

Planning and Development (Conditional Environmental Significance Opinion – Block 10, Section 39, Whitlam – Coppins Crossing Waste Point Demolition) Notice 2022 (No 2)

Notifiable instrument NI2022–523

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 10, Section 39, Whitlam – Coppins Crossing Waste Point Demolition) Notice 2022 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 28 September 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 demolition of a waste receival point on block 10, section 39, Whitlam.

- (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
17 October 2022



ACT
Government

Environment, Planning and
Sustainable Development

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

Icon Water, as represented by Michael Smith.

PROPOSAL DESCRIPTION

Demolition of the Coppins Crossing liquid waste receival facility

LOCATION

Block 10 and Section 39 Whitlam

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.

- All works must be undertaken in accordance with the following documents:
 - "Construction Environmental Management Plan (CEMP) - Molonglo Valley Stage 3 Area B (v7)" dated 1 October 2021 (reference P21039 MV3B CEMP v7 20211001) by Lanterra Consulting Pty Ltd; and;
 - "Unexpected Finds Management Plan (UFMP) - Contaminated Land and Unexploded Ordnance (UXO) / Exploded Ordnance Waste (EOW), Molonglo Valley Stage 3 (Future Urban Area)" (reference WSP-PB_Rpt_UFP_MV3_FINAL) dated 8 February 2017 by WSP/PB.
- All spoil identified at the site must be managed in accordance with Environment Protection Authority (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 the site without approval from the Office of the EPA.
- The CEMP must incorporate an Unexpected Finds Protocol for the unexpected find of unexploded ordinance, fuel contamination, heavy metal contamination and Per- and polyfluoroalkyl substances.
- A bushfire response plan (as per recommendations in the ESO application) must be developed and followed for any works undertaken during bushfire season.

Attached is a Statement of Reasons for the decision.



Craig Weller

Delegate of the planning and land authority

28 September 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 consulted with the following entities, in accordance with s138AA (3) of the Act.

Work Safety Commissioner

No advice was received from the Work Safety Commissioner.

Environment Protection Authority

The ESO is supported on the basis the following conditions of approval will be able to be included in the Development Application approval for the proposed works.

- All works must be undertaken in accordance with the following documents:
 - "Construction Environmental Management Plan (CEMP) - Molonglo Valley Stage 3 Area B (v7)" dated 1 October 2021 (reference P21039 MV3B CEMP v7 20211001) by Lanterra Consulting Pty Ltd; and;
 - "Unexpected Finds Management Plan (UFMP) - Contaminated Land and Unexploded Ordnance (UXO) / Exploded Ordnance Waste (EOW), Molonglo Valley Stage 3 (Future Urban Area)" (reference WSP-PB_Rpt_UFP_MV3_FINAL) dated 8 February 2017 by WSP/PB.
- 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

This development is located in bushfire prone area. Please ensure bushfire response plan (as per recommendations in the ESO) is developed and followed for any works undertaken during bushfire season.

ACTRFS have no concerns or comments to this ESO.

ACTSES cannot provide comment on this ESO as there is no flood modelling available.

Health Protection Service, ACT Health

The Health Protection Service (HPS) has reviewed the ESO and associated documentation and notes that the proposed site is listed on the Environment Protection Authority's Register of Contaminated Sites as being potentially contaminated.

The HPS supports the need for a Construction Environmental Management Plan (CEMP) to be put in place prior to the start of any works. The CEMP should incorporate an Unexpected Finds Protocol for the unexpected find of unexploded ordnance, fuel contamination, heavy metal contamination and Per- and polyfluoroalkyl substances.

Where the above is implemented, the HPS has no objections to an ESO being granted.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The impacts of potential land contamination at the site will be managed by implementation of the Construction Environmental Management Plan and Unexpected Finds Management Plan. These

documents have been reviewed by the ACT Environment Protection Authority and the development is supported by the EPA if conducted in a way that is consistent with the management plans.

The potential environmental impacts from development at this site, being a site on the register of contaminated sites, can be appropriately assessed and mitigated with the assessment of a development application lodged in the merit track.

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.