>Very high</td>
<td>This species is known to breed in the Molonglo Valley area, though not within the area covered by the S211 requests. Two active nests have been located in the Molonglo Valley and the river corridor is considered to be important habitat and foraging area. The development of Molonglo Valley Stage 2 is likely to have an impact on the habitat of this species and may discourage its use of current foraging and nesting grounds. The river corridor is recognised as important habitat for foraging. Construction impacts during nesting season may disturb individuals and appropriate management will be required. Recommendations from E. A. Systems (2006) Location and Characteristics of Raptor Nesting Sites in the Molonglo Valley – ACT report will need to be considered at development stages where there is a likelihood of development impacting the Little eagle.</td>
</tr>
<tr>
<td>Swift Parrot</td>
<td>Not considered</td>
<td>Dependent on the ability to manage threatened species impacts</td>
<td>The Swift parrot is identified as potentially being impacted by the removal of woodland by the development. This species has not been explored or identified in the PRA by NGH Environmental. It is identified in the Draft Strategic Assessment Report. The NES Plan does not recognise the Molonglo Valley as an important area for the Swift Parrot. The Box Gum Woodland patches to the west of the Molonglo Valley Stage 2 area are considered to be potential habitat for this species. The removal of Box Gum Woodland by the development has been considered by the NES Plan and relevant offsets in the form of conservation areas (Kama Nature Reserve, the River Park and Patch G) have been endorsed as maintaining Box Gum Woodland and woodland connectivity. The mitigation and management measures proposed for woodland connectivity are considered in the NES Plan as appropriate for the Swift parrot. Significant impacts on this species are not expected however cannot be ruled out due to the level of uncertainty as to its presence on the area.</td>
</tr>
<tr>
<td>Rainbow Bee-eater</td>
<td>Not considered</td>
<td>Dependent on the ability to manage</td>
<td>It is considered unlikely that the Rainbow Bee-eater occurs within the development area and unlikely that the Molonglo study area is a key habitat for the species due to</td>
</tr>
<tr>
<td>Identified risk</td>
<td>Risk Rating</td>
<td>Risk rating from S211 (mitigated)</td>
<td>Assessment comments and findings on information submitted by the proponent</td>
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<tr>
<td></td>
<td>PRA by NGH</td>
<td>threatened species impacts</td>
<td>incompatible forest typology. Possible impacts on this species will be associated with the removal of Box-Gum Woodland and tree hollows.</td>
</tr>
<tr>
<td></td>
<td>Environmental (unmitigated)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perunga grasshopper</td>
<td>Extreme</td>
<td>Extreme</td>
<td>This species is problematic to survey due to its nature of not moving when approached/disturbed and is effectively camouflaged on its host plants. Targeted surveys have not been undertaken for this species which creates a knowledge gap. The mitigated risk is unable to be further downgraded without ascertaining the occurrence of this species within the proposed development area. Perunga grasshopper relies on a similar habitat to PTWL. There are patches of high and moderate quality PTWL habitat located throughout the MVS 2 area, the Molonglo River Corridor and the areas potentially impacted by APZs.</td>
</tr>
<tr>
<td>Threatened fish</td>
<td>Very high</td>
<td>High</td>
<td>Potential indirect impacts may occur on these species. The proponent has stated that limited development will occur in the River Corridor. It is not known if the Two spined blackfish or Murray River crayfish occur within the river. Platypus have been noted as occurring in the river and while not protected, are considered an “iconic” species. Impacts on these species relate directly to impacts on water quality. Construction and environment management plans will be required at the DA stage to ensure that impacts do not occur. WSUD and planning will need to be design to effectively manage stormwater runoff into the river.</td>
</tr>
<tr>
<td>(Two spined blackfish and Murray River Crayfish) and Platypus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Molonglo Riparian Corridor</td>
<td>Very high</td>
<td>Medium</td>
<td>The MVS 2 development will have several pieces of infrastructure and the link Bridge located in the river corridor as well as a slight encroachment of the urban development area into the river corridor. There is also significant potential impact from the recreational activities associated with the urban development.</td>
</tr>
<tr>
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<td></td>
<td>The Molonglo River Corridor has been described in studies as highly degraded. WSUD and</td>
</tr>
<tr>
<td>Identified risk</td>
<td>Risk Rating</td>
<td>Risk rating from S211</td>
<td>Assessment comments and findings on information submitted by the proponent</td>
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</tr>
<tr>
<td></td>
<td>PRA by NGH Environmental (unmitigated)</td>
<td>request by CBRE (mitigated)</td>
<td>planning requirements for stormwater will assist in protecting the River Corridor. The PRA by NGH Environmental has noted that the implementation of the Molonglo River Park Concept Plan will assist in mitigating impacts. This is also a requirement of the NES Plan.</td>
</tr>
<tr>
<td>Fire Hazard</td>
<td>Extreme</td>
<td>Very high</td>
<td>The potential impacts of bushfires on the future urban development area remain very high. Fire hazards can be managed through the implementation of AP2s, however these have the potential to impact upon several other environmental aspects. Bushfire management plans for future estates will be required identify asset protection zones.</td>
</tr>
<tr>
<td>Important view sheds</td>
<td>Extreme</td>
<td>Very high</td>
<td>Planning and design has the potential to mitigate some risks associated with important view sheds, however, the overall impact of urban development will remain very high due to the nature of the existing environment and topography.</td>
</tr>
<tr>
<td>Local community perception</td>
<td>Extreme</td>
<td>High</td>
<td>The Molonglo and North Weston Structure Plans were subject to public consultation and this s211 process invites comment from government entities to ensure the studies sufficiently address all environmental issues. The proponent identified three themes in relation to community perception: 1. project has not followed due environmental process 2. unnecessary waste of taxpayer money 3. project will result in poor quality outcomes An identified mitigation measure is to ensure that the proponent undertakes public consultation before submitting EDP’s and DA’s. This would be in addition to the statutory public notification of these processes.</td>
</tr>
<tr>
<td>Molonglo River Park - recreation</td>
<td>Extreme</td>
<td>Medium</td>
<td>The proponent has stated that no substantial urban development will occur within the Molonglo River Corridor. The proponent has identified the implementation of the River Park Concept plan as a key mitigating strategy for impacts on the Molonglo River environment. It cites examples of other reserved areas of the ACT with high conservation values which are managed successfully with high levels of recreation activity.</td>
</tr>
<tr>
<td>Identified risk</td>
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</tr>
<tr>
<td>Stromlo Forest park – Recreation</td>
<td>Very high</td>
<td>Medium</td>
<td>The proponent has identified key mitigation measures for impacts on Stromlo Forest Parks as: incorporating appropriate transport links through the urban areas to the park, and appropriate landscaping to reduce the visual impacts of the urban development on the landscape.</td>
</tr>
<tr>
<td>Mt Stromlo Observatory</td>
<td>Extreme</td>
<td>Extreme</td>
<td>This item is unable to be downgraded due to information gaps. Further information and recommendations of appropriate management of light spill during construction and operation will be required to ensure the observatory is not adversely impacted. Appropriate measures in CEMPs should be developed for dust control and control on the timing and management plans developed in consultation with the operators for the timing and frequency of prescribed burning. The Australian National University may be asked for comment at future planning stages.</td>
</tr>
<tr>
<td>Public health and safety</td>
<td>Very high</td>
<td>Medium</td>
<td>Risks to public health and safety relate to construction activities such as noise, ignition risks and management regimes such as controlled burning. Operational risks include shading from structures, light spill, water storage facilities, emissions of traffic, suburb noise, use of recreational reserves, maintenance activities and an increased risk of flooding. Appropriate design and siting controls, and CEMPs are proposed to mitigate some to the risks associated with this aspect.</td>
</tr>
<tr>
<td>Residential receivers</td>
<td>Very high</td>
<td>Medium</td>
<td>Operational risks include shading from structures, emissions of traffic/air quality, suburb noise and visual amenity. Suburb design is the major influence on successful mitigation and will require consideration at estate planning and development stages. Appropriate controls in CEMPs are proposed to mitigate some to the risks associated with this aspect.</td>
</tr>
<tr>
<td>Significant trees</td>
<td>Extreme</td>
<td>High</td>
<td>The proponent has stated that the exceptional and significant trees within the urban development area will be retained within the urban fabric in open spaces. Particularly where trees provide habitat value and possess hollows. The removal of trees will require consideration at the estate development and infrastructure development stages under the Tree Protection Act 2005.</td>
</tr>
<tr>
<td>Indigenous heritage sites</td>
<td>Extreme</td>
<td>High</td>
<td>Development of MVS 2 is likely to impact and destroy heritage sites. The unmitigated risk rating from the PRA by NGH Environmental is extreme. Conservation plans, unanticipated discovery plans and compliance with the salvage report by Biosis 2011 may assist in reducing the impacts to high. The recommendations of the ACT Heritage Council should be implemented before any works are undertaken. UDPs should be prepared as part of CEMPs for all projects.</td>
</tr>
<tr>
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</tr>
<tr>
<td>Historic heritage sites</td>
<td>Extreme</td>
<td>Medium</td>
<td>The identified historic heritage items should be managed in accordance with the recommendations of the submitted reports and the advice of the ACT Heritage Council. UDPs should be developed to manage risk associated with any unknown heritage items.</td>
</tr>
<tr>
<td>Geological site SU19, bluffs and terraces, Molonglo River</td>
<td>Very high</td>
<td>Medium</td>
<td>This site is located outside of the bounds of the MVS 2 area (and the consideration of this report and the previous two exemptions). The suburb and infrastructure designs should minimise impacts on the identified geological features.</td>
</tr>
<tr>
<td>Geological site SU18 Lower Molonglo Geological Site</td>
<td>Extreme</td>
<td>Extreme</td>
<td>This site is located outside of the bounds of the MVS 2 area (and the consideration of this report and the previous two exemptions). The suburb and infrastructure designs should minimise impacts on the identified geological features. The management of APZs has the potential to significantly impact on this feature.</td>
</tr>
</tbody>
</table>
6.1. Summary of mitigation measures against impacts identified in PRA not associated with Schedule 4 triggers.

Included below is a summary of the recommended mitigation measures against the impacts of the proposal (identified in the PRA, refer to Table 13) which may not directly relate to the impacts identified in Chapter 4 of this report. The recommended mitigation measures are collated from the entity comments received and the studies/reports/investigations submitted by the proponent as shown in Table 14. All EDPs and DAs will also be required to be consistent with the NES Plan.

Table 14 - Mitigation measures

<table>
<thead>
<tr>
<th>No.</th>
<th>Impact of development</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>
| 1   | Air Quality           | • Construction Environment Management Plans (CEMPs) to manage use of construction machinery and allow for dust suppression  

• Dust suppression measures – watering, spray tack, hydro mulching, limiting work on windy days |
| 2   | Climate Change        | • Emission controls on construction and personnel vehicles  

• Energy efficiency ratings for dwellings  

• Offsetting emissions via replanting vegetation in urban areas and parklands  

• Household waste and energy use reduction management strategies |
| 3   | Steep slopes - development of and on | • Implementation of appropriate erosion and sediment control measures  

• CEMP to manage construction on steep areas and limit clearing of vegetation and ground cover  

• Appropriate stormwater management during construction and in the ultimate urban environment  

• Formalisation of tracks in recreation areas to limit erosion |
| 4   | Contaminated land     | • Environmental site assessment be undertaken prior to construction  

• Appropriate site remediation of contamination where required  

• CEMP to manage potential contaminants used during construction |
<table>
<thead>
<tr>
<th>No.</th>
<th>Impact of development</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>
| 5   | Molonglo Riparian Corridor         | • Implementation of the Molonglo River Park Concept Plan  
• Restricting or managing works within the river corridor to limit the risk of erosion  
• Restricting or managing works within the river corridor to limit the risk of direct impacts  
• Stormwater infrastructure design to improve water qualities flowing through waterways (swales, ponds)  
• CMP to manage the handling of potential contaminants/pollutants during construction  
• Stringent sediment and erosion controls during construction implemented through CEMP  
• Weed management strategies during construction  
• Asset protection and fire hazard management strategies to limit the impact on the area and reduce the risk of fire occurring in the area |
| 10  | Important view sheds               | • Preserve the backdrop as described in the National Capital plan  
• Minimise the impact on the landscape as described in the Territory Plan  
• Incorporate the preservation of trees into the development  
• Implement principles from the Structure Plan for Molonglo and North Weston  
• Preservation of non-urban areas (hills, ridges and buffers and the river corridor)  
• Implement the Molonglo River Park Concept Plan |
| 11  | Local community perception         | Proponent to undertake community consultation prior to EDPs and DAs |
| 12  | Molonglo River Park - Recreation   | Implementation of the Molonglo River Park Concept Plan |
| 13  | Stromlo Forest park – Recreation   | • Appropriate transport links through suburbs and into the park  
• Landscaping to reduce the impact on vista and views  
• Implementation of adaptive management strategy from NES Plan for the use of the Stromlo Forest Park |
| 14  | Mt Stromlo Observatory             | • Dust suppression measures during construction  
• Consultation with Observatory staff, especially during times of prescribed bushfire management (burning)  
• Implementation of the “5km Light Limitation Zone”  
• Design of suburbs and lighting in consultation with Observatory staff to limit light pollution |
<table>
<thead>
<tr>
<th>No.</th>
<th>Impact of development</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>
| 15  | Public health and safety | • Implement CEMP for public safety  
• Urban design to limit shading of residences and public spaces  
• Use of crime prevention through environmental design  
• Access to and availability of recreation facilities during construction and operation through CEMPs and adaptive management strategies outlines in the NES Plan.  
• Promote awareness of public safety in relation to water quality control ponds and the river |
| 16  | Residential receivers | • Implementation of CEMP  
• Suburb design to limit impacts  
• Access to and availability of recreation facilities  
• Promote awareness of public safety of open water |
| 17  | Significant trees | • Develop in area of degraded vegetation or predominantly exotic vegetation  
• Undertake further investigation of significance of vegetation to be removed  
• Offset significant vegetation to be removed in parklands and urban open spaces  
• Strategic preservation of hollow bearing/significant trees  
• Timing of tree removal to prevent injury, death or disturbance of breeding of fauna species |
7. Development application considerations

This section outlines key considerations for ESDD to take into account when assessing a development application for the proposal. The development application considerations include any recommendations from the s211 requests submitted by the proponent as well as any matters raised by referral entities.

Development application considerations are summarised in Table 15.

Please note that in addition to these DA considerations, all mitigation measures outlined in this report together with suggestions made by Mr Peter Cowper in the Umwelt Report, should be regarded as key considerations for proposed developments.
This page has been left intentionally blank.
<table>
<thead>
<tr>
<th>No</th>
<th>Consideration requirement</th>
<th>Endorsement/ approval</th>
<th>Development stage</th>
<th>Details of considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Molonglo River Park Concept Plan</td>
<td>ACT Government</td>
<td>Required prior to construction within the River Corridor.</td>
<td>The River Park Concept Plan will contain detailed policies and guiding principles for construction and operational activities within and near the Molonglo River Corridor.</td>
</tr>
</tbody>
</table>
| 2  | Plan of Management for the Molonglo River | ACT Government | Required within 3 years of endorsement of the NES plan or prior to commencement of the Molonglo Group Centre Infrastructure Stage, whichever occurs first. | Related to Management of the Molonglo River Corridor and associated Special Purpose Reserve. Should provide details on (but not limited to) following the matters:  
  - Restricting or managing works within the river corridor to limit the risk of erosion;  
  - Restricting or managing works within the river corridor to limit the risk of direct impacts;  
  - Stormwater Quality controls and targets to improve water quality in the Molonglo River particularly downstream of the proposed urban areas;  
  - CEMP to manage the handling of potential contaminants/pollutants during construction;  
  - Stringent sediment and erosion controls during construction implemented through CEMP;  
  - Weed management strategies during construction and land management activities;  
  - Asset protection and fire hazard management strategies to limit the impact on the area and reduce the risk of fire occurring in the area;  
  - Education of local residents on values and conservation of this environment. Including importance of weed management, the illegal dumping of waste, cat containment and responsible pet ownership and on appropriate recreation within the river corridor. |
<table>
<thead>
<tr>
<th>No</th>
<th>Consideration requirement</th>
<th>Endorsement/ approval</th>
<th>Development stage</th>
<th>Details of considerations</th>
</tr>
</thead>
</table>
| 3  | **Asset Protection Zone - Management Plans** | Conservation, Planning & Research (ESDD) & Land Manager (ACT Government)/Rural Lessee | Prior to the establishment of APZs         | Management Plans should be developed for the establishment and maintenance of APZs. These plans will be developed in consultation with Conservation, Planning and Research (ESDD) the intended land manager of rural lessee. The plans should outline at least the following:  
  - Activities and mitigations associated with the establishment of APZs;  
  - Details on method, timing and frequency of management activities to reduce impacts on grasslands ecology and species;  
  - Details on weed management practices and enforcement of these practices;  
  - Details of measures to reduce risks associated with erosion of soils |
| 4  | **Concept planning for future urban areas** | ACT Government                                             | Prior to the DA/preparation of Estate Development Plans | Concept Planning of future urban areas should be undertaken to ensure that recommended mitigation measures within this report and the s211 requests are incorporated where possible into the Territory Plan. This should include:  
  - Designs which develop in areas of degraded or exotic vegetation and avoid areas of high quality vegetation and habitat;  
  - Reduction in the clearing of remnant trees and maintenance of woodland connectivity;  
  - Reduces the requirements for construction within the river corridor;  
  - Reduces the required bushfire APZs and their impacts;  
  - Measures to reduce the impacts of light spill on Mt Stromlo Observatory;  
  - Appropriate links between recreation areas such as Stromlo Forest Park, the National Arboretum and the Molonglo River Park |
<table>
<thead>
<tr>
<th>No</th>
<th>Consideration requirement</th>
<th>Endorsement/ approval</th>
<th>Development stage</th>
<th>Details of considerations</th>
</tr>
</thead>
</table>
| 5  | Construction Environment Management Plans                     | Land Managers, Conservator of Flora and Fauna, Environment Protection Authority, Tree Protection Unit. | Prior to any construction | Comprehensive Construction Environment Management Plans CEMPs should be developed prior to the undertaking of any construction of development activities. These plans should include as a minimum:  
  - Measures to avoid impacts on areas outside of development footprints;  
  - Fencing off of areas of vegetation/trees to be retained;  
  - Erosion and Sediment controls to be implemented during construction and remediation;  
  - Contamination management plans for the handling of potentially contaminating materials and for the remediation of contaminated lands;  
  - Air quality and dust controls measures to limit air quality impacts from construction activities;  
  - Fauna management plans for breading, injured or trapped wildlife;  
  - Waste management plans for construction activities;  
  - Workplace health and safety plans to protect workers and the public from harm;  
  - Tree management plans for trees to be removed, retained and trimmed/pruned. Should include details on timing of works to reduce impacts on bird species breading;  
  - Unanticipated Discovery Protocols for the management of impacts unexpected heritage object finds;  
  - Traffic management plans |
<p>| 6  | Cultural Heritage Survey where works are to occur outside of previously surveyed areas. | ACT Heritage Council | EDP or infrastructure DA stage – Prior to construction. | Required with the development of the Molonglo River Park Concept Plan or where there is to be an impact outside the previously surveyed area |</p>
<table>
<thead>
<tr>
<th>No</th>
<th>Consideration requirement</th>
<th>Endorsement/ approval</th>
<th>Development stage</th>
<th>Details of considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Conservation Management Plans</td>
<td>ACT Heritage Council</td>
<td>EDP or infrastructure DA stage – Prior to construction.</td>
<td>Related to Aboriginal and historical heritage sites. Should be developed to reduce the potential impacts on heritage objects which will be retained in place or salvaged. For objects to be retained in place, plans should outline how objects will be managed and interpreted by the public</td>
</tr>
</tbody>
</table>
8. Conclusion

ESDD has assessed that the Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge project—as described in the s211 requests and supported by the information provided and the comments received from referral entities—as having met the requirements of s211 of the Act.

The assessment of the application has identified a number of issues where the impacts of the proposal are only partially understood and in some cases significant knowledge gaps are apparent. These are:

1. the impacts of the proposal on woodland birds species for which targeted surveys have not been undertaken
2. the area of PTWL habitat and Box Gum Woodland to be removed is not known due to the ultimate extent of the urban development and location of infrastructure not being known at the current time. This is a key consideration of the NES Plan

It has been assessed that the two identified knowledge gaps should not prevent the granting of an s211 exemption. The s211 requests considered that it is unlikely that many of the woodland bird species identified would be present on the subject site due to lack of suitable habitat and the preferable alternative of nearby habitat in the Kama Nature Reserve and Lower Molonglo River Corridor. The ultimate area of Box Gum Woodland and PTWL habitat to be impacted will need to be below the maximum areas approved for disturbance under the NES Plan.

It is ESDD’s assessment that the proponent has provided sufficient information to the ACT Government and the community to allow an informed evaluation of potential environmental impacts which could be attributed to the proposal. The supporting information and referral entities have proposed a range of mitigation measures to reduce or avoid potential environmental impacts arising from construction and operational activities associated with the project. It is considered that any potential adverse impacts can be adequately addressed by implementing these measures and the relevant development application considerations outlined in this report.

ESDD’s recommendation/assessment is that the supporting information submitted with the original applications is an accurate representation of the current environmental condition and has adequately identified and considered those matters of potentially significant impact and that further environmental assessment is not required.

ESDD’s recommendation is that the Minister grants the Molonglo Valley Stage 2 – Urban Development, Infrastructure and Link Bridge (excluding Deferred Area) an exemption under section 211 of the Act from the requirement to complete an Environmental Impact Statement.
9. Bibliography

1. CBRE, 2012, Request for s211 exemption – Molonglo Valley Stage 2 (part) and Link Bridge, Unpublished report.


Appendix 1. – Report on review of currency of documents
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Briefing Note

To: Jonathan Teasdale, Environment and Sustainable Development Directorate
cc: Peter Cowper
From: Peter Cowper
Author: Peter Cowper
Date: 24 July 2013
Subject: Review of Selected Reports for Molonglo Valley Stage 2 Section 211 Exemptions

Purpose
The purpose of this document is to summarise the findings of a brief review of selected reports pertaining to existing Section 211 exemptions under the Planning and Development Act 2007 for the Molonglo Valley Stage 2 release area.

Outcomes/Key messages
Upon review, several of the provided documents are not considered to be current as a result of either age of the documents or more recent reports that supersede them.

In this document
1.0 Introduction 2
1.1 Background 3
1.2 Objective and Limitations 3
1.3 Author of this Review 4
2.0 Review of Reports against Section 50 of the PD Regulation 5
2.1 ACT Government (2011a) 5
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2.5 Eco Logical Australia (2008) 9
2.6 Eco Logical Australia (2009) 10
2.7 Eco Logical Australia (2010a) 11
2.8 Eco Logical Australia (2010b) 12
2.9 ngh environmental (2011) 13
2.10 SGS Economics and Planning (2011) 14
3.0 Conclusions 15
4.0 References 16

Attachments
1. Curriculum Vitae, Peter Cowper
1.0 Introduction

Umwelt (Australia) Pty Limited (Umwelt) was engaged to undertake a brief review of documentation that provided primary information on the Molonglo Valley, Stage 2 (MVS2) release area and which is also older than 18 months. This information has previously been referenced in exemptions from the requirement to undertake an Environment Impact Statement (EIS) subject to Section 211 of the Planning and Development Act 2007 (PD Act).

Schedule 4 of the PD Act identifies the activities and other circumstances where an EIS would be required to be submitted as part of a development application. This includes both specific developments (e.g. major transport corridor; and water storage dam) and specific impacts (e.g. significant adverse environmental impacts to threatened species; and clearing native vegetation above certain thresholds). Explanatory notes to Section 208 of the PD Act verify the intent of an EIS:

An environmental impact statement is an investigation of the potential impact of a project on the environment. An environmental impact statement is taken into account in deciding development applications but the completion of an environmental impact statement is not itself a development application or a development approval process.

Section 211 of the PD Act allows for the Minister to exempt an application for development approval of a given proposal from a requirement to include an EIS if they can be satisfied ‘that the expected environmental impact of the development proposal has already been sufficiently addressed by another study, whether or not the study relates to the particular development proposal’ (refer to Section 211(1), PD Act). Section 211 of the PD Act also identifies other aspects relevant to the granting of an exemption including that a regulation may prescribe criteria that the Minister must take into account.

Section 50A of the Planning and Development Regulation 2008 (PD Regulation) prescribes the criteria for a development application exemption from EIS with reference to Section 211 of the PD Act as follows:

The following criteria are prescribed:

(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;

(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;

(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;

(d) that the study is not more than 5 years old;

(e) if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.

The following documents were provided to Umwelt for review:


2. ACT Government (2011b) Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, NES Plan report prepared by ACT Planning and Land Authority (September 2011)


1.1 Background

There are two existing Section 211 exemptions relevant to MVS2 as identified on the ACT Government, Environment and Sustainable Development Directorate (ESDD) website\(^1\). These are illustrated in Figure 1 and are summarised as follows:

- Molonglo Valley Stage 2, Area B1 (July 2012); and
- Molonglo Valley Stage 2 (part), Link Bridge and Sewer 3 Central (September 2012).

1.2 Objective and Limitations

The objective of this review was to consider the reports cited in Section 1.0 of this report with reference to Section 50A of the PD Regulation in order to determine whether the information is appropriate for use in the consideration of Section 211 of the PD Act.

Note that this review has been limited only to considerations under Section 50A of the PD Regulation and has not considered each report in detail. The author’s experience and general knowledge of the status of planning and approvals in the Molonglo valley has also been relied upon in preparing this report.

1.3 Author of this Review

This review has been prepared by Peter Cowper who is an appropriately qualified person as required by Section 50A(a) of the PD Regulation. Peter is the manager of Umwelt’s Canberra office and an environmental consultant with over 16 years of professional experience throughout Australia and internationally. Peter has tertiary qualifications from the University of New England in Natural Resources and recent experience includes:

Figure 1 – Existing Section 211 Exemptions in MVS2
Source: ACT Government (2012b)
Preparation of the Gungahlin Strategic Assessment under Part 10 of the EPBC Act. This project included a suite of documents including:

- Biodiversity Plan;
- Strategic Assessment Report;
- Preliminary Risk Assessment; and
- Section 211 Exemption Application Report.

Preparation of documentation relating to the Deferred Area within the Molonglo Valley Stage 2 (MVS2) release area. This project involved the:

- Conduct of a woodland bird survey along the western edge of the Deferred Area and MVS2 in general;
- Preparation of an addendum Preliminary Risk Assessment (PRA) to provide updated information relevant to the Deferred Area; and
- Preparation of a Section 211 Exemption Application Report.

A copy of Peter’s Curriculum Vitae is included as Attachment 1 to this report.

2.0 Review of Reports against Section 50A of the PD Regulation

This section considers each of the provided documents in reference to criteria under Section 50A of the PD Regulation with regard to Section 211 and Schedule 4 of the PD Act. The following Table 1 summarises the symbols used in this review and provides an interpretation.

Table 1 – Key to symbols used in review of PD Regulation criteria

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>PD Regulation criteria met</td>
</tr>
<tr>
<td>✗</td>
<td>PD Regulation criteria not met</td>
</tr>
<tr>
<td>-</td>
<td>Criteria not relevant or applicable to the report</td>
</tr>
</tbody>
</table>

2.1 ACT Government (2011a)

The Molonglo Valley Stage 2: Draft Planning and Design Framework – Important planning requirements for first land release area report is a companion document to the Draft Planning and Design Framework (SGS 2011 – refer to Section 2.10). This report describes ‘important planning requirements’ in anticipation of the need for establishment of Deeds of Agreement in realising the MVS2 development and would describe development conditions for the release area. A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 2.

Table 2 – Review of ACT Government (2011a)

<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
<td>The author(s) is not individually named in the report however it is a publically released ACT Government report that is identified as having been authorised by the Chief Planning Executive.</td>
<td>✓</td>
</tr>
</tbody>
</table>
PD Regulation Criteria | Consideration | Criteria met?
--- | --- | ---
(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds; | Not applicable. The report applies to the entirety of MVS2. | -
(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development; | Consultation was undertaken as part of the companion report prepared by SGS (2011) (refer to Section 2.10) | ✓
(d) that the study is not more than 5 years old; | The report is two years old | ✓
(e) if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current. | Since completion of this report the Planning and Design Framework (PDF) was completed (ACT Government, 2012a) and is now considered potentially to have been superseded. Review of ACT Government (2012a) is required to determine the extent to which the information is in this report is still relevant | ×

Conclusion: This report has been superseded by the final PDF (ACT Government 2012a).

2.2 ACT Government (2011b)

The Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (NES Plan) is one of the key documents under the EPBC Act Part 10 approval. The NES Plan is the basis upon which the Commonwealth Minister issued approval for the development of the Molonglo Valley release area, of which MVS2 is a component. The report identifies commitments the ACT Government will make with respect to protecting Matters of National Environmental Significance (MNES). A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 3.

Table 3 – Review of ACT Government (2011b)

<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
</table>
(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal; | The author(s) is not individually named in the report however it is a publically released ACT Government report. | ✓ |
(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds; | Not applicable. The report applies to the entirety of MVS2. | - |
(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development; | The NES Plan is the product of an agreement between the ACT and Commonwealth governments under Part 10 of the EPBC Act for which there are statutory requirements for public consultation. | ✓ |
(d) that the study is not more than 5 years old; | The report is one year and 11 months old | ✓ |
(e) if the study is more than 18 months old | Provided the nature and extent of development within MVS2 | ✓ |
**PD Regulation Criteria**

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(a)</em> whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
<td>✓</td>
</tr>
<tr>
<td><em>(b)</em> if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;</td>
<td>-</td>
</tr>
<tr>
<td><em>(c)</em> whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;</td>
<td>✓</td>
</tr>
<tr>
<td><em>(d)</em> that the study is not more than 5 years old;</td>
<td>✓</td>
</tr>
<tr>
<td><em>(e)</em> if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Conclusion**: This report is considered to be current.

### 2.3 Biosis (2010)

The *Molonglo Stage 2: Detailed Heritage Assessment – Aboriginal and Historical Heritage* report is a detailed assessment of MVS2 which was informed by an earlier desktop assessment of heritage. The report describes field survey; sub-surface test pitting; discussion of significance of items of Aboriginal and historical heritage; management recommendations; and was prepared in consultation with traditional owners and ACT authorities on heritage. A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 4.

**Table 4 – Review of Biosis (2011b)**

| PD Regulation Criteria                                                                                                         | Consideration                                                                                                                                                                                                 | Criteria met? |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| *(a)* whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal; | The author is identified as Lyn O’Brien and on the understanding of the author of this review, they are considered to be appropriately qualified and experienced. | ✓            |
| *(b)* if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds; | Not applicable. The report applies to the entirety of MVS2. | -            |
| *(c)* whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development; | The heritage study was undertaken with consultation with the ACT Heritage Unit, the ACT Panning and Land Authority and four Representative Aboriginal Organisations (RAOs) | ✓            |
| *(d)* that the study is not more than 5 years old;                                                                                                                                         | The report is three years old | ✓            |
| *(e)* if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current. | The information presented in the heritage study is unlikely to have been superseded since its completion. | ✓            |

**Conclusion**: This report is considered to be current.
2.4 EA Systems (2006)

The *Location and Characteristics of Raptor Nesting Sites in the Molonglo Valley* report presents an analysis of breeding and foraging territories of a number of raptors species. The study considered diurnal and nocturnal raptors however was unable to complete field survey for nocturnal raptors (owls) due to prevailing weather conditions at the time. Owls were considered in the report through assessment of suitable habitat and the presence of critical resources such as hollow bearing trees. Diurnal raptors were subject to habitat assessment and observation during daylight hours. A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 5.


<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(a)</em> whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
<td>The author is identified as Dr Stephen Debus and on the understanding of the author of this review, they are considered to be appropriately qualified and experienced.</td>
<td>✓</td>
</tr>
<tr>
<td><em>(b)</em> if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;</td>
<td>Not applicable. The report applies to the entirety of Molonglo Valley and incorporates MVS2.</td>
<td>-</td>
</tr>
<tr>
<td><em>(c)</em> whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;</td>
<td>Not applicable. The study was not subject to a statutory process.</td>
<td>-</td>
</tr>
<tr>
<td><em>(d)</em> that the study is not more than 5 years old;</td>
<td>The report is seven years and six months old</td>
<td>×</td>
</tr>
<tr>
<td><em>(e)</em> if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.</td>
<td>Since the completion of the report, a substantial shift in climatic conditions has resulted in several good seasons since the ending of the drought in 2010. The field survey for this report was undertaken in 2005 at a time when drought conditions were prevalent, this was noted in the study as a potentially limiting factor potentially affects breeding attempts and prey availability. Additionally, since completion of the study, little eagle was been added as a threatened species under the Nature Conservation Act 1980 (NC Act) on 22 February 2008. The report provides a detailed discussion of habitat use at the time of the assessment however changes to habitat quality and prey abundance since completion of the report are likely to have changed. In addition to this, there have also been sightings of powerful owls (<em>Ninox strenua</em>) close to Canberra in the Australian National Botanic Gardens since the report’s completion that may warrant further consideration in the context of MVS2 and potential foraging habitat throughout the Molonglo Valley. Despite exceeding the maximum age and the factors above, the general nature and extent of impacts proposed have not changed and as such it is unlikely new factors relevant to Schedule 4 of the PD Act would be discovered through an EIS process.</td>
<td>✓</td>
</tr>
</tbody>
</table>
Conclusion: Although the criterion set out in regulation 50A(e) is established for this report, we recommend that through the detailed design / development application stage the following matters be considered for inclusion in any conditions of approval:

- additional mitigation measures relating to little eagle; and
- additional mitigation measures relating to other raptors, such as powerful owl.

2.5 Eco Logical Australia (2008)

The *Molonglo River Riparian Zone Vegetation and Habitat Survey and Mapping Project* report is a baseline survey of vegetation in the riparian corridor along the Molonglo River. A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 6.

<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
<td>The authors and reviewer are identified in the report and on the understanding of the author of this review, they are considered to be appropriately qualified and experienced.</td>
<td>✓</td>
</tr>
<tr>
<td>(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;</td>
<td>Not applicable. The report applies to the entirety of Molonglo Valley and incorporates MVS2.</td>
<td>-</td>
</tr>
<tr>
<td>(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;</td>
<td>Not applicable. The study was not subject to a statutory process.</td>
<td>-</td>
</tr>
<tr>
<td>(d) that the study is not more than 5 years old;</td>
<td>The report is five years and two months old</td>
<td>×</td>
</tr>
<tr>
<td>(e) if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.</td>
<td>The report describes riparian vegetation communities, condition and habitats and was conducted within five years of the 2003 bushfires which also affected the Molonglo Valley. This latter point and several other factors are identified in the report as limitations potentially affecting the findings of the study; notably this included the fact that targeted searches for threatened species were not undertaken. The study recommends that prior to any development occurring, more detailed investigations should be undertaken. While the vegetation communities described by the report are unlikely to have changed, condition and habitat quality almost certainly would have. In addition to this, recovery since the 2003 bushfires and other stochastic events associated with flooding may also have affected vegetation and habitat structure. Despite exceeding the maximum age and the factors above, the general nature and extent of impacts proposed have not changed and as such it is unlikely new factors relevant to Schedule 4 of the PD Act would be discovered through an EIS process.</td>
<td>✓</td>
</tr>
</tbody>
</table>
**Conclusion:** Although the criterion set out in regulation 50A(e) is established for this report, it is recommended that due to the age of information in the report with respect to stochastic events and change in prevailing climatic conditions since completion of the study, that through the detailed design / development application stage, an adaptive framework for ongoing habitat management allowing for natural events and also mitigation and avoidance of construction and operational impacts be considered for inclusion in any conditions of approval.

2.6 **Eco Logical Australia (2009)**

The *Molonglo Valley Ecological Study: EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley* report is a study that focuses only on the MNES relevant to the Molonglo Valley area and is associated with the Commonwealth approval of the NES Plan (refer to Section 2.2). A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 7.

<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
<td>The authors and reviewer are identified in the report and on the understanding of the author of this review, they are considered to be appropriately qualified and experienced.</td>
<td>✓</td>
</tr>
<tr>
<td>(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;</td>
<td>Not applicable. The report applies to the entirety of Molonglo Valley and incorporates MVS2.</td>
<td>-</td>
</tr>
<tr>
<td>(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;</td>
<td>The study was prepared as part of the agreement between the ACT and Commonwealth governments under Part 10 of the EPBC Act for which there are statutory requirements for public consultation.</td>
<td>✓</td>
</tr>
<tr>
<td>(d) that the study is not more than 5 years old;</td>
<td>The report is four years and four months old</td>
<td>✓</td>
</tr>
<tr>
<td>(e) if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.</td>
<td>The report describes the occurrence and relative importance of EPBC Act listed vegetation communities, golden sun moth distribution, and was conducted within five years of the 2003 bushfires which also affected the Molonglo Valley. This report presents findings that are superseded by subsequent studies (for example Eco Logical Australia 2010b, see Section 2.8) and while it may provide some baseline information with respect to the matters it discusses, is not considered to be an up-to-date assessment of the MNES it addresses. The extent to which this report may have been superseded is not apparent. As elements of the MVS2 development have commenced in accordance with the existing Section 211 exemptions, conditions within the area have invariably changed. This report has no ability to describe those changes and as such findings from the monitoring and adaptive management program and other more recent studies need to reviewed in order to provide context to the information presented in this study. Despite the factors above, the general nature and extent of impacts proposed have not changed and as such it is unlikely</td>
<td>✓</td>
</tr>
</tbody>
</table>
**Conclusion:** This report is considered to be current in the context of the EIS process.

2.7 Eco Logical Australia (2010a)

The Draft Strategic Assessment Report of the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance report is a key document associated with the Commonwealth approval of the NES Plan (refer to Section 2.2). A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 8.

<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The authors and reviewer are identified in the report and on the understanding of the author of this review, they are considered to be appropriately qualified and experienced.</td>
<td>✓</td>
</tr>
<tr>
<td>(b)</td>
<td>Not applicable. The report applies to the entirety of Molonglo Valley and incorporates MVS2.</td>
<td>-</td>
</tr>
<tr>
<td>(c)</td>
<td>The study was prepared as part of the agreement between the ACT and Commonwealth governments under Part 10 of the EPBC Act for which there are statutory requirements for public consultation.</td>
<td>✓</td>
</tr>
<tr>
<td>(d)</td>
<td>The report is three years and four months old</td>
<td>✓</td>
</tr>
<tr>
<td>(e)</td>
<td>The report addresses MNES only in the context of the NES Plan as it was presented during the consultation process for the Part 10 assessment. Insofar as ecology of MVS2 is concerned, the report describes in detail the impacts and recommended measures to mitigate and offset for MNES however does not address other matters relevant to Schedule 4 of the PD Act. The assessment is based on a large body of work, much of it undertaken by third party entities from the early 1990’s up to 2009. It included no new studies however it represents a synthesis of existing knowledge at the time. It is also notable that the drought conditions which dominated the period over which much of the collection of knowledge for this project was undertaken, were broken subsequent to the report’s preparation. As noted with other ecological studies of this age, there is likely to have been a change in vegetation.</td>
<td>✓</td>
</tr>
</tbody>
</table>
Upon implementation of the NES Plan in accordance with the Commonwealth’s approval, a program of monitoring and reporting within a framework of adaptive management was proposed by this report. As elements of the MVS2 development have commenced in accordance with the existing Section 211 exemptions, conditions within the area have invariably changed. This report has no ability to describe those changes and as such findings from the monitoring and adaptive management program need to reviewed in order to provide context to the information presented in this study. Despite the factors above, the general nature and extent of impacts proposed have not changed and as such it is unlikely new factors relevant to Schedule 4 of the PD Act would be discovered through an EIS process. Accordingly, the information in the study is considered current in the context of the ACT EIS process however should be reviewed and further investigated during the detailed design and DA process and as part of the adaptive management process mandated by the NES Plan (ACT Government, 2011b).

### Conclusion

This report is considered to be current in the context of the EIS process.

#### 2.8 Eco Logical Australia (2010b)

The *Molonglo Development Stage 2 Vegetation Assessment* report is associated with the Commonwealth approval of the NES Plan (refer to Section 2.2). A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in Table 9.

<table>
<thead>
<tr>
<th><strong>Table 9 – Review of Eco Logical Australia (2010b)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PD Regulation Criteria</strong></td>
</tr>
<tr>
<td>(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
</tr>
<tr>
<td>(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;</td>
</tr>
<tr>
<td>(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;</td>
</tr>
<tr>
<td>(d) that the study is not more than 5 years old;</td>
</tr>
<tr>
<td>(e) if the study is more than 18 months old—that an appropriately qualified person with no current professional</td>
</tr>
</tbody>
</table>
**Conclusion:** This report is considered to be current in the context of the EIS process.

### 2.9 ngh environmental (2011)

The *Preliminary Risk Assessment: Molonglo Valley Stage 2 and Supporting Infrastructure* report was prepared in order to address requirements of the PD Act in relation to consideration of the range of environmental impacts that may result from development of Molonglo Stage 2. The study area of this report is limited to the western part of MVS2 as defined primarily by the area west of the alignment of John Gorton Drive. A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in [Table 10](#).

**Table 10 – Review of ngh environmental (2011)**

<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>The authors and reviewer are identified in the report and on the understanding of the author of this review, they are considered to be appropriately qualified and experienced.</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>The report applies only to the western side of MVS2. Despite this, mapping presented in the PRA includes adjacent areas within MVS2 such that risks can be inferred. The PRA is also based on the findings of more extensive studies that would provide context to any location-specific risks.</td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td>whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Not applicable. The PRA has not been prepared as part of statutory process.</td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td>that the study is not more than 5 years old;</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>The report is two years old.</td>
<td></td>
</tr>
<tr>
<td>(e)</td>
<td>if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>With the exception of a range of risks to the western edge of MVS2 and specifically the deferred area, the PRA is considered current. As the scope of the existing Section 211 exemptions does not include the western edge or the deferred area, this limitation does not affect the relevance of the study.</td>
<td></td>
</tr>
</tbody>
</table>
**Conclusion:** This report is considered to be current for the purpose of Section 211 exemption applications pertaining to MVS2 within areas previously granted such an exemption.

### 2.10 SGS Economics and Planning (2011)

The Draft Planning and Design Framework – Molonglo Valley Stage 2 report was prepared in part to inform development of the important planning requirements described by the ACT Government (2011a) (refer to Section 2.1). The Draft Planning and Design Framework (PDF) identifies in detail the planning response to constraints and opportunities within MVS2 and is informed by a substantial body of work, including much of which was prepared for the strategic assessment and synthesised in the NES Plan for the purpose of MNES (refer to Section 2.2). A summary of the considerations of this report against the Section 50A criteria under the PD Regulation is presented in **Table 11**.

**Table 11 – Review of SGS Economics and Planning (2011)**

<table>
<thead>
<tr>
<th>PD Regulation Criteria</th>
<th>Consideration</th>
<th>Criteria met?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) whether the study was conducted by an appropriately qualified person with relevant expertise and experience in relation to the environmental values of the land in the proposal;</td>
<td>The authors and reviewer are identified in the report and on the understanding of the author of this review, they are considered to be appropriately qualified and experienced.</td>
<td>✓</td>
</tr>
<tr>
<td>(b) if the study does not relate directly to the proposal—whether there is sufficient detail to allow assessment of the environmental impacts likely to occur if the proposal proceeds;</td>
<td>Not applicable. The report applies to the entirety of MVS2.</td>
<td>-</td>
</tr>
<tr>
<td>(c) whether the part of the study relevant to the proposal required public consultation through a statutory process or as part of a government policy development;</td>
<td>The Draft PDF was prepared on the basis of extensive consultation across ACT Government agencies and various public forums.</td>
<td>-</td>
</tr>
<tr>
<td>(d) that the study is not more than 5 years old;</td>
<td>The report is two years old.</td>
<td>✓</td>
</tr>
<tr>
<td>(e) if the study is more than 18 months old—that an appropriately qualified person with no current professional relationship with the proponent verifies that the information in the study is current.</td>
<td>The report has been superseded by the ACT Government (2012a) Planning and Design Framework.</td>
<td>✗</td>
</tr>
</tbody>
</table>

**Conclusion:** This report has been superseded by the final PDF (ACT Government 2012a).
3.0 Conclusions

The reports provided were reviewed with respect to the criteria under Section 50A of the PD Regulation and with reference to Section 211 and Schedule 4 of the PD Act. The following Table 12 summarises the findings from those reviews as described in Sections 2.1 – 2.10 of this report.

Table 12 – Summary of Review

<table>
<thead>
<tr>
<th>Report</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ACT Government (2011a) IPRs to accompany the Draft PDF</td>
<td>This report has been superseded by the final PDF (ACT Government 2012a).</td>
</tr>
<tr>
<td>2 ACT Government (2011b) NES Plan</td>
<td>This report is considered to be current.</td>
</tr>
<tr>
<td>3 Biosis (2010) Heritage Assessment</td>
<td>This report is considered to be current.</td>
</tr>
<tr>
<td>4 EA Systems (2006) Raptor nests and habitat</td>
<td>This report is considered to be current however recommendations are proposed for considerations during the detailed design / development application stage</td>
</tr>
<tr>
<td>5 Eco Logical Australia (2008) Riparian vegetation and habitat</td>
<td>This report is considered to be current however recommendations are proposed for considerations during the detailed design / development application stage</td>
</tr>
<tr>
<td>6 Eco Logical Australia (2009) Ecological study, EPBC matters</td>
<td>This report is considered to be current in the context of the EIS process.</td>
</tr>
<tr>
<td>7 Eco Logical Australia (2010a) Draft Strategic Assessment report</td>
<td>This report is considered to be current in the context of the EIS process.</td>
</tr>
<tr>
<td>8 Eco Logical Australia (2010b) MVS2 Vegetation Assessment</td>
<td>This report is considered to be current in the context of the EIS process.</td>
</tr>
<tr>
<td>9 ngh environmental (2011) Preliminary Risk Assessment</td>
<td>This report is considered to be current for the purpose of Section 211 exemption applications pertaining to MVS2 within areas previously granted such an exemption.</td>
</tr>
<tr>
<td>10 SGS Economics and Planning (2011) Draft PDF</td>
<td>This report has been superseded by the final PDF (ACT Government 2012a).</td>
</tr>
</tbody>
</table>
4.0 References


ACT Government (2011b) Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, NES Plan report prepared by ACT Planning and Land Authority (September 2011)


ACT Government (2012b) Molonglo Valley Stage 2 (part), Link Bridge and Sewer 3 Central: Application for s211 Exemption Consideration Report, report prepared by Environment and Sustainable Development Directorate (September 2012)


Eco Logical Australia (2010b) Molonglo Development Stage 2 Vegetation Assessment report prepared for the ACT Government, Act Planning and Land Authority (15 October 2010)


STATEMENT OF EXPERIENCE AND EXPERTISE

ACADEMIC QUALIFICATIONS

- Bachelor of Natural Resources, University of New England

PROFESSIONAL AFFILIATIONS

- Member, Environment Institute of Australia and New Zealand (EIANZ)
- Member, Birdlife Australia (formerly Birds Australia)
- Member, Southern Oceans Seabird Study Association (SOSSA)
- Member, ACT Herpetological Association

SUMMARY OF EXPERIENCE AND EXPERTISE

Peter is a natural resource manager with over 16 years of experience in environmental impact assessment; ecological survey and assessment; and geo-spatial analysis and cartography principally in ACT, NSW and QLD in addition to selected international locations.

Peter is highly experienced in the survey and assessment of vegetation communities, terrestrial and arboreal mammals, flying mammals, amphibians and birds. As a consultant with diverse applied skills, Peter is also highly experienced in the assessment and management of a broader range of environmental issues through the process of Environmental Impact Assessment (EIA). Peter has undertaken numerous EIA including Environmental Impact Statements (EIS), Reviews of Environmental Factors (REF) and Statements of Environmental Effects (SEE). Peter has also been involved in a number of significant infrastructure projects from an environmental management and compliance perspective. This has principally involved urban development and civil infrastructure including roads; rail; gas and water pipelines, electrical transmission lines and dams, and has also included the development and implementation of Environment Management Plans (EMP).

Peter is also highly experienced in the application of spatial technology to the management of environmental matters in addition to infrastructure and asset management. This has included the development of customised scripts that increase productivity, accuracy and the overall quality of mapping and data management processes. Peter has also built numerous databases for the capture of data from sources as varied as stormwater and topographic assets, land use studies and ecological field data. In each instance these databases have also been managed through a GIS interface for the purpose of spatial analysis.
LIST OF CURRENT AND PREVIOUS POSITIONS

2011 to present  
Associate & Manager Canberra Office, Umwelt (Australia) Pty Limited

2010 to 2011  
Acting Regional Manager ACT, SMEC Australia Pty Ltd

2009 to 2011  
Environment Manager ACT, SMEC Australia Pty Ltd

2007 to 2009  
Senior Environmental Consultant, SMEC Australia Pty Ltd

2002 to 2006  
Associate/Manager ACT and Southern NSW, Andrews.Neil Pty Ltd

1996 to 2006  
Ecologist, Andrews.Neil Pty Ltd

REPRESENTATIVE LIST OF EXPERIENCE

Selected Projects – EIA

Gungahlin Strategic Assessment – ACT Government

Peter was the lead author and principal consultant responsible for preparation of the Gungahlin Strategic Assessment (GSA) prepared under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth). The GSA represented the culmination of a long history of environmental assessment under Commonwealth legislation for the district of Gungahlin. The objective of this project was two-fold; initially for the development of a Plan to guide the completion of Gungahlin in a manner that achieved a balance between development and conservation and secondly to eliminate uncertainty from a Commonwealth approvals perspective. Through this project, Peter oversaw all elements of the Plan’s creation including preparation of documentation, maps and public consultation material. As a consequence of this project, there will be no further need for Commonwealth government approvals for greenfield urban development within the Gungahlin district.

Majura Parkway Environmental Impact Statement (EIS) – ACT Procurement Solutions

Peter was responsible for environmental aspects of the Majura Parkway EIS. Ecological investigations undertaken for the EIS included assessments of vegetation, insects, reptiles, mammals and birds known to be associated with grasslands and woodlands in the ACT. The EIS was prepared in accordance with the Planning and Development Act 2007 and also included the assessment and referral of information to the commonwealth Department of Environment, Water, Heritage and the Arts under the Environment Protection and Biodiversity Conservation Act 1999. Matters of national Environmental Significance affected by the proposal included Box Woodlands, Natural Temperate Grasslands and a variety of threatened species associated with those habitats.

Bendora Dam safety improvements, Assessment of Environmental Effects – ACTEWAGL

Peter undertook inspections of Bendora Dam as part of a program to upgrade safety of the dam and subsequently prepared an Assessment of Environmental Effects associated with the proposed works to strengthen the eastern abutment. The assessment was prepared under the Planning and Development Act 2007 (ACT) and considered the range of environmental effects likely to result from the proposed works. Important considerations included ecology of the Cotter River and environmental impacts from the transport of plant and equipment to the relatively remote project site.

Kings Highway Upgrade Environmental Impact Statement (EIS) – ACT Procurement Solutions

Peter was responsible for preparation of the Environmental Impact Statement for the realignment of Kings Highway within the ACT between Queanbeyan and Bungendore. Ecological investigations that were conducted for the EIS included assessments of vegetation, insects, reptiles, mammals and birds known to be associated with grasslands and woodlands in the ACT. The EIS was prepared in accordance with the Planning and Development Act 2007 and also included the assessment and referral of information to the commonwealth Department of Environment, Water, Heritage and the Arts under the Environment Protection and Biodiversity Conservation Act 1999. Matters of National Environmental Significance affected by the proposal included Box-Gum Woodlands and a variety of threatened species. Peter is presently in the process of designing an offsets package relating to the
proposed impact on Box-Gum Woodland in order to satisfy the requirements of DEWHA under the EPBC Act.

**Clarrie Hermes Drive Extension Environmental Impact Statement (EIS) – ACT Procurement Solutions**

Peter was responsible for preparation of the Environmental Impact Statement for the extension of Clarrie Hermes Drive between Nicholls and the Barton Highway. Ecological investigation undertaken for the EIS included assessments of vegetation, insects, reptiles, mammals and birds known to be associated with grasslands and woodlands in the ACT. The EIS was prepared in accordance with the Planning and Development Act 2007 and also included the assessment and referral of information to the commonwealth Department of Environment, Water, Heritage and the Arts under the Environment Protection and Biodiversity Conservation Act 1999. Matters of National Environmental Significance affected by the proposal included Box-Gum Woodlands, Woodland birds, Golden Sun Moth and Striped Legless Lizard. As a consequence of the proposal being determined to be a Controlled Action, Peter negotiated and designed an offsets package to the satisfaction of the client and DEWHA. The Preliminary Documentation is presently in its final stage of public consultation prior to a decision by the Minister.

**Preliminary Risk Assessments, ACT Government EIA scoping procedures**

Peter is presently overseeing preparation of several Preliminary Risk Assessments (PRA) for proposed developments in the Australian Capital Territory. The PRAs are being prepared on the basis of guiding documents published by the ACT Government.

- **Kenny / Throsby:** considers the future urban areas of Kenny and Throsby in the northern ACT district of Gungahlin. Client: ACT Economic Development Directorate
- **Jacka, Taylor and Kinlyside:** considers the future urban areas of Jacka, Taylor and Kinlyside in the northern ACT district of Gungahlin. Client: ACT Economic Development Directorate
- **Throsby Denominational School Site:** considers the proposed denominational school sited in the western parts of Throsby. Client: ACT Economic Development Directorate

**ACT Border Properties Review – ACT Economic Development Directorate**

Peter oversaw preparation of a review of three parcels of land along the north western border of the ACT with NSW from the perspective of considering ecological and heritage values. The objective of this study was to review the known values of these parcels with the view of assessing their potential use as biodiversity offsets for other developments proposed in the ACT. The study considered the likely ratios that would be applied to the parcels based on habitat quality and conservation status of the species and communities they supported. This assessment considered opportunities for offsetting under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, the NSW BioBanking scheme for species and communities under the Threatened Species Conservation Act 1997 and matters listed by the ACT Nature Conservation Act 1980.

**Queanbeyan to Jerrabomberra Gas Pipeline REF - Jemena Asset Management**

Peter was responsible for the preparation of a Review of Environmental Factors (REF) for the proposed Queanbeyan to Jerrabomberra Gas Pipeline. The project required the coordination of subconsultants and undertaking of targeted ecological assessments. Peter undertook surveys for woodland flora and fauna with particular attention on species of conservation significance such as Speckled Warbler, Hooded Robin and Brown Treecreeper in addition to a range of other insects and plants.

**Wyaralong Dam Early Works Approvals – Wyaralong Dam Alliance**

Completed at least six months ahead of schedule, the Wyaralong Dam is a Roller Compacted Concrete (RCC) dam located on the Teviot Brook, approximately 14 kilometres north-west of Beaudesert in the Logan River Catchment. Peter assisted in the preparation of documentation in support of the early works for Wyaralong Dam. This included preparation of Environmentally Relevant Activities (ERA) documents, Environment Management Plan (EMP) and establishment of a GIS dataset. ERA documentation prepared by Peter included Extractive Activities (quarrying and screening), Chemical Storage, Concrete Batching and Motor Vehicle Workshop Operation. The assessments were based in part on field studies undertaken by others however also required the collection of additional information to permit a full understanding of the ecological and broader environmental impacts of the proposed activities.
Daru Island Proposed Deep Water Port Environmental Impact Statement (EIS) – Papua New Guinea Sustainable Development

Peter undertook an extensive literature review of scientific articles relevant to Daru Island, the Trans-fly region of PNG and the Torres Strait in order to facilitate the EIS preparation and review. The EIS required the consideration of impact on poorly understood marine and coastal environments and the impact of port development and operation on the existing natural values in addition to traditional cultural activities. Additional analysis of the spatial impact of the proposal and context of the impact was undertaken using MapInfo GIS and widely sourced GIS data including satellite imagery and ecological planning themes. A gap analysis in the literature resulted in the need for additional field surveys of the terrestrial ecology and groundwater characteristics of the island. Following the completion of these additional studies Peter compiled the EIS and presented the findings to Daru Island inhabitants, officers from the PNG Government and selected NGOs including World Wildlife Fund (WWF).

Selected Projects – Ecology

State of Knowledge of Feral Deer in the ACT – ACT Conservation Planning and Research

Peter oversaw preparation of a report investigating the occurrence of feral deer in the ACT which also included a review of potential monitoring and control techniques. In addition to undertaking extensive literature reviews, this project also required consultation with a number of experts throughout all Australian jurisdictions where feral deer are known to occur. This study provides the ACT Government with a consolidated baseline of information regarding the various species of feral deer currently present in the ACT and also for those which may also occur in the future.

Mugga Lane Resource Management Facility offset site – ACT NoWaste

Peter undertook field surveys and assessments for the proposed offset site associated with expansion of the Mugga Lane facility on behalf of ACT NoWaste. Selection of the offset site had been undertaken through desktop analysis in consultation with the ACT Government’s Conservation Planning and Research (CPR) branch and subsequently verification surveys were required. Peter implemented a survey design that allowed for comparison to the ecological surveys undertaken for the area affected by the expansion and undertook botanical, habitat and woodland bird surveys during a comparable season. This was also supported by an offset management plan and offset package assessment that adopted the Commonwealth’s offset calculator under the 2012 policy.

Tarcutta Bypass Woodland Bird Monitoring – NSW Roads and Traffic Authority (Tarcutta Hume Alliance)

Peter is currently undertaking quarterly woodland bird surveys to monitor the effects of construction of the Tarcutta Bypass along the Hume Highway. These surveys have been designed to allow comparison of before, during and after construction impacts on the woodland bird communities based on stratification by habitat and replication in both the affected areas and a control site located approximately five kilometres from the project area. Monitoring on this project commenced in early 2010 and is planned to continue for five years.

Mugga Lane Resource Management Facility expansion – ACT NoWaste

Peter undertook field surveys and assessments for the proposed expansion of the Mugga Lane facility on behalf of ACT NoWaste. The ecological surveys were timed to coincide with the flowering period of Small Purple Pea and the seasonal variation of other species to ensure results of the filed surveys were as comprehensive as possible. Across the 45 hectare site approximately eight hectares of the nationally endangered Box-Gum Woodland community was identified. As a consequence, a referral to the Commonwealth department was prepared under the EPBC Act. Upon determination of the assessment method by the Commonwealth Minister for the Environment, an offsets strategy will be prepared.

Dunoon Dam Terrestrial Ecology Assessment – Rous Water

Peter was part of the specialist team that undertook the assessment of ecological characteristics of the inundation surrounding lands associated with the proposed Dunoon Dam. Peter was the team ornithologist and worked in association with the project’s local specialists in addition to also undertaking vegetation and mammal surveys. The study investigated remnant and regrowth areas of
the Big Scrub area of north eastern NSW and primarily targeted rainforest, wet sclerophyll and open habitats.

**Tugun Bypass Compensatory Habitat Management – Pacific Link Alliance**

Approvals granted for construction of the Tugun Bypass included a requirement for provision of offsets for threatened species adversely affected by the project. Peter was the lead ecologist and spatial analyst appointed to the project with a brief to identify properties in within 100 kilometres of the project area that had potential to support habitat for three target species. Peter undertook a GIS analysis to filter all parcels according to both the target species habitat requirements but also to recognise the client's requirements. A GIS based model was developed to quantify the importance of the various criteria and its use resulted in the identification of 20 possible sites from well over 16,000 initial parcels. Detailed field surveys undertaken by others have confirmed the suitability of several of the 20 identified parcels.

**Loudoun Weir Riparian Habitat Assessment – Condamine Alliance**

Peter assisted in the conduct of a riparian habitat assessment of the Loudon Weir pool in order to identify opportunities for habitat enhancement within both the terrestrial and aquatic environments. A water-borne survey was conducted identifying locations along each shore of the Condamine River for approximately three kilometres upstream of the weir where habitat complexity could be introduced at strategic locations as a value adding element to the recently completed Loudoun Weir Fishway Repair project. Opportunities for improving terrestrial connectivity were also considered in a holistic appreciation of the weir pool's role in the landscape for a range of fauna, particularly birds.

**Threatened Species Assessments**

Peter has designed, implemented and reported on over 100 small scale threatened species assessments for a range of private, public and corporate clients throughout NSW. This has included consideration of a range of current and now repealed legislation and environmental policies since 1996 including:

- *Threatened Species Conservation Act*
- *Vegetation Management Act*
- *Native Vegetation Conservation Act*
- *Fauna (Interim Protection) Act*
- SEPP 46 – Protection and Management of Native Vegetation
- SEPP 44 – Koala Habitat Protection
- SEPP 26 – Littoral Rainforests
- SEPP 19 – Bushland in Urban Areas
- SEPP 14 – Coastal Wetlands

Sample projects include:

**Central Coast**

- Somersby - Targeted surveys for Somersby Mint Bush and a wide range of other threatened sandstone flora. Also included targeted surveys for micro-bats, Eastern Pygmy Possum, Red-crowned Toadlet, Giant-burrowing Frog and other threatened fauna.
- Lisarow - Threatened species assessment for a proposed retirement village. Included assessment of lowland swamp forest remnants.
- Warnervale - Threatened species assessment for a proposed residential development.
- Tuggerah - Flora and fauna survey for a proposed industrial development site adjoining State significant wetlands.

**Hunter Valley area**

- Cessnock - Threatened species assessment for inclusion in a REF (Review of Environmental Factors) for a proposed residential development along Oakey Creek Road.
• Pokolbin - Preparation of a species impact assessment for a bridge and road realignment along Broke Road in the Hunter Valley for Cessnock City Council.
• Pokolbin - Threatened species assessment for a proposed tourist development on McDonalds Road. Included habitat mapping using aerial photograph interpretation and mapping with MapInfo GIS.
• Pokolbin - Threatened species assessment for a proposed tourist resort along Branxton Road covering an area of 250 hectares.

Other NSW locations

• Bungendore, Palerang LGA - Survey and assessment of grassland areas for a private client in relation to a proposed residential subdivision. The surveys targeted grassland species and were undertaken to assess the potential for endangered ecological communities, especially Natural Temperate Grassland and associated threatened species, to be present.
• Coonabarabran - Threatened species for a large lot residential subdivision of approximately 100 hectares.
• Minmi, Lake Macquarie LGA - Threatened species assessment for a proposed 130 hectare residential subdivision adjoining Hexham wetlands.
• Gan Gan Hill Nelson Bay, Port Stephens LGA - Investigation and assessment of the occurrence of Squirrel Gliders, Phascogales and insectivorous bats.
• Wollondilly, Wollondilly LGA - SEPP No 44 Koala Habitat Protection Assessment of Koala habitat as part of a development application to clear land on a rural property.
• Tumbarumba - Field survey and assessment of threatened species on a site for the proposed development of a waste management facility.
• Tumbarumba - Coordinated ecological field surveys and an assessment for a proposed landfill on rural land to the north of Tumbarumba township to receive by-product from timber milling operations.
• Letchworth, Queanbeyan LGA - Preparation of a threatened species assessment for Defence Housing Authority. Issues for consideration included endangered woodland and grassland communities in addition to threatened species, predominantly birds such as Swift Parrot, however other grassland and woodland species were also of significance to the study.

Selected Projects – GIS & Spatial

Local Environmental Plan mapping – NSW Local Government

Peter has prepared all maps for the following NSW Local Government Areas as a part of their most recent LEP reviews:

• Tumbarumba Shire;
• Wentworth Shire.

While still maintaining high levels of consistency with the standard requirements of LEP maps as published by the Department of Planning, Peter has implemented a customised script to automate LEP mapping and greatly increase the production rate and accuracy in final maps. Significant elements of both projects were the creation of new GIS layers from a range of sources including on the advice of Council planners, Department of Planning requirements and the recommendations of sub-consultants engaged by Council.

Tumbarumba Shire Environment Strategy – Tumbarumba Shire Council

The strategy included extensive GIS modelling using Vertical Mapper, an add-on program to MapInfo. The project reviewed previous studies undertaken in the Shire and more broadly across the Murray and Murrumbidgee catchment areas and considered the future direction for conservation of biological diversity and ecosystem function within Tumbarumba Shire. Opportunities for a strategic biodiversity conservation management plan were also considered such that incentives for conservation of land under private ownership could be implemented.
Central Coast Employment Lands Audit – NSW Department of State & Regional Development and NSW Department or Urban Affairs & Planning

The Central Coast of NSW is typically regarded as comprising the local government areas of Gosford and Wyong. The client required an understanding of the amount of land in employment generating zones (industrial and commercial) according to a series of criteria to determine occupancy, floor space, nature of business, level of development and constraints to future development. Peter took the lead role in designing and developing a data capture and assessment method in MS Access that would link to a centralised MapInfo GIS in addition to being suitable for distribution to the client and each Council according to their area of interest. The resultant MS Access relational database was linked dynamically to GIS and planning layers provided by the Councils and allowed for a detailed analysis and mapping of the employment generating lands of the NSW Central Coast.

Synoptic Plan; Integrated Landscapes for Coal Mine Rehabilitation in the Hunter Valley of NSW – NSW Department of Mineral Resources

The report was a review of current and proposed mining and rehabilitation of coal mines with extensive mapping using GIS. Recommendations were made for integrating rehabilitation across the Hunter Valley for regional economic benefits, conservation of biodiversity and environmental protection. Recipient of the 1999 RAPI (now PIA) Award for Excellence in Regional and Rural Planning.

Other strategic planning projects involving GIS

Peter has also provided GIS support for a large number of other strategic planning studies for NSW local governments including:

- Parkes Shire Strategic Planning, GIS Assistance
- Parry Shire Rural Lands Study
- Coffs Harbour Rural Lands Assessment
- Buronga – GoGol Structure Plan, Wentworth Shire
- Mudgee Shire Rural Lands Study
- Mudgee Urban Study
- Baulkham Hills Rural Lands Study
- Orange City Survey of Significant Landscapes

Selected Projects – NSW Land and Environment Court, Expert Witness various clients

Peter has acted as an Expert Witness on numerous matters before the NSW Land and Environment Court within the areas of threatened species and their habitat, vegetation and habitat management. The following is a selection of such matters:

- March 2004 - Whitehouse Properties -v- the Director General of the Department of Infrastructure, Planning and Natural Resources, evidence prepared at request of the applicant in relation to clearing under the Native Vegetation Conservation Act and the effects on threatened species and communities listed by the Threatened Species Conservation Act.
- December 2003 - Hynes Urban Planners P/L -v- Hawkesbury City Council, evidence prepared at request of the applicant concerning impacts to threatened species, endangered ecological communities and matters of local environmental significance.
- December 2001 - Kentsun Pty Ltd -v- Gosford City Council, evidence prepared at request of the respondent concerning impacts to flora and fauna habitat and, in particular, wetlands.
- November 2001 - Susan Maule -v- Gosford City Council and Marco Liporoni, evidence prepared at request of the second respondent concerning flora and fauna issues including threatened species, communities and their habitats.
- July 1998 - Eion Alfred Pengilley -v- Gosford City Council, prepared evidence at request of the applicant concerning rainforest and threatened species.
Appendix 2. - Referral Entity Comments

Comments received from entities on the request for a consolidated s211 are included in Table 16.

The comments of the referral entities on the Molonglo Valley Stage 2 – Urban Development Area B1 application for s211 exemption are included in Table 17. The following entities were invited to provide comment on the Molonglo Valley Stage 2 – Urban Development Area B1 application, however comments were not received:

- Nature Conservation Policy, ESDD
- ACT Health
- Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC)
- The Environment Protection Authority (EPA)
- The Emergency Services Agency (ESA)
- The Territory and Municipal Services Directorate (TAMSD)

For the Molonglo Valley Stage 2 (part) Link Bridge and Sewer 3 Central application for s211 exemption, entities comments are included in Table 18. The following entities were invited to provide comment on the Molonglo Valley Stage 2 (part) Link Bridge and Sewer 3 Central application, however comments were not received:

- ActewAGL Electricity

Notes on the assessment of the matters raised by the entities are included as necessary. Development assessment considerations and conditions may be applied to ensure compliance with the comments received.
<table>
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<tr>
<th>Entity</th>
<th>Comment</th>
<th>Assessment note</th>
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<tr>
<td>ActewAGL networks</td>
<td>ActewAGL has no comments on the exemption for the requirement of an EIS, however ActewAGL will provide comments for Molonglo Valley Stage 2 at receipt of the DA</td>
<td>It is noted that ActewAGL does not require information which will inform an EIS.</td>
</tr>
</tbody>
</table>
| ACTEW Water                  | Please find comments for the above proposal:  
  - No identifiable impacts.  
  - No further comments.                                                                                                                      | It is noted that ActewAGL does not require information which will inform an EIS.                             |
| ACT Heritage Council         | Heritage Council comments remain unchanged from those previously provided in relation to the original exemptions (see below).  
  ACT Heritage supports this consolidation.                                                                                                     | It is noted that ACT Heritage Council support the consolidation of the s211 exemptions.                     |
| ESDD Land Investigations and Planning | The information provided below is noted (the request for advice from the entity on the consolidation proposal).  
  ESDD Land Investigations and Planning (formerly known as Land Policy) have no further comments.                                           | It is noted that Land Investigation and Planning have no further comment to make at this time.                |
| Conservation Planning and Research, ESDD | CPR comments remain unchanged from our previous advice on Exemption 1 and Exemption 2.                                                                                                                 | It is noted that CPR do not make any additional comments on the consolidation, refer to CPR’s original comments in the following tables. |
| National Capital Authority   | The National Capital Authority has no objections to this proceeding.                                                                                                                                   | It is noted that the NCA make no additional comments.                                                       |
| Conservator of Flora and Fauna | This approach can be supported. The information in support of both these exemptions would still be (sufficiently) current.                                                                           | The support of the Conservator is noted and their comment with regard to the currency of the information.     |
| Environment Protection Authority | I have considered your request and provide the following advice.  
  The areas subject to the s211 Exemptions 1 and 2 detailed below are currently subject to environmental assessment and audit due to past activities at the site which may have resulted in the contamination of land. The ACT Government’s Strategic Plan Contaminated Sites Management, 1995, specifically requires that potentially contaminated land be investigated at the earliest stages of the planning process to ensure suitability for development. | The comments of the EPA are noted. Particularly those relating to ongoing contamination remediation and the validation of the result to declare the land fit for future purposes. ESDD understands that these processes will be required to be completed before alternate land uses especially residential uses can commence on the site. DA considerations have been included to guide future applications in the compliance with this |
The ANZECC 1992, Guidelines for the Assessment and Management of Contaminated Sites and the ACT EPA 2009 Contaminated Sites Environment Protection Policy (EPP) list agricultural/horticultural activities as activities associated with land contamination which may pose a risk to human health and the environment.

The assessments and audits are currently being carried out by the Land Development Agency, Economic Development Directorate. The EPA is yet to receive the results of all the environmental assessments and audits within exemption areas 1 and 2 to confirm the areas are suitable for the proposed and permitted land uses. The EPA has however endorsed the site audits for the area known as Denman Prospect Estate Stage 1 (as detailed in the map below) subject to conditions as detailed in the letter from the EPA to the ACT Planning Authority dated 18 September 2012 and 2 November 2012 (attached).

As detailed previously in response to the original s211 applications, prior to any area being used for other uses the areas must be assessed, remediated (if required) to ensure the sites are suitable for the proposed and permitted uses. The assessment and remedial works must be reviewed and approved by the independent auditor and endorsed by the EPA prior to development commencing.

Based on the processes currently underway by LDA (EDD) and the EPA’s understanding of the contamination issues identified within the exemption areas, the EPA is again comfortable in supporting the s211 exemption provided the areas impacted by contamination are assessed and remediated (as required) and the audits endorsed by the EPA prior to development.

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<tr>
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<tr>
<td>ActewAGL networks</td>
<td>ActewAGL would like to advise that all aspects in regards to electrical assets in the area of Molonglo 2 can be dealt with at the DA stage.</td>
<td>It is noted that ActewAGL does not require information which will inform an EIS.</td>
</tr>
<tr>
<td>ACT Heritage Council</td>
<td>Thank you for the opportunity to comment on the EIS Scoping document for the</td>
<td>The ACT Heritage Council supports the s211</td>
</tr>
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</table>

Table 17- Molonglo Valley Stage 2 - Urban Development Area B1 - Referral entity comments and assessment notes
The Heritage Council notes the applicants request for consideration for Ministerial exemption from the requirement to complete an EIS pursuant to s211 of the *Planning and Development Act 2007*.

Several heritage assessments have been undertaken within the area and, as a result, there are Conservation Management Plans (CMPs) in place that relate to identified heritage places and objects. The management recommendations outlined within the CMPs must be adhered to, as well as all previously approved Unanticipated Discovery Protocols.

The Heritage Council therefore supports the request for exemption from EIS scoping pursuant to s211 of the *Planning and Development Act 2007*, provided that these heritage requirements are met.

### City Planning, ESDD

- The EIS scoping document is for the clearing of more than 5.0 hectares of native vegetation on land designated FUA known as ’Molonglo B1’ in Molonglo Stage 2.
- ESDD is responsible for planning for the Molonglo B1 area. A number of documents have been prepared by the planning and land authority/City Planning (ESDD) are relevant to Molonglo B1. These include, amongst others, the Molonglo North Weston Structure Plan, Molonglo Stage 2 Draft Planning and Design Framework (PDF), Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (NES Plan), Important Planning Requirements (IPRs) for the First Release Area, the Molonglo River Park Concept Plan and Preliminary Risk Assessment (PRA). Development Applications for the Molonglo B1 area would be referred to ESDD Land Planning for comment to ensure consistency with the planning intent for the area as outlined in these documents. The EIS scoping document has used as its basis the recent PRA, which is supported.
- It should be noted that IPRs (non-statutory) have been prepared for the first land release area in Molonglo Stage 2 and transmitted to EDD to commence the land development process. A statutory concept plan is being prepared by ESDD Land Planning for the residual area of Molonglo stage 2, i.e. the group centre and surrounding area.

These comments have been considered in the assessment of this application for an s211. Discrepancies have been noted and where relevant, reflected in the recommendations for action at EDP and DA stages.
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<tr>
<td>• 5.2 The proposal – Should state that significant cut and fill is anticipated in the Molonglo B1 area, in particular for the construction of John Gorton Drive (north-south arterial road) and other major infrastructure.</td>
<td></td>
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<tr>
<td>• The document relies on mitigation measures addressed in the NES Plan, Draft PDF and PRA. It should be noted that the draft PDF is not a statutory document and provides very limited information on potential mitigation measures.</td>
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<tr>
<td>• Under the heading ‘Is the location in its possession of uncommon, rare or endangered flora, fauna, communities, natural landscape or phenomena?’ (p36):</td>
<td></td>
<td></td>
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<tr>
<td>• The proponent has stated that ecological surveys have failed to identify any populations [of uncommon, rare or endangered flora and fauna species] within Molonglo B1. However the next sentence states “While area of PTWL habitat have been identified within the boundaries of Molonglo B1, these are considered to comprise low quality habitat unlikely to support populations”. Therefore, the statements are contradictory.</td>
<td></td>
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<tr>
<td>• There is no commentary in regards to the heritage item (identified as MV18), although a map has been included in Appendix D. Upon completion of the Conservation Management Plan (CMP), the Heritage Council advice received (as attached) notes that it meets all the criteria for listing on the ACT heritage register and should be nominated.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Planning and Research, ESDD</td>
<td>In relation to nature conservation and biodiversity issues, the Conservation Planning and Research Unit (CPR), considers that the extensive survey and impact assessment work undertaken as part of the Strategic Assessment of the Molonglo Valley, under the Commonwealth Environment Protection and Biodiversity Conservation Act, together with the risk assessment undertaken by NGH Environmental and other related documents, has sufficiently addressed the expected environmental impact associated with the development of Molonglo Stage 2 Area B1. Thus in this instance CPR supports the granting of s211 exemption under the Planning and Development Act 2007.</td>
<td>It is noted that Conservation, Planning and Research support the application for exemption under s211. Future EDP and DAs will be forwarded to Conservation, Planning and Research for comment</td>
</tr>
<tr>
<td>Conservator of Flora and Fauna</td>
<td>I refer to your request for comments on a scoping document for an EIS on the proposed Molonglo Stage 2 Area B1 estate development and the request for an exemption under s211 of the Planning and Development Act 2007.</td>
<td>It is noted that the Conservator of Flora and Fauna supports the application for exemption under s211. Future EDP and DAs will be forwarded to the</td>
</tr>
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</table>
The expected environmental impact on biodiversity and nature conservation values of the development proposal has already been sufficiently addressed by other planning and impact assessment documentation as detailed in the application requesting an exemption. These include:

- **Preliminary Risk Assessment – Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure**, NGH Environmental, August 2011
- **Draft Strategic Assessment Report for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance**, Eco Logical Australia, March 2010
- **Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, NES Plan**, ACT Planning and Land Authority, Sept 2011
- **Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley**, Eco Logical Australia, March 2009
- **Draft Planning and Design Framework – Molonglo Valley Stage 2, ESDD, ACT Government**, July 2011
- **Molonglo Valley Stage 2: Draft Planning and Design Framework - Important Planning Requirements for first land release area**, ESDD, ACT Government, June 2011

It is noted that the Preliminary Risk Assessment prepared by NGH Environmental Consultants (August 2011) took into consideration 85 studies and reports prepared prior to that date which address environmental conditions and impacts associated with the development in the Molonglo Valley.

There would be no additional benefit in requiring an EIS to be completed; therefore the exemption under Section 211 can be supported.

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<th>National Capital Authority</th>
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<tr>
<td>I refer to the email dated 13 March 2012 advising that the ACT Planning and Land Authority (ACTPLA) has received an application for an Environmental Impact Statement (EIS) scoping document under section 212 of the Planning and Development Act 2007</td>
<td>Conservator for comment.</td>
<td>It is noted that the NCA supports the application for exemption under s211. No further action is required in relation to this advice.</td>
</tr>
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</table>
In accordance with the Act and *Planning and Development Regulation 2008*, development of the nature proposes would require the preparation of the EIS to accompany any development application. The National Capital Authority (NCA) understands the applicant is seeking an exemption from the requirement to prepare an EIS under section 211 of the Act.

The current boundary for the urban area in the Molonglo Valley was established through the National Capital Plan (the Plan) Amendment 63 and Territory Plan Variation 281 and informed by a number of studies into the suitability of the area for urban use. The NCA also notes that many further studies have been undertaken to better understand the environmental constraints of the area.

The NCA supports this exemption as it considers environmental issues in relation to this phase of Molonglo development were sufficiently addressed in the reports prepared to inform Amendment 63 to the Plan the Territory Plan variation 281 and subsequent environmental studies in the Molonglo Valley.

The NCA has no further comment on the EIS scoping document.
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<tr>
<td>ACTEW Water</td>
<td>No environmental impacts. No further comments.</td>
<td>It is noted that ACTEW Water do not require any further information at this stage. Future EDPs and DAs will be referred to ACTEW Water for comment.</td>
</tr>
<tr>
<td>ActewAGL Networks</td>
<td>ActewAGL Distribution Gas, Jemena have no comments to make.</td>
<td>It is noted that ActewAGL Networks do not require any further information at this stage. Future EDPs and DAs will be referred to ActewAGL Networks for comment</td>
</tr>
<tr>
<td>ACT Heritage Council</td>
<td>Several heritage assessments have been undertaken within the Molonglo Stage 2 area, and, as a result, there are Conservation Management Plans in place that relate to identified heritage places and objects. The management recommendations outlined within these CMPs must be adhered to, as well as all previously approved Unanticipated Discovery Protocols. The Sec. 211 boundary indicated on the southern side of the Molonglo River as part of the current Application appears to deviate from the boundaries of the previous heritage surveys undertaken by BIOSIS Research. If any impacts occur within the apparently amended footprint, a cultural heritage assessment will be required, unless it is demonstrated that a recent assessment (i.e. within the last 6 years) has been undertaken. However, it is understood that the Molonglo River Park Concept Plan is being prepared. If the area in question is surveyed as part of a cultural heritage assessment for the River Park, this would also be acceptable. With regard to the area north of the Molonglo River, BIOSIS Research has prepared the document titled: Molonglo: Detailed Heritage Assessment – Aboriginal and Historical Heritage (May 2012). At this stage, the Heritage Council has not endorsed the document, therefore all future actions must be undertaken in accordance with Heritage Council advice. Additional heritage requirements may arise from this report, and the recommendations contained therein and in any subsequent documents must be adhered to.</td>
<td>It is noted that where works are to occur outside the areas of previous heritage studies that a Cultural Heritage Assessment is required prior to construction. It is also noted that provided the conditions of the Council are met there are no objections to the application for exemption under s211. Future EDPs and DAs will be referred to the ACT Heritage Council for comment.</td>
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| **Conservator of Flora and Fauna** | The conservation values of the land that will be impacted by the construction of the proposed sewer trunk pipeline and link bridge, and potential environmental impacts, are well known from earlier studies.  
  The key issues are  
  1. impact on Pink Tailed Worm Lizard (*Aprasia parapulchella*) habitat, the need to avoid this habitat wherever possible (which the route largely seems to have done), and the requirement to account for any habitat loss; and  
  2. that where works are within the River Corridor Park there is a need for there to be a large and ongoing program of restoration and weed control. African lovegrass is abundant in the vicinity of the works and will require a specific control focus.  
  The impacts have already been sufficiently addressed by other planning and impact assessment documentation as detailed in the application requesting an exemption. These include:  
  - Preliminary Risk Assessment- Molonglo Valley Urban Development Stage 2 and Supporting Infrastructure, NGH Environment, August 2011;  
  - Draft Strategic Assessment Report for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, Ecological Australia, March 2010;  
  - Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, (NES Plan), ACT Planning and Land Authority, Sept 2011;  
  - Molonglo Valley Ecological Study, EPBC Listed Flora, Ecological Communities and Golden Sun Moth Mapping in the Molonglo Valley, Ecological Australia, March 2009;  
  - Draft Planning and Design Framework- Molonglo Valley Stage 2, ESDD, ACT Government, July 2011; and  
  - Molonglo Valley Stage 2: Draft Planning and Design Framework- Important Planning Requirements for first land release area, ESDD, ACT Government, June 2011. | It is noted that the Conservator of Flora and Fauna supports the application for exemption under s211. Future EDPs and DAs will be forwarded to the Conservator for comment. |
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</table>
| It is noted that the Preliminary Risk Assessment prepared by NGH Consultants (August 2011) took into consideration 85 studies and reports prepared prior to that date which address the environmental conditions and impacts associated with development in the Molonglo Valley.  
There would be no additional benefit in requiring an EIS to be completed, therefore the exemption under section 211 can be supported. |                                                                                                                                                                                                                                                                                                                                       | It is noted that the ESA do not require any further information at this stage. Future EDPs and DAs will be referred to the ESA for comment.                                                                  |
| Emergency Services Agency                    | ACTF&R has reviewed the information supplied for Molonglo Stage 2 & Link Bridge. ACTF&R has no special considerations or comment at this stage.                                                                                                                                                                                                 | The Minister for Sustainability, Environment, Water, Population and Communities endorsed the strategic plan for Molonglo Valley. The Strategic Plan (NES Plan) has been considered in this assessment. No further action is required in relation to this advice. |
| Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) | No further comment at this time                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                               |
| Environment Protection Authority            | The EPA has not issued any environment protection orders under sections 91C (1), 91D (1) or 125 (4) of the Environment Protection Act 1997 (the Act) over the site and as a result the site is not recorded on the Register of contaminated sites under section 21(A) of the Act.  
On the basis of the studies undertaken to date at the site it is unlikely that the land is potentially contaminated in a way that is causing, or is likely to cause, a significant risk of harm to people's health or the environment.  
Works at the site, to date, have been undertaken to the satisfaction of the Environment Protection Authority (EPA) in accordance with the Contaminated Sites Environment Protection Policy November 2009 and associated guidelines.  
All future assessment and remedial works at the site must be undertaken to the satisfaction of the EPA.  
The site is currently subject to a voluntary environmental audit into its suitability for the proposed land uses from a contamination perspective. This audit must be reviewed and | It is noted that the EPA do not require any further studies at this stage. Future EDPs and DAs will be referred to the EPA for comment.                                                                                                                                |
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<tr>
<td>National Capital Authority</td>
<td>The current boundary for the urban area in the Molonglo Valley was established through National Capital Plan (the Plan) Amendment 63 and Territory Plan Variation 281 and informed by a number of studies into the suitability of the area for urban use. The NCA notes the many further studies that have been undertaken to better understand the environmental impacts of development in the area. The NCA supports this exemption as it considers environmental issues in relation to this phase of the Molonglo development were sufficiently addressed in the reports prepared to inform Amendment 63 to the Plan, Territory Plan Variation 281, the Strategic Assessment of Matters of National Environmental Significance and subsequent environmental studies in the Molonglo Valley.</td>
<td>It is noted that the NCA supports the application for exemption under s211. No further action is required in relation to this advice. Future EDPs and DAs will be referred to the NCA for comment.</td>
</tr>
<tr>
<td>Territory and Municipal Services</td>
<td>This DA is supported. Note: AA, TAMS understands that there have been a number of studies prepared with regard to Molonglo Valley Development. TAMS has previously reviewed all those studies to determine the appropriate development options and assessed possible environmental impacts. Also the expected impacts from the proposed development have already been addressed by all those studies; as such AA, TAMS doesn’t have any comments at this stage.</td>
<td>It is noted that the TAMS supports the application for exemption under s211. No further action is required in relation to this advice. Future EDPs and DAs will be referred to TAMS for comment.</td>
</tr>
<tr>
<td>ACT Health</td>
<td>The Health Protection Service (HPS) acknowledges that the Phase 1 Environmental Site Assessment (ESA) identified a number of potential contaminants across the site. The HPS recommends further sampling of the site is conducted in a Phase 2 ESA consistent with the recommendations of the Phase 1 ESA. Other than concern relating to contaminated sites, the HPS has no additional comments on the request for an exemption.</td>
<td>It is noted that ACT Health are concerned with a number of potentially contaminated sites. The recommendations that further testing be undertaken as part of Phase 2 remediation will be applied as conditions on future EDPs and DAs.</td>
</tr>
</tbody>
</table>
Appendix 3. – Approval of Strategic Assessment
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APPROVAL DECISION FOR THE TAKING OF ACTIONS IN ACCORDANCE WITH AN ENDORSED PLAN UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC ACT)

MOLONGLO VALLEY PLAN FOR THE PROTECTION OF MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE, AUSTRALIAN CAPITAL TERRITORY

<table>
<thead>
<tr>
<th>General</th>
<th>Further explanatory information related to this approval decision is at Annexure 1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved action/class of actions</td>
<td>All actions associated with urban development in East Molonglo as described in the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (ACT Government, September 2011) provided such action takes place wholly within the strategic assessment area in East Molonglo (as shown in Annexure 2).</td>
</tr>
<tr>
<td>Relevant controlling provisions</td>
<td>The approval has effect for:</td>
</tr>
<tr>
<td></td>
<td>• Listed threatened species and communities (sections 18 &amp; 18A)</td>
</tr>
<tr>
<td></td>
<td>• Listed migratory species (sections 20 &amp; 20A)</td>
</tr>
<tr>
<td>Period for which approval has effect</td>
<td>The approval has effect until 31 December 2041</td>
</tr>
</tbody>
</table>

Person authorised to make decision

| Name and Position | The Hon Tony Burke MP  
| Minster for Sustainability, Environment, Water, Population and Communities |

Signature

[Signature]

Date of decision

20.12.11
Explanatory information

This approval decision is made under section 146B of the EPBC Act which provides for the Minister to approve actions, or classes of actions, undertaken in accordance with a policy, plan or program that has been endorsed following a strategic assessment being undertaken under Part 10 of the EPBC Act. An approval under section 146B of the EPBC Act has the same effect as an approval given under Part 9 of the EPBC Act, therefore actions approved under this decision will not require separate referral, assessment or approval under the EPBC Act prior to being taken.

On 7 October 2011 the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP (the Minister), endorsed the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (ACT Government, September 2011) (the Plan). The Plan is in respect of urban development, and broadacre land use in East and West Molonglo, ACT (as shown in Annexure 2), and details commitments to protect matters of national environmental significance.

The endorsed Plan provides for all actions associated with development within East and West Molonglo, including infrastructure (such as bridges) and services within the proposed development areas.

This approval applies to all actions associated with urban development in East Molonglo as described in the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (ACT Government, September 2011) provided such action takes place wholly within the strategic assessment area in East Molonglo (as shown in Annexure 2).
Strategic assessment area and development boundary

"EPBC Pre-approved area" denotes the suburbs of North Weston, Coombs and Wright which were assessed and approved under separate EPBC Act Part 9 referrals (EPBC referrals 2009/4752, 2009/5041 and 2009/5050), and are not part of the strategic assessment.

Approval Decision under s146B of the EPBC Act for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, ACT.
Appendix 4. – PTWL Habitat and Raptor Nesting Sites
Ecological Conditions (Fauna)
Appendix 5. - Vegetation Classification
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Ecological Conditions (Flora)
Woodland patch identification and classification (source: Figure 7 - Draft Strategic Assessment Report for the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance, Eco Logical Australia, March 2010)

Figure 7: Distribution of EPBC Act listed Box-Gum Woodland and Natural Temperate Grassland within East Molonglo
Appendix 6. - Identified Heritage Items

Please note: For the security of the identified Heritage items, the following figure will be omitted from publically available versions of the document.
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Appendix 7. – EPA endorsement letters for contaminated land site audit reports
Mr BenPonton
Deputy Director-General, Planning Policy
Environment and Sustainable Development
GPO Box 1908
Canberra ACT 2601

Dear Mr Ponton,

ENDORSEMENT OF SITE AUDIT STATEMENT AND REPORT - MV2-C4-A1 AND MV2-C4-A2, MOLONGLO STAGE 2

Enclosed is a letter of endorsement from the Environment Protection Authority (EPA) for the environmental audit the defined as MV2-C4-A1 and MV2-C4-A2, Molonglo Stage 2.

Also enclosed are copies of the Site Audit Statement and the Site Audit Report for your records.

The EPA endorses the Site Audit Statement for the beneficial uses identified subject to the conditions specified in the letter of endorsement.

Should you require further information please contact me on 6207 2151.

Yours sincerely

David Power
Delegate, Environment Protection Authority

18 September 2012
Ms Meagan Cousins  
Project Manager  
Land Development Agency  
GPO Box 158  
Canberra ACT 2601

Dear Ms Cousins  

ENDORSEMENT OF SITE AUDIT STATEMENT AND REPORT -  
MV2-C4-A1 AND MV2-C4-A2, MOLONGLO STAGE 2

The Environment Protection Authority (EPA) has reviewed the Site Audit Statement (RS ACT 001) dated 13 September 2012 and Site Audit Report titled "Site Audit Report, MV2-C4-A1 and MV2-C4-A2, Molonglo Stage 2, ACT" dated September 2012 by Ms Rowena Salmon of Environ Australia Pty Ltd, an approved site Auditor, under the Environment Protection Act 1997.

The Site Audit Statement (SAS) details that:  
"...the site is SUITABLE for all permitted uses under the following zonings detailed in the ACT Territory Plan 2008 (listed in Section 2.2 of this Site Audit Report):  
- RZ1 – Suburban (effective date 16 December 2011)  
- RZ5 – High Density Residential (effective date 16 December 2011)  
- CFZ – Community Facility (effective date 4 November 2011)  
- PRZ1 – Urban Open Space (effective date 16 December 2011)  
- TSZ1 – Transport (effective date 16 December 2011)."

The EPA endorses the Site Audit Statement for the beneficial uses identified subject to the following conditions:

- This endorsement only relates to the area within the Molonglo Stage 2 Estate identified as MV2-C4-A1 and MV2-C4-A2, Molonglo Stage 2 (as shown in Figure 1 of the SAS);
- An unexpected finds protocol (UFP) must be prepared by a suitably qualified environmental consultant. The UFP must be reviewed and endorsed by an EPA accredited environmental auditor and a copy of the endorsement forwarded to the EPA for its records prior to the commencement of redevelopment works in the area.
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

[Signature]

David Power
Delegate, Environment Protection Authority

18 September 2012
Mr Ben Ponton  
Deputy Director-General  
Planning Policy  
Environment and Sustainable Development  
GPO Box 1908  
Canberra ACT 2601

Dear Mr Ponton,

ENDORSEMENT OF SITE AUDIT STATEMENT AND REPORT - MV2-C4-A3, MOLONGLO STAGE 2

Enclosed is a letter of endorsement from the Environment Protection Authority (EPA) for the environmental audit the defined as MV2-C4-A3, Molonglo Stage 2.

Also enclosed are copies of the Site Audit Statement and the Site Audit Report for your records.

The EPA endorses the Site Audit Statement for the beneficial uses identified subject to the conditions specified in the letter of endorsement.

Should you require further information please contact me on 6207 2151.

Yours sincerely

David Power  
Environment Protection Authority

2 November 2012