

Planning and Development (Conditional Environmental Significance Opinion – Block 5 Section 37, Strathnairn – Strathnairn Residents Trail) Notice 2020 (No 1)

Notifiable instrument NI2020–741

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 – Strathnairn Residents Trail) Notice 2020 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 5 November 2020, a delegate of the planning and land authority, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction of a walking trail in the Woodstock Nature Reserve and the Ginninderry Conservation Corridor, on Block 5 Section 37, Strathnairn.

(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.

Brett Phillips
Delegate of the Planning and Land Authority
19 November 2020



ENVIRONMENTAL SIGNIFICANCE OPINION

An application for an Environmental Significance Opinion (ESO) has been received, by the planning and land authority, under section 138AA of the *Planning and Development Act 2007* (the Act). In accordance with section 138AB(4) of the Act, I provide the following opinion:

APPLICANT

Canberra Town Planning, as represented by Bradley Yates, Town Planner.

PROPOSAL DESCRIPTION

The proposal is for the construction of a walking trail in the Woodstock Nature Reserve and the Ginninderry Conservation Corridor.

LOCATION

Block 5, Section 37, Strathnairn.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application and in relation to Part 4.3, Item 7, of the Act.

OPINION

Provided the works are undertaken in a manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact. This opinion is granted subject to the following conditions made under s138AB(4) of the Act:

- All works must be undertaken in accordance with the requirements of the following documents:
 - Site Audit Statement No. 2020/01 (Audit Area 2) by Mr Ross McFarland of AECOM Australia Pty Ltd; and
 - SESL (2020) Construction Environmental Management Plan, Ginninderry, Audit Area 2 (CEMP v1.1, reference J002304, dated 10 June 2020), including all site environmental controls and management procedures.

Attached is a Statement of Reasons for the decision.

Brett Phillips

Delegate of the planning and land authority

05 November 2020

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 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;
- (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 planning and land authority consulted with the following entities, in accordance with s138AA (3) of the Act.

Work Safety Commissioner

The Work Safety Commissioner had no comments on the application.

Environment Protection Authority

The Environment Protection Authority had no comments on the application.

Emergency Services Commissioner

The Emergency Services Agency had no comments on the application.

Director-General of ACT Health

The Health Protection Service (HPS) reviewed the information and have no objection to the granting of an ESO. The HPS supported the proposal subject to the following:

The HPS supports the conditions outlined in the Site Audit Statement by SESL Australia (2020), that the CEMP and Unexpected Finds Protocol within the CEMP be implemented during construction works.

These comments have been incorporated into this opinion as conditions.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Block 5 section 37 Strathnairn is identified on the register of contaminated sites.

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