

# Planning and Development (Conditional Environmental Significance Opinion – Block 7, Section 149, Macgregor and Block 1620, Belconnen – Jarramlee Subsidence Remediation) Notice 2021 (No 1)

Notifiable instrument NI2021–449

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 7, Section 149, Macgregor and Block 1620, Belconnen – Jarramlee Subsidence Remediation) Notice 2021 (No 1)*

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 17 June 2021, 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 remediation of land subsidence, on Block 7, Section 149, Macgregor and Block 1620, Belconnen.

- (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  
23 July 2021



**ACT**  
Government

Environment, Planning and  
Sustainable Development

## **ENVIRONMENTAL SIGNIFICANCE OPINION**

An application for an Environmental Significance Opinion (ESO) has been received 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 environmental significance opinion:

### **APPLICANT**

WSP Australia Pty Limited as represented by Alex Garrett, Environmental Scientist.

### **PROPOSAL DESCRIPTION**

The proposal is for the remediation of subsidence occurring on land in (and bordering) the Jarramlee Grasslands Nature Reserve. This subsidence poses a health and safety risk for Parks and Conservation staff and the public. Remediation is proposed to allow safer access and management of the reserve. The proposed remediation includes:

- Construction of a lined swale between the existing bioretention pond and Ginninderra Creek (required to limit subsurface water intrusion which is contributing to subsidence).
- Remediation of areas of visual subsidence through excavation, removal of underground structures, filling of voids, as required, with clean imported material and re-compaction of disturbed areas.
- Rehabilitation of areas affected by excavation and works including landscaping of the swale and re-seeding of other impacted areas.
- Offsite disposal of any excavated material that is deemed as unsuitable for reuse.

### **LOCATION**

Block 7 Section 149 Macgregor and Block 1620 Belconnen. The land was formerly a part of the West Belconnen Sewage Treatment Plant (WBSTP) which was decommissioned and buried under imported fill in the 1970's. The area where remediation is proposed is 3.45 ha of the north-end of the former WBSTP site which has been subject to ongoing subsidence.

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

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

### **OPINION**

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

1. The use, handling or storage of hazardous chemicals on the site, in quantities that would exceed a manifest quantity threshold set out in Schedule 11 of the ACT Work Health and Safety Regulation 2011, is prohibited.

2. The site must be assessed and remediated for potential contamination, in accordance with Environment Protection Authority (EPA) endorsed guidelines, by a suitably qualified environmental consultant. The Consultant must determine whether past activities have impacted the site from a contamination perspective and to determine whether the site is suitable for its permitted uses.
3. All assessment and remediation works along with any proposed on-going management of contamination at the site must be independently audited by an EPA approved contaminated land auditor in accordance with the requirements of the Contaminated Sites Environment Protection Policy and EPA endorsed guidelines.
4. A copy of the Auditor's endorsement of the proposed remedial action plan must be forwarded to the EPA, by email to [ContaminatedSites@act.gov.au](mailto:ContaminatedSites@act.gov.au), prior to the commencement of remedial works.
5. Within 15 working days (or another time as agreed by the EPA) a copy of the Auditor's audit documents into the site's suitability for its proposed and permitted uses must be forwarded to the EPA, by email to [ContaminatedSites@act.gov.au](mailto:ContaminatedSites@act.gov.au), for review in accordance with the requirements of the Contaminated Sites Environment Protection Policy and Information Sheet 11 - Environment Protection Authority - Report Submission Requirements for review and endorsement by the EPA.
6. All spoil identified at the site must be managed in accordance with EPA Information Sheet - Spoil Management in the ACT.
7. 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.
8. No soil is to be disposed from site without EPA approval.
9. A Construction Environmental Management Plan (CEMP) with an Unexpected Finds Protocol must be developed and provided in the development application.
10. Flood risk control measures must be detailed in the Emergency Plan provided within the CEMP. The Emergency Plan shall ensure evacuation routes are not compromised by 1% AEP flooding and detail viable options for inundation free egress.

Attached is a Statement of Reasons for the decision.



Brett Phillips

Delegate of the planning and land authority

17 June 2021

## 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 and received the following comments. Comments received from these entities were considered and adopted in the conditions of this Opinion where appropriate.

### Work Safety Commissioner

*The Work Health and Safety Commissioner advised that any environmental significance opinion given in respect of this project should be subject to a condition that prohibits hazardous chemicals being used, handled or stored on site in quantities that would exceed a manifest quantity threshold set out in Schedule 11 of the ACT Work Health and Safety Regulation 2011.*

*The relevant manifest quantity threshold(s) cannot be identified in the absence of the hazard classification details for the chemical products, and WorkSafe ACT has been informed that these details are not presently available.*

*However, the proposed condition reflects WorkSafe ACT's position that any development proposal which would involve the use, handling or storage of a hazardous chemical which has a manifest quantity threshold of less than 500L or 500kg would have a significant adverse environmental impact if there was a spill or leak of the chemical or an emergency situation occurring in the area where the chemical is used, handled or stored.*

*The Development Assessment Officer is welcome to contact WorkSafe ACT for assistance in confirming the relevant manifest quantity threshold(s) for the hazardous chemicals which are to be used for weed management on site, once their hazard classification details are available.*

### **Environment Protection Authority**

*The Environment Protection Authority (EPA) supports the ESO application and provides the following advice and conditions:*

#### **Conditions:**

*See conditions 2-8 of the Opinion.*

#### **Advice:**

*Further recommended conditions of approval and advice will be provided at the Development Application stage.*

*For further information please contact the Environment Protection Authority Planning Liaison on 02 6207 5642 or email [EPAPlanningLiaison@act.gov.au](mailto:EPAPlanningLiaison@act.gov.au).*

### **Emergency Services Commissioner (ACT Emergency Services Agency)**

#### **ACT Fire and Rescue Comments:**

*ACT Fire and Rescue have no comments at this time for remediation work for Jarramlee Block 1620 Belconnen. Care is to be taken to ensure revegetation does not compromise any existing Asset Protection Zones in the area, and this should be confirmed with Parks and Conservation Services.*

#### **ACT State Emergency Services (ACTSES) Comments:**

##### **Identified Flood Zone (1% AEP):**

*The proposed site is adjacent to areas of land that may be inundated by a 1%AEP Riverine flood, on the Norther side of the proposed works.*

*ACTSES note that potential flooding may present a public safety risk due to the proximity of public access areas to land that may be subject to flooding. It is recommended that the*

*project risk assessment consider flood risk, and that specific flood risk control measures are detailed in the Emergency Plan for this development.*

*General vehicle evacuation:*

*Evacuation routes are not compromised by potential 1% AEP flooding and options for inundation free egress remain viable.*

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

*The Health Protection Service (HPS) notes that the site is managed as an environmental offset and forms part of the Jarramlee Grasslands Nature Reserve. The former sewerage treatment assets require remediation due to subsidence posing health and safety risks to ACT Government staff and the community.*

*The HPS has reviewed the ESO and advises the applicant that HPS:*

*understands that the site is to only be used as a nature reserve for environmental offset. If land-use changes are proposed in the future, the HPS supports the need for further investigations into contaminants of concern, including poly-fluoroalkyl substances, in accordance with Environment Protection Authority requirements.*

*supports the implementation of a long-term environmental management plan which will include requirements for ongoing monitoring of groundwater, ongoing subsidence monitoring and restrictions and protocols if there were to be any proposed changes in land use or subsurface penetrations, as described in the SMEC Remedial Action Plan, dated 21 November 2019.*

*supports the development of a Construction Environmental Management Plan with an Unexpected Finds Protocol as described in the SMEC Remedial Action Plan, dated 21 November 2019.*

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

Block 7, Section 149 Macgregor is identified on the register of contaminated sites.

It has been determined 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.