

Planning and Development (Conditional Environmental Significance Opinion – Block 1586, Belconnen – Closure Works at the Belconnen Resource Management Centre) Notice 2022

Notifiable instrument NI2022–213

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 1586, Belconnen – Closure Works at the Belconnen Resource Management Centre) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 11 April 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 1586, Belconnen, to undertake closure works at the West Belconnen Resource Management Centre. The proposed closure works are intended to facilitate the stabilisation of the site and include the finalised capping to the landfill and construction of management and remediation controls such as leachate, gas, and stormwater collection infrastructure.

- (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
22 April 2022



ACT
Government

Environment, Planning and
Sustainable Development

SCHEDULE

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

PLANIT Strategic, as represented by Hope Watson, Environmental Planner.

PROPOSAL DESCRIPTION

The proposal (ESO202200001) is for closure works at the West Belconnen Resource Management Centre.

LOCATION

Block 1586 in the District of Belconnen (265 Parkwood Road, Belconnen, ACT, 2617)

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:

- the draft Rehabilitation and Remedial Action Plan (RRAP) for the site attached to the ESO documents must be finalised and supported in writing by the contaminated land auditor and the facilities auditor with copies of the RRAP and auditors' endorsement provided to the ACT Environment Protection Authority (EPA) for review and support prior to the commencement of rehabilitation and remedial works;
- the whole site and any off-site impacted areas (including groundwater, if necessary) must be assessed and remediated by a suitably qualified environmental consultant in accordance with the EPA [Contaminated Sites Environment Protection Policy](#) 2017 (CSEPP) and associated guidelines;
- all environmental assessments of the site and all remedial works must be independently audited by an EPA approved environmental Auditor in accordance with the CSEPP;

- the contaminated land auditor's draft site audit statement and report and any proposed draft on-going site management plan must be submitted to the EPA for review and comment in accordance with CSEPP and EPA [Information sheet 11 - EPA Report Submission Requirements](#);
- the contaminated land auditor's final site audit statement and site audit report into the site's suitability for its proposed and permitted uses and any proposed on-going site management plan must be reviewed and endorsed by the EPA prior to any future development of the site or the site being used for other purposes;
- any soil proposed for reuse on-site must be in accordance with the auditors' requirements;
- any soil subject to reuse or disposal offsite must be assessed in accordance with the requirements of the [Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT](#);
- no soil is to be disposed from site without the approval of the EPA;
- works must be undertaken in accordance with the further assessments and/or mitigation measures, as recommended in the report titled "West Belconnen Resource Management Centre Rehabilitation and Remedial Action Plan" by GHD, dated 3 February 2022 (GHD report) for groundwater and leachate; landfill gas; and vapour;
- works must be undertaken in accordance with recommendations made for any future land use, contained in the GHD report, including conducting a gas risk assessment and the development of site-specific gas control measures as well as on-going management requirements;
- all fill material for disposal and any relocation of waste from the site shall be carried out in accordance with EPA requirements;
- all imported fill and the reuse of soil within the project site must comply with EPA requirements;
- a Construction Environmental Management Plan (CEMP), including an Unexpected Finds Protocol, must be prepared, and implemented for the project works; and
- the design and construction of any water body must minimise the potential for an insanitary condition (local mosquito nuisance) under the *Public Health Act 1997*.

Attached is a Statement of Reasons for the decision.



James Bennett

Delegate of the planning and land authority

11 April 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 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 (the authority) consulted with the following entities, in accordance with s138AA (3) of the Act.

Work Health and Safety Commissioner

The Work Health and Safety Commissioner does not have comments on this matter.

In providing this response, 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 person involved in carrying out the proposed work under the Work Health and Safety Act 2011.

Environment Protection Authority

The Environment Protection Authority understands the purpose of an ESO is to determine that a proposal is not likely to have a significant adverse environmental or heritage impact. The closure of the West Belconnen Resource Management Centre is a fundamental step in the development of the west Belconnen area. It is understood the intention is to use the site following its closure for sensitive land uses. Failure to complete this planning step satisfactorily could result in significant adverse environmental impacts given the intention to utilize the site in the future for sensitive activities. As such, the Environment Protection Authority does not support the ESO.

The following conditions of approval will be recommended to be included in the Development Application:

Conditions:

- *The whole site and any off-site impacted areas (including groundwater, if necessary) must be assessed and remediated by a suitably qualified environmental consultant in accordance with the ACT Environment Protection Authority (EPA) [Contaminated Sites Environment Protection Policy](#) 2017 (CSEPP) and associated guidelines.*
- *All environmental assessments of the site and all remedial works must be independently audited by an EPA approved environmental Auditor in accordance with the CSEPP.*
- *The draft Rehabilitation and Remedial Action Plan (RRAP) for the site attached to the ESO documents must be finalised and supported in writing by the contaminated land auditor and the facilities auditor with copies of the RRAP and auditors' endorsement provided to the EPA for review and support prior to the commencement of rehabilitation and remedial works.*
- *The contaminated land auditor's draft site audit statement and report and any proposed draft on-going site management plan must be submitted to the EPA for review and comment in accordance with CSEPP and EPA [Information sheet 11 - EPA Report Submission Requirements](#).*
- *The contaminated land auditor's final site audit statement and site audit report into the site's suitability for its proposed and permitted uses and any proposed on-going site management plan must be reviewed and endorsed by the EPA prior to any future development of the site or the site being used for other purposes.*
- *Any soil proposed for reuse on-site must be in accordance with the auditors' requirements.*
- *Any soil subject to reuse or disposal offsite must be assessed in accordance with the requirements of the [Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT](#).*
- *No soil is to be disposed from site without the approval of the Office of the Environment Protection Authority.*

For further information please contact the Environment Protection Authority Planning Liaison at EPAPlanningLiaison@act.gov.au or on 02 6207 5642.

Emergency Services Commissioner

ACTF&R has reviewed ESO 202200001 – Block 1586 BELCONNEN and have no comments or objections.

Director-General of ACT Health

The applicant is advised that the HPS supports the issuing of an ESO where:

- further assessments and/or mitigation measures as recommended in the report titled, “West Belconnen Resource Management Centre Rehabilitation and Remedial Action Plan” by GHD, dated 3 February 2022 (GHD report), for groundwater and leachate; landfill gas; and vapour, are undertaken.
- recommendations made for any future land use, contained in the GHD report, including conducting a gas risk assessment and the development of site-specific gas control measures as well as on-going management requirements, are undertaken.

The HPS further advises the applicant that:

- all fill material for disposal and any relocation of waste from the site is carried out in accordance with Environment Protection Authority (EPA) requirements;
- all imported fill and the reuse of soil within the project complies with EPA requirements;
- a Construction Environmental Management Plan, including an Unexpected Finds Protocol, is prepared and implemented for the project works; and
- the design and construction of any water body must minimise the potential for an insanitary condition (local mosquito nuisance) under the Public Health Act 1997.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The block where works are proposed is listed on the register of contaminated sites under the *Environment Protection Act 1997* as it is a highly disturbed landfill site.

The development proposal is to undertake closure works at the West Belconnen Resource Management Centre (WBRMC). The proposed closure works are intended to facilitate the stabilisation of the site and include the finalised capping to the landfill and construction of management and remediation controls such as leachate, gas, and stormwater collection infrastructure. Following closure works, the site is intended to be handed over to Ginninderry for the future urban development of West Belconnen.

A draft Rehabilitation and Remedial Action Plan (RRAP) has been developed for the closure and rehabilitation of WBRMC prior to the site being handed over to Ginninderry. Two Independent Auditors have also been engaged in relation to this site with respect to the rehabilitation and land use suitability of the site and the rehabilitation and closure of the landfilling facility. The RRAP must be supported in writing by each auditor, with a copies of the RRAP and auditors’ endorsement

provided to the EPA for review and support prior to the commencement of rehabilitation and remedial works.

In deciding whether a development proposal is likely to have a significant adverse environmental impact the authority consulted with the Work Health and Safety Commissioner (WHS), the EPA, the Emergency Services Commissioner (ESA), and the Director General of ACT Health.

WHS and ESA did not have any comments at this stage of the proposal and ACT Health supported the issuing of an ESO, subject to conditions. The EPA did not support the application for an ESO, based on concerns about future land uses at the site (not the subject of the current application).

In their advice, the EPA stated that the closure of the West Belconnen Resource Management Centre is a fundamental step in the development of the west Belconnen area, noting the intention to use the site for sensitive land uses following the Centre's closure. Failure to complete this planning step satisfactorily could result in significant adverse environmental impacts given the intention to utilize the site for future sensitive activities. Despite their non-support, the EPA has provided conditions on how the proposal should be conducted.

The conditions suggested by ACT Health and the EPA are included in this ESO, and if works are undertaken in a manner consistent with those conditions, the Authority considers that the proposal is unlikely to have a significant adverse environmental impact.

As the site is on the register of contaminated sites, any future development proposal will require a development application and assessment of the suitability of proposed future uses. Any future development application for this site will be referred to the EPA for advice.

On this basis, and looking at the application before the authority, an ESO is considered appropriate for the current proposal.