

Planning and Development (Conditional Environmental Significance Opinion – Block 5 Section 37 Strathnairn, Block 1 Section 3 Macnamara, and Block 1640 Belconnen – Ginninderry Conservation Corridor Tracks and Trails) Notice 2022 (No 2)

Notifiable instrument NI2022–540

made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 5 Section 37 Strathnairn, Block 1 Section 3 Macnamara, and Block 1640 Belconnen – Ginninderry Conservation Corridor Tracks and Trails) Notice 2022 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

(1) On 12 October 2022, the planning and land authority, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 5 Section 37 Strathnairn, Block 1 Section 3 Macnamara, and Block 1640 Belconnen for construction of a network of walking tracks within the Ginninderry Conservation corridor of a combined length of approximately 10.6km with a standard width of 1.3m.

(2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note Under section 138AD (6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Craig Weller
Delegate of the planning and land authority
26 October 2022

- All soil subject to disposal from the site must be assessed in accordance with EPA [Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT.](#)
- No soil is to be disposed from site without approval from the Office of the EPA.
- A bushfire response plan must be developed and followed for any works undertaken during bushfire season.
- An analysis of firefighting access must be undertaken for works proposed within the Ginninderry Conservation Corridor. This survey should identify access requirements for fire response, and land management activities including hazard reduction works, and ecological burning.

Attached is a Statement of Reasons for the decision.



Craig Weller
Delegate of the planning and land authority

12 October 2022

STATEMENT OF REASONS

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – development proposal requiring an EIS, specifically:

Part 4.3 Item 7 - proposal involving land included on the register of contaminated sites under the *Environment Protection Act 1997*.

The proponent is seeking an environmental significance opinion to remove the proposal from the impact track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the planning and land authority (the Authority) for an opinion to that effect.

Meaning of *significant* adverse environmental impact

An adverse environmental impact is *significant* if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is *significant*, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact; and
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

CONSULTATION WITH ENTITIES

In deciding whether a development proposal is likely to have a significant adverse environmental impact the Authority consulted with the following entities, in accordance with s138AA (3) of the Act.

Work Safety Commissioner

The Work Health and Safety Commissioner had no comments on this application. The Work Health and Safety Commissioner is not approving or endorsing any proposed work arrangements or any proposed risk control measures, and nothing in this response affects the safety duties of persons involved in carrying out the proposed work under the *Work health and Safety Act 2011*.

Environment Protection Authority

The Environment Protection Authority (EPA) would support the ESO subject to the following conditions:

- All works at the site must be undertaken in accordance with the document titled "*Construction Environmental Management Plan, Ginninderry, Audit Area 2*" (CEMP v1.1, reference J002304, dated 10 June 2020) by SESL Australia Pty Ltd or subsequent revisions endorsed by the Auditor and the EPA.
- All spoil identified at the site must be managed in accordance with EPA [Information Sheet – Spoil Management in the ACT](#).
- All soil subject to disposal from the site must be assessed in accordance with EPA [Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT](#).
- No soil is to be disposed from site without approval from the Office of the Environment Protection Authority.

Emergency Services Commissioner

ACT State Emergency Services had no comments on this application as there is no flood modelling available.

ACT Ambulance Service had no concerns or comments on this application.

ACT Rural Fire Service provided the following advice:

- ACT RFS has reviewed the proposed works and supports the proposal for construction of walking trails within the Ginninderry Conservation Corridor. As this area, managed by the Ginninderry Conservation Trust, is included in the EPSDD- PCS Bushfire Operation Plan for fire management, it is recommended that an analysis of firefighting access is undertaken for the Corridor. This survey should identify access requirements for fire response, and land management activities including hazard reduction works, and ecological burning.
- This development is located in bushfire prone area. Please ensure a bushfire response plan is developed and followed for any works undertaken during bushfire season.

Director-General of ACT Health

The ACT Health Protection Service (HPS) provided the following advice:

- HPS supports the implementation of the EPA endorsed Construction Environmental Management Plan, Ginninderry, Audit Area 2 (CEMP v1.1, reference J002304, dated 10 June 2020), incorporating an Unexpected Finds Protocol, for the proposed works. Where the above is implemented, the HPS has no objections to an ESO being granted.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Block 1640 Belconnen and Block 5 Section 37 Strathnairn are on the ACT Register of Contaminated Sites as a result of previous investigation/remedial work undertaken as part of the Ginninderry Development area.

This area has been subject to a Site Audit and Assessment, which was endorsed by the Environment Protection Authority (EPA) on 9 February 2021.

EPA's endorsement of the Site Audit Statement and Report – Ginninderry Precinct – Audit Area 2 (SAS) (Appendix C of the ESO application) states that the site is suitable for the use(s) permitted by numerous zonings, including NUZ4– River Corridor, subject to implementation and compliance with the Construction Environmental Management Plan (CEMP), Ginninderry Audit Area 2, dated 10 June 2020 and the Auditor's recommendations and overall comments as detailed in the SAS.

The Ginninderry Conservation Corridor, including works proposed on Block 1640 Belconnen and Block 5 Section 37 Strathnairn, are all land zoned NUZ4 River Corridor in the Territory Plan. The proposed use would be for minor use which is identified as a merit track assessable use in the NUZ4 zone, unless otherwise exempt under the *Planning and Development Regulation 2008*.

Therefore, the Authority considers that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact. If any contamination is identified during the proposed works, an existing EPA approved CEMP is in place to manage it.