

# Planning and Development (Conditional Environmental Significance Opinion – Block 741, Gungahlin – Goorooyarroo Aviary) Notice 2021 (No 2)

Notifiable instrument NI2021–747

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 741, Gungahlin – Goorooyarroo Aviary) Notice 2021 (No 2)*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 15 November 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 construction, on Block 741, of Gungahlin, of a temporary soft-release aviary for the Bush Stone-curlew (*Burhinus grallarius*) in Goorooyarroo Nature Reserve.

- (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.

George Cilliers  
Delegate of the planning and land authority  
9 December 2021



**SCHEDULE – see section 3 (2)**

**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**

The ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Mr Simon Stratford.

**PROPOSAL DESCRIPTION**

The development proposal is for a temporary soft-release aviary (approximately 22 metres long, 6 metres wide and 1.8 metres high) for the Bush Stone-curlew (*Burhinus grallarius*) within Gorooyarroo Nature Reserve, as described in the application.

**LOCATION**

Block 741 Gungahlin (part Gorooyarroo Nature Reserve)

**MATTERS TO WHICH THIS OPINION APPLIES**

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

**OPINION**

The proposed aviary will be constructed by erecting 18 treated pine logs that will be dug 50cm into the ground and held cement footings. As described in the application, these cement footings will be the only permanent structures that penetrate the soil profile, and no other excavation/penetration work will occur to the ground.

The planning and land authority is of the opinion that the proposal is unlikely to cause a significant environmental impact, provided the works are undertaken in a manner consistent with the following conditions.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

- 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.

Attached is a Statement of Reasons for the decision.



George Cilliers

Delegate of the planning and land authority

15 November 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.

### Work Safety Commissioner

The Work Safety Commissioner had no concerns on the application.

### Emergency Services Commissioner

The Emergency Services Agency had no comments or concerns on the application.

## **Environment Protection Authority (EPA)**

The EPA provided the following advice:

*Acid sulphate bearing rock is known to occur at the intersection of the Federal Highway/Majura Parkway/Horse Park Drive. This material can be damaging to the environment when exposed to air and water during excavation.*

*As the proposed aviary site is some distance from the acid sulphate bearing rock area the Environment Protection Authority (EPA) would support the ESO subject to the following conditions:*

- *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.*

*Further comments will be able to be provided at the DA stage which will include conditions of approval to be included in the Notice of Decision to be enforced under the Planning & Development Act, 2007.*

The EPA noted further comments will be able to be provided at the DA stage, however the proposal may be exempt from requiring a DA, in accordance with Schedule 1 of the *Planning and Development Regulation 2008*. The EPA were informed of this and were given two opportunities to provide further comments, if required. No further comments were received.

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

The ACT Health Protection Service had no concerns on the application.

## **POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

The site is listed on the register of contaminated sites under the *Environment Protection Act 1997* due to being in an acid sulphate rock bearing zone. Acid sulphate bearing rock is known to occur at the intersection of the Federal Highway/Majura Parkway/Horse Park Drive. This material can be damaging to the environment when exposed to air and water during excavation. The proposed aviary site is some distance from the acid sulphate bearing rock area.

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.