

Planning and Development (Environmental Significance Opinion – Block 12, Gungahlin – Goorooyaroo Spider Orchids) Notice 2022 (No 1)*

Notifiable instrument NI2022–524

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 (Environmental Significance Opinion – Block 12, Gungahlin – Goorooyaroo Spider Orchids) Notice 2022 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Environmental significance opinion

- (1) On 17 October 2022, the planning and land authority, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the *Act*), gave the applicant an environmental significance opinion in relation to construction, on Block 12, Gungahlin, of three fenced enclosures within Goorooyaroo Nature Reserve, in order to protect populations of Canberra Spider Orchids and other rare orchids.

- (2) In this section:

environmental significance opinion means the opinion in the schedule.

Note Under section 138AD (6) of the Act, the 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

*Name amended under Legislation Act, s 60



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, 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

Environment, Planning and Sustainable Development Directorate, as represented by Simon Stratford, Sanctuary Manager, Mulligans Flat Woodland Sanctuary.

PROPOSAL DESCRIPTION

The project involves the construction of three fenced enclosures within Goorooyaroo Nature Reserve, in order to protect populations of Canberra Spider Orchid and other rare orchids.

There are three fenced enclosures proposed to protect these populations. The fences will be designed to prevent digging and climbing mammals from getting inside the enclosure. In total, there will be 440m of fencing installed:

- Fence 1: Approx. 60m X 50m = 220m perimeter
- Fence 2: Approx. 20m X 20m = 80m perimeter
- Fence 3: Approx. 50m X 20m = 140m perimeter

All three enclosures will be a standard rabbit proof netting fence. The netting will be approximately 900mm high with a modified umbrella top (floppy top), there will also be approximately 200mm of skirting at the bottom on both sides of the fence. Each fence will be supported by strainers and star pickets. Each enclosure will have pedestrian gate access.

LOCATION

District of Gungahlin, Block 12, Goorooyaroo Nature Reserve

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 application documents, they are unlikely to cause a significant adverse environmental impact.

ADVICE

The Environment Protection Authority (EPA) has advised that they will provide additional comments on the proposal at the DA stage. The proponent is advised to consult with the EPA while they further design their proposal.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, consisting of several loops and a trailing line, positioned above the typed name.

Craig Weller
Delegate of the planning and land authority
17 October 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

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

This response has been provided on the basis of email advice received from the Impact Assessment unit on 28 June 2022 which identified the relevant documents for the Work Health and Safety Commissioner's consideration. This response does not take into account any subsequent changes to the identified documents or any other information held by the Impact Assessment unit.

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 has no comments on the ESO application.

Emergency Services Commissioner

The ACT Emergency Services Agency has no comments or concerns for the ESO for Gungahlin Block 12.

Director-General of ACT Health

The Health Protection Service (HPS) has reviewed the ESO and associated documentation and notes that 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.

Although the ESO proposes ground disturbance, the HPS notes that it is minimal and access to the site will be limited.

The HPS has no public health concerns to raise in relation to this ESO and has no objection in its granting. Thank you again for the opportunity to review and comment on the above ESO.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

It has been demonstrated that if the works are undertaken in a manner consistent with the application documents (ESO Report for Goorooyaroo Spider Orchids April 2022), they are unlikely to cause a significant adverse environmental impact.