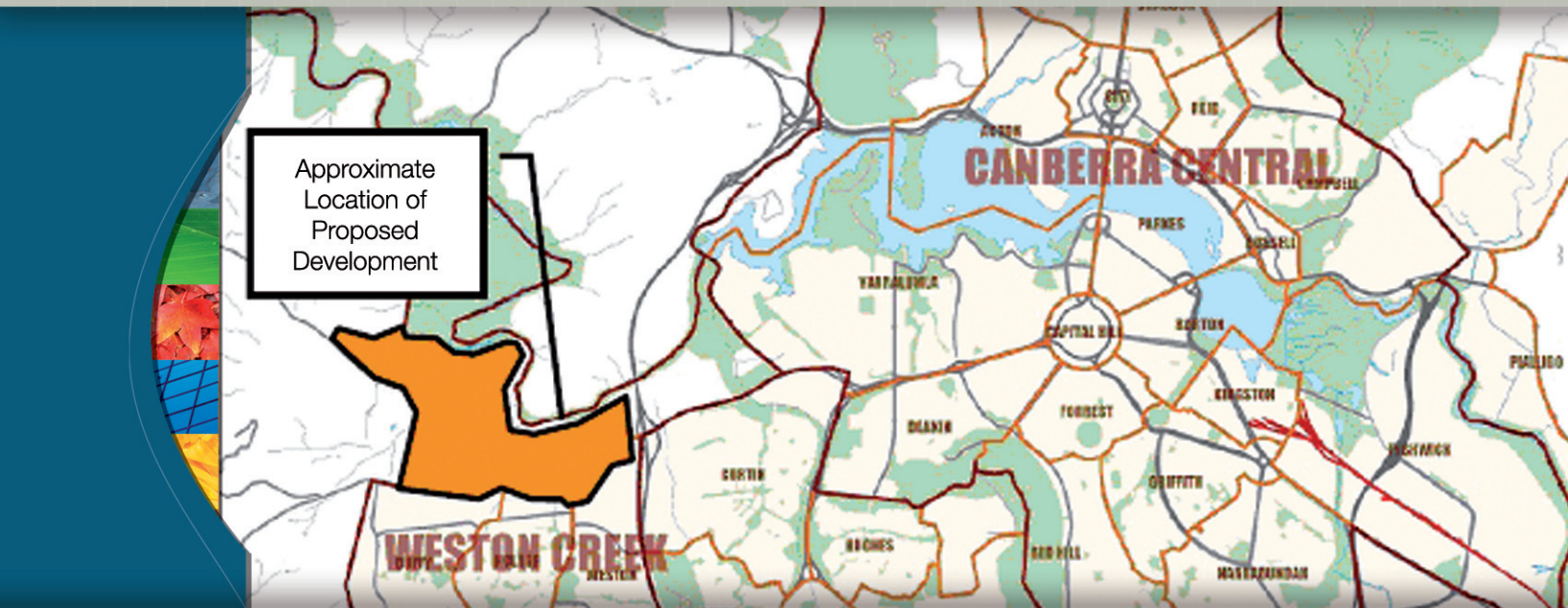


# EIS scoping and Section 211 consideration

## Molonglo urban land development and associated works (North Weston-Wright-Coombs)



## Report to the Minister for Planning

July 2009

This is an edited version of the report submitted to the Minister for Planning.  
If you wish to obtain a copy of the original report please contact ACTPLA on 6207 1923



ACT Planning &  
Land Authority



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# 1 Introduction

This document is a report to the ACT Minister for Planning on the assessment of the Molonglo Urban Land Development and associated works project proposed by the Land Development Agency (LDA). The project encompasses the future suburbs of North Weston, Wright and Coombs.

The LDA identified the development of North Weston, Wright and Coombs as key components in their land release program to ensure long term residential land availability in the National Capital. The LDA has prepared an Environmental Impact Statement (EIS) scoping/s211 exemption application that identifies the potential impacts of the proposed development and provides information to support the LDA's request for Ministerial exemption under s211 of the *Planning and Development Act 2007 (the Act)*.

## 1.1 ACT EIA Requirements

### 1.1.1 The Environmental Impact Statement Process

Impact track assessment applies to proposals under Section 123 of the Act. The Molonglo Urban Land Development is a proposal that meets Section 123 of the Act as it involves a process or activity mentioned in Schedule 4 of the Act, and therefore requires an EIS. An EIS must be completed in accordance with the requirements of the Act before a development application can be lodged in the impact track. Table 1 below lists the EIS triggers that apply for the project.

**Table 1 – EIS triggers per Schedule 4 of the Planning and Development Act 200**

| Part 4.2 | Activities   | Project component  |
|----------|--|--|
| 1        | proposal for a linear transport system corridor (for example, construction of new corridor or realignment outside existing corridor) intended to result in a major road, bus way, railway, light rail or tramway, and that is likely to have a significant impact on air quality or ambient noise or cause a significant level of vibration, significant visual intrusion or significant impact on a residential area  | Triggered by proposed arterial road.                                     |
| 3        | proposal for construction of a dam that will—<br>(a) be at least 10m high, with a storage capacity of at least 20 000m <sup>3</sup> ; or<br>(b) be at least 5m high, with a storage capacity of at least 50 000m <sup>3</sup>  | Triggered by proposed Weston Pond.<br>Triggered by proposed Weston Pond  |
| 5        | proposal for construction of a sewage treatment plant (other than a septic tank that services residential premises), or sewer reticulation system, designed to service a residential subdivision that:<br><br>(c) is to be within 100m of a body of water, whether natural or artificial, waterway or wetland; or<br><br>(d) is to be within 2km of a residential zone and, taking into consideration the topography and local weather conditions, is likely to significantly affect the amenity of the neighbourhood because of noise, odour, dust, vermin attracted, lights, traffic or waste. | Triggered by proposed trunk sewer.<br>Triggered by proposed trunk sewer. |

| Part 4.3 | Areas and processes   | Project component  |
|----------|---|--|
| 1        | <p>proposal that is likely to adversely impact on the conservation status of—</p> <p>(a) a species or ecological community that is endangered; or</p> <p>(b) a species that is vulnerable; or</p> <p>(c) a species that is protected; or</p> <p>(d) a species with special protection status; or</p> <p>(e) a species or ecological community if the flora and fauna committee has specified criteria for assessing whether the committee should recommend the making of a declaration under the <i>Nature Conservation Act 1980</i>, section 38 (Declaration of species, community or process) in relation to the species or ecological community; or</p> <p>(f) an endangered species, an endangered population, an endangered ecological community, a critically endangered species, a critically endangered ecological community or presumed extinct under the <i>Threatened Species Conservation Act 1995</i> (NSW), if the potential impact of the proposal will be on the species or community in New South Wales.</p> | Triggered by clearing of land to be a known Pink Tailed Worm Lizard habitat. |
| 3        | <p>proposal involving—</p> <p>(a) the clearing of more than 0.5ha of native vegetation;</p>   | Triggered by clearing in excess of 75 per cent of vegetative cover.          |
| 7        | proposal with the potential to have a significant impact on the heritage significance of a place or object registered, or nominated for provisional registration, under the <i>Heritage Act 2004</i>  | Triggered by the disturbance of potential heritage sites.                    |
| 8        | <p>proposal involving—</p> <p>a) land registered in the register of contaminated sites kept under the <i>Environment Protection Act 1997</i>; or</p> <p>(b) land potentially contaminated in a way that is causing, or is likely to cause, a significant risk of harm to people's health or the environment.</p>  | Triggered by disturbance of land known to be contaminated.                   |

The EIS scoping/s211 exemption request application was submitted by the LDA to ACTPLA on 28 May 2009. In accordance with ACTPLA requirements, the application contained information to inform the consideration of the s211 component of the application.

Information on the comments received from prescribed entities as part of the referral process can be found in Section 4 of this report. Further information on the key findings of the LDA's assessment with regards to the potential impacts can be found in Section 4 – Evaluation.

## 1.2 Commonwealth EIA Requirements

The proposal has been discussed with the Department of Environment, Water, Heritage and the Arts (DEWHA) and is currently being assessed under the strategic assessment process of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC) being undertaken for the entire Molonglo Valley urban development area (East, Central and West Molonglo). It is anticipated that the strategic assessment process will be finalised by mid August 2009. The completed strategic assessment will preclude subsequent development areas of the Molonglo Valley requiring referral under the EPBC Act.

## 2 Project Details

### 2.1 The Project

#### 2.1.1 Project Description

The site comprises the south east corner of a larger area known as East Molonglo. The developable area is intended for various urban uses including residential, commercial, institutional, recreational and reserve. Infrastructure components of the project include three large storm water management ponds, arterial road and trunk sewer line.

#### 2.1.2 Project Proponent

The Land Development Agency (LDA) is the proponent.

## 3 EIS Process

The Environmental Impact Assessment (EIA) process is a systematic process to identify, predict and evaluate the environmental effects of the proposed project. This process is applied before major decisions and development commitments are made. The main objective is to prevent, reduce and off-set significant negative impacts on the environment.

The purpose of the EIA process is to ensure that the decision maker (i.e. ACTPLA) is fully informed of the environmental aspects and consequences prior to making a final decision on the DA.

### 3.1 Impact track

As the project is captured by the impact assessment track the EIS process must be completed before a development application (DA) can be lodged.

Section 211 of the Act allows an applicant to seek exemption from the requirement to complete an EIS. The Minister responsible for the Act has discretion under this section to grant exemption based on the information in previous studies. If an exemption is granted then the EIS process is regarded as complete and allows an applicant to lodge a DA for assessment in the impact track.

### 3.2 Controlled Action

Under the *Environment Protection and Biodiversity Act 1999* (EPBC Act), a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of National Environmental Significance (NES) without approval from the Commonwealth Environment Minister. It is the responsibility of the proponent to refer the project to the Commonwealth Government.

An SEA is currently being undertaken by the Commonwealth Government (DEWHA) and the ACT Government with a view to identifying matters of National Environmental Significance (NES) in the Molonglo Valley.

### 3.3 Referral

As required by the Planning and Development Act and the *Planning and Development Regulation 2008* the LDA's application for an EIS scoping document was referred by ACTPLA to the following prescribed entities. While there is no statutory requirement to refer a section 211 exemption request, that request was included within the referral for entity consideration:

- ActewAGL Distribution, referred 5 Jun 2009, no comments received at time of drafting this report
- ACTEW Corp, referred 5 Jun 2009, no comments received at time of drafting this report
- the Chief Executive municipal services, referred 5 Jun 2009, no comments received at time of drafting this report. However comments have been received from individual branches in the Department of Territory and Municipal Services.
- the Conservator of Flora and Fauna, referred 5 Jun 2009, comment received 29 June 2009
- the Environment Protection Authority, referred 5 Jun 2009, comment received 29 June 2009
- the Emergency Services Commissioner, referred 5 Jun 2009, comment received 26 June 2009
- the Chief Executive, health policy, referred 5 Jun 2009, comment received 26 June 2009
- the Heritage Council, referred 5 Jun 2009, comment received 3 July 2009

and the following non-prescribed entities:

- Belconnen Community Council, referred 5 June 2009, no comment received at time of drafting this report
- Weston Creek Community Council, referred 5 June 2009, no comment received at time of drafting this report
- Woden Community Council, referred 5 June 2009, no comment received at time of drafting this report
- Conservation Council South East Region and Canberra, referred 5 June 2009, no comment received at time of drafting this report
- National Capital Authority - referred 5 Jun 2009, comment received 3 July 2009.

Comments received from the above referral entities were generally supportive of the project being exempted from the need to complete an EIS provided that any subsequent DA was conditional upon those matters listed in Section 5 – Development Application Considerations, of this report.

## 4 Evaluation

This section provides a summary of the issues identified as triggering the need for an Impact assessment of the project. For each issue, the results are summarised under the following three headings:

### Impacts

Details the potential impacts of the project as identified by Schedule 4 of the Planning and Development Act.

### Previous studies

Information supplied by the applicant in support of their s211 exemption, including the preliminary assessment evaluation report dated 18 February 2008 prepared in response to Territory Plan Variation 281.

### Conclusion

Result of ACTPLA evaluation of previous studies.

## 4.1 Item 1 Part 4.2 Schedule 4 - arterial road Impacts

A component of the project is the construction of the first portion of a major arterial road. This arterial road, identified at present as John Gorton Drive, will service the suburbs of Wright and Coombs, with eventual extension to the north bank of the Molonglo River as the development front moves outwards.

This proposed arterial road has triggered application of Item 1, Part 4.2, Schedule 4 as it has the potential to have a significant impact on air quality, ambient noise, vibration, visual intrusion and impact on residential areas (Duffy, Holder and Weston).

### Previous studies

The applicant has supplied two reports in support of the s211 exemption:

- Molonglo Roads Feasibility Study, SMEC, 2008; and
- Report on Molonglo Infrastructure Stage 1, Preliminary Sketch Plans, GHD, 2008 (incorporating Traffic Report and Road Traffic Noise Assessment).

### Conclusion

The two supporting reports have adequately identified the issues associated with the EIS trigger. The reports demonstrate that there will be impacts on air quality due to increased traffic. However, other issues of ambient noise, vibration and visual intrusion can be mitigated to acceptable levels through sympathetic design.

It is concluded that further environmental assessment of this issue is not required for this project. However, air quality modelling as recommended by the preliminary assessment evaluation should be carried out for subsequent stages of development in the Molonglo Valley prior to lodgement of any estate development plan DA.

## 4.2 Item 3 Part 4.2 Schedule 4 – Weston Pond

### Impacts

A component of the project is the construction of three in-stream storm water management ponds. The largest of these, known as Weston Pond has a surface area of 11 ha and involves the ponding of an unnamed watercourse. The other two ponds do not trigger the need for EIS in their own right.

### Previous studies

The original concept plan for East Molonglo includes in stream damming and detention of the Molonglo River to create a lake. However due to the high ecological impact of this design it was abandoned in favour of smaller ponds located in stream of water courses that feed into the Molonglo River. The benefit of this approach is twofold: it avoids the inundation of a reach of the Molonglo River that has pockets of high quality Pink-tailed Worm-lizard habitat and ponding and detaining water prior to entering the Molonglo River will improve the quality of the water entering the Molonglo River system. Supporting information submitted by the applicant reinforces this approach.

Creating a large lake in the Molonglo River also had implications for the 1:100 ARI and the Scrivener Dam Hazard Failure Area.

Siting of the ponds has been carried out in conjunction with Parks Conservation and Lands who have made recommendations on design and siting of the required dam walls.

## Conclusion

Issues surrounding Weston Pond and to a lesser extent, the two smaller ponds, have been satisfactorily addressed by locating the ponds in areas of low ecological value and by redesigning the concept plan to abandon the idea of a large central lake created by damming the Molonglo River.

It is concluded that further environmental assessment of this issue is not required for this project. Detailed design issues can be addressed at individual the DA stage.

## 4.3 Item 5 Part 4.2 Schedule 4 – Trunk Sewer

### Impacts

A component of the project is the construction of a trunk sewer. The trunk sewer will be approximately 2.7km long. The initial proposal incorporated a pump station. However, the sewer has since been redesigned and a pump station is no longer required. This has reduced the impact of this component significantly. The alignment of the trunk sewer is adjacent to the Molonglo River and passes thorough minor areas of low quality Pink-tailed Worm-lizard habitat.

### Previous studies

- Habitat mapping and conservation considerations for the Pink-tailed Worm-lizard with respect to the alignment of the proposed Molonglo Trunk Sewer, W Osborne 2007.

The original sewer concept for East Molonglo had identified the need for this trunk sewer. However, because of the need to avoid Pink-tailed Worm-lizard habitat the sewer line was placed high on the bank of the river. Therefore a full gravity sewer could not be constructed and the need for a pump station was identified.

Since this original servicing concept was developed continued ecological sampling in the area of Wright and Coombs that was previously identified as high to medium quality Pink-tailed Worm-lizard habitat has now been reassessed as low quality Pink-tailed Worm-lizard habitat. This has allowed the sewer line to be moved to an alignment lower on the river bank and negates the need for a pump station.

Removal of the pump station reduces the need for land disturbance significantly.

## Conclusion

Supporting information on the location of the trunk sewer line has adequately identified the impacts associated with its construction and operation. Ongoing investigations and design refinement of the alignment has allowed a less significant impact to be achieved while not compromising the required level of service.

Locating the sewer line in what will be public lands will also reduce the impact of odour from vents and encroachment by private structures that could impede effective operation and maintenance.

It is concluded that further environmental assessment of this issue is not required for this project. Detailed design issues can be addressed at individual the DA stage.

## 4.4 Item 1 Part 4.3 Schedule 4 – PTWL Habitat

### Impacts

This area of East Molonglo is known Pink-tailed Worm-lizard habitat. The potential for the disturbance and loss of this habitat as a result of this project was identified early in the Territory Plan Variation and design process.

### Previous studies

Two studies are key to understanding the Pink-tailed Work Lizard habitat of this area of the Molonglo Valley.

- Habitat mapping and conservation considerations for the Pink-tailed Worm-lizard with respect to the alignment of the proposed Molonglo Trunk Sewer, W Osborne 2007.
- Environmental planning principles for the protection of the Pink-tailed Worm-lizard in the Lower Molonglo Valley, ACT, W Osborne 2008.

These documents were supplied in support of the s211 exemption consideration. These studies achieved two things:

- identifying the quality/extent of Pink-tailed Worm-lizard habitat
- providing recommendations for land use planning in the vicinity of the Pink-tailed Worm-lizard habitat to mitigate or avoid impacts from urban development.

### Conclusion

The concept plans for Wright and Coombs have been developed with reference to the above mentioned studies. The concept plans have identified a land use pattern that is sympathetic to Pink-tailed Worm-lizard habitat areas. These will be carried forward to the individual estate development plan DAs.

Parks, Conservation and Lands has agreed that the recommendation of the reports have been addressed through the design and subsequent adoption of the concept plans for Wright and Coombs. Parks, Conservation and Lands have provided wording of a possible condition that should be attached to any subsequent estate development plan DA approval. It is concluded that further environmental assessment of this issue is not required for this project.

## 4.5 Item 3 Part 4.3 Schedule 4 – Clearing greater than .5ha

### Impacts

The project requires the clearing of more than .5ha of native vegetation. Ecological studies, and peer review of those studies confirm that while indeed the area proposed for urban development will be clear felled and terra forming carried out, the impacts on vegetation are minimal.

### Previous studies

A review of environmental studies undertaken to inform DA63 and Dv281 was carried by *NGHenvironmental* on behalf of the National Capital Authority (NCA) to inform the NCA's deliberations on amending the National Capital Plan to identify the Molonglo Valley as future urban. This independent review was comprehensive and resulted in recommendations being put forward for the mapping of urban boundaries, preservation of raptor habitat, preservation of Pink-tailed Worm-lizard habitat, and effects upon vegetation communities present in the Molonglo Valley.

A key recommendation and action that was implemented as a result of this review was the removal of the area known as Central Molonglo from the identified future urban area.

## Conclusion

Environmental studies supplied in support of this s211 application, including the review by *NGHenvironmental*, have identified the impacts of urban development of the areas of North Weston, Wright and Coombs. Recommendations given in those reports have been reinforced in the adopted concept plans and the indicative land use pattern of the Territory Plan.

It is concluded that further environmental assessment of this issue is not required for this project. Detailed design issues can be addressed at the individual estate development plan DA stage.

## 4.6 Item 7 Part 4.3 Schedule 4 – Heritage

### Impacts

Potential heritage impacts relate to the possibility of disturbance to both known and unknown sites of Aboriginal and European heritage.

### Previous studies

This was identified early on the planning process for the project area. As such a comprehensive study of the project area was undertaken. The ACT Heritage Council has ratified that all components of the Aboriginal cultural assessment have taken place and that no further investigation is required.

The Heritage Council has also confirmed that given the extensive survey of the area already carried out, the quality of the reports submitted to date, including the draft survey of the historic heritage, Council is confident that no additional useful heritage information would be obtained were an EIS to be required.

## Conclusion

It is concluded that further assessment of this issue is not required for this project. However, the requirement for an unanticipated discovery plan must still be attached to any estate development plan DA or other DA approval, as a standard condition.

## 4.7 Item 8 Part 4.3 Schedule 4 – Contaminated land

### Impacts

This trigger is activated as the area for development contains known contaminated sites. These sites include the former Weston Sewage Treatment Facility, night soil depot, builders land fill and former pine plantation.

### Previous studies

This issue has been identified early and addressed accordingly. Phase 1 environmental site assessment studies have been completed for all contaminated sites, with Phase 2 and remediation action plans already lodged with an independent land contamination auditor for endorsement and subsequent submission to the Environment Protection Authority's (EPA) Environment Protection Unit for sign off, which is expected by 31 July 2009.

## Conclusion

The EPA has confirmed that contamination issues have been adequately identified and the process for remediation is well in hand. It is recommended that should a estate development plan DA be lodged prior to the Environment Protection Unit (EPU) signing off on the remediation action plans that approval be conditional upon obtaining the required EPU clearance of the final remediation plans.

It is concluded that further assessment of this issue is not required for this project.

## 4.8 Entity comments

### Environment Protection Authority (EPA)

Conditional support of s211 exemption.

The comments submitted by the EPA are concerned with the possible contamination associated with past land uses and how this impacts upon future use of the land for residential, commercial, recreational and reserve purposes.

The proponent is aware that site contamination is an issue in need of address. As such they have provided statements and supporting documentation that identified that contamination issues have been thoroughly investigated. Further clarification was sought and provided (23 June 2009) by the proponent as follows:

1. The Environment Protection Unit (EPU) has endorsed the Phase 1 environmental site assessment report for the areas of Wright and Coombs. A copy of the EPU endorsement dated 12 February 2009 was provided as requested confirming the proponents original statement.

Advice from an independent contamination auditor is not required for this area as a Phase 1 Environmental Site Assessment does not require sign off by an independent auditor only the EPU.

2. A final Phase 2 environmental site assessment was submitted to an independent contamination auditor for review and endorsement on 27 March 2009. This Phase 2 assessment relates to the area of the former pine plantation on Blocks 1204 and 1180 Weston Creek. The auditor's response is expected by 31 July 2009. The auditor's response will then be submitted to the EPU for sign off. However, in an email dated 7 July 2009 the EPA has stated that it would accept receiving interim advice from the auditor thereby allowing development to proceed on a conditional basis that the EPU sign off must be obtained prior to approval of any subsequent estate development plan.
3. A final Phase 2 environmental site assessment was submitted to an independent contamination auditor for review and endorsement on 12 May 2009. This Phase 2 assessment relates to the area of the former sewage treatment plant, landfill, night soil depot on parts Blocks 1196, 1179 and 1203 Weston Creek. The auditor's response is expected by 31 July 2009. The auditor's response will then be submitted to the EPU for sign off. However, in an e-mail dated 7 July 2009 the EPA have stated that they would accept receiving interim advice from the auditor thereby allowing development to proceed on a conditional basis that the EPU sign off must be obtained before approval of any subsequent estate development plan.
4. In addition to the final environmental site assessment reports, the proponent has prepared and submitted to the independent land contamination auditor short-term environmental management plans and remedial action plans for all investigated sites. These are also expected to obtain sign off by the auditor in concurrence with the respective environmental site assessment reports by 31 July 2009.

### Conclusion

Interim advice from the independent auditor is not required to allow the s211 request to be granted. ACTPLA is satisfied that the level of investigation and documentation provided by the proponent in relation to contamination has demonstrated that the issue is acknowledged and efforts to address the matter are and have been carried out in accordance with legislated requirements, and that the land is suitable for the intended land uses.

### Recommendation

That any subsequent DA for an estate development plan in the area of land that is the subject of this EIS scope/s211 request must provide documentary evidence of EPU sign off on all documents associated with the land contamination investigations and remediation, including:

- final environmental site assessment phase 2 report – Pine Plantation, Blocks 1204 and 1180 Weston Creek;
- short-term Contamination Environmental Management Plan – Pine Plantation, Blocks 1204 and 1180 Weston Creek

- final phase 2 report – Former Weston Creek Sewerage Treatment Plant, Builders Landfill and Night Soil Depot, Blocks 1196, 1179 and 1203 Weston Creek
- short-term Contamination Environmental Management Plan – Builders Landfill and Night Soil Depot, Blocks 1196, 1179 and 1203 Weston Creek
- short-term Contamination Environmental Management Plan – Grease Trench and Sludge Bed, Part Block 1210 Weston Creek
- remedial Action Plan - Builders Landfill and Night Soil Depot, Blocks 1196, 1179 and 1203 Weston Creek
- Remedial Action Plan – Block 1210 Weston Creek.

## Conservator

Conditional support of s211 exemption.

The comments submitted by the Conservator are concerned with:

1. Increased recreational use of the Molonglo River Corridor; and
2. Indirect impacts to Pink-tailed Worm-lizard habitat.

The proponent is aware that impacts on the Molonglo River Corridor and the Pink-tailed Worm-lizard habitat are potential significant issues that must be addressed before development of the area can proceed. As such numerous studies have been commissioned and completed over many years to obtain an understanding of the areas ecology and potential impacts of the proposed urbanisation of the Molonglo Valley.

Statements and documents provided by the proponent in support of the EIS scope/s211 request demonstrate that the issues have been thoroughly investigated with the results informing the Territory Plan Variation, concept plans/strategic land use pattern indicated by the Territory Plan.

Clarification was sought and provided (3 July 2009) by the proponent as follows:

1. It is conceded by the proponent that increased recreational use of the Molonglo River corridor will occur as a result of urban development within the Molonglo Valley. However, studies commissioned to investigate the valley as the next major development front for the ACT have mapped areas of significant conservation value and proposed strategies for minimising impacts. This is reflected in the Territory Plan by identification of the river corridor as NUZ4- River Corridor and restricting the limits (size and shape) of the future urban area to be sympathetic to the receiving environment.

The limits of the development area will be further refined at the estate development plan DA evaluation assessment stage by referencing the recommendations of the previous studies and by ensuring that the indicative land use pattern of the Territory Plan is adhered to.

2. Indirect impacts on Pink-tailed Worm-lizard habitat will occur as a result of the development of the valley. As with the issues associated with the river corridor, the studies commissioned to investigate this issue were used to inform the strategic land use pattern in the Territory Plan which avoids those areas of high Pink-tailed Worm-lizard habitat value.

It has also been confirmed by the proponent that a sewer pump station is no longer required for the trunk sewer line. This further reduces the impact upon Pink-tailed Worm-lizard habitat.

In relation to the location of the dam wall for the proposed Coombs Pond, it was chosen to ensure minimal impact by locating in an area of former pine plantation of very low ecological value. However, the Conservator will have an opportunity to comment on the DA for the pond during the referral process which will include The Department of Territory and Municipal Services.

## Conclusion

The comments submitted by the Conservator contain a level of detail that the EIS process is not intended to address. Whilst the comments have proven valuable in identifying issues early in the development process there are more appropriate tools to ensure they are implemented.

By way of the comments being noted in this report they will be carried forth into the estate development plan DA assessment for the various other DA's associated with the development of this area of the Molonglo Valley. The comments may also be given effect through any relevant Deed of Agreement.

The issues raised by the Conservator have been thoroughly investigated by the proponent as is evidenced by the numerous studies referenced in the s211 request. ACTPLA is satisfied that the level of investigation and documentation has demonstrated that further environmental assessment is not required.

At a 6 July 2009 meeting with the Conservator and key staff, it was agreed that the issues raised by the Conservator could be addressed by this report making a recommendation to the Minister that that the Conservator's comments be addressed at the estate development plan DA assessment stage.

## Recommendation

That any subsequent DA for an estate development plan must include:

- A Molonglo River Corridor Master Plan. The plan is to be prepared in consultation with Parks Conservation and Lands, and include the implementation of the principles for the protection of Pink-tailed Worm-lizard habitat as contained in the report *Environmental planning principles for the protection of the Pink-tailed Worm-lizard (Aprasia paraulchella) in the Lower Molonglo Valley, ACT – William S Osborne February 2008*. The plan will include the requirement for a 20m buffer zone and an additional Inner Asset Fire Protection Zone that is to be within the development area, not within the river corridor or urban open space. Locations of cycle paths, walking tracks, roads and other infrastructure are to be located in the inner asset protection zone n, not within the 20m buffer zone. The plan must contain provision for the appropriate fencing of Pink-tailed Worm-lizard habitat adjacent to the urban development area.
- A statement addressing how the estate development plan has considered and addressed findings and recommendations of the Molonglo Valley Strategic Environmental Assessment.
- A statement addressing how the design of the ponds has considered and addressed PCL advice regarding the locations of the dam walls.

### **Department of Territory and Municipal Services – Asset Services Group**

Unconditional support of s211 exemption.

### **National Capital Authority**

Unconditional support of s211 exemption.

### **ACT Heritage Council**

Conditional support of s211 exemption.

The ACT Heritage Council have confirmed that a cultural heritage assessment and subsurface investigations have already been undertaken in both North Weston and environs and Coombs, Wright and environs. The outcome of these investigations is the production of three reports which have been approved by the ACT Heritage Council as satisfying all components of the required Aboriginal cultural assessment.

The Heritage Council is currently awaiting submission of a final report in relation to this matter for ratification. Final clearance of the historic heritage assessments therefore remains outstanding. However, the Heritage Council has confirmed that given the extensive survey of the area already carried out, the quality of the reports submitted to date, including the draft survey of the historic heritage, the Council is confident that no additional useful heritage information would be obtained were an EIS to be required.

## Recommendation

That no further assessment is required in relation to these matters.

That any subsequent DA for an estate development plan must include:

- documentary evidence of the ACT Heritage Councils ratification and clearance of the final report regarding historic heritage places in the areas of Coombs and Wright
- a statement addressing how the estate development plan has considered and addressed findings and recommendations of the final report regarding historic heritage places in the areas of Coombs and Wright
- an unanticipated discovery plan be developed for each area that is subject an estate development plan DA or other DA approval.

## ACT Health

Conditional support of s211 exemption.

Whilst ACT Health supports the s211 exemption they have identified several matters that will need to be addressed prior to or in conjunction with development of the site:

1. identification and remediation of ant site contamination
2. assessment and mitigation of the decommissioned sewage treatment facility adjacent to the site
3. provision of appropriate recreational space to encourage healthy living activities
4. management of odours from nearby sewage vents.

All of the above issues raised by ACT Health have been addressed or are currently being addressed.

Site contamination issues are in hand as evidenced by the response to Environment Protection Authority (EPA) comments above. Similarly the assessment and mitigation of the decommissioned sewage treatment facility is well advanced with a Remedial Action Plan currently being evaluated by an independent land contamination auditor with final approval by the Environment Protection Unit expected by 31 July 2009.

The concept master plans and the Territory Plan zoning of the site address the issue of appropriate recreational open space to encourage healthy living.

Management of sewage systems must comply with all relevant Australian Standards and work practices. Among these standards is the requirement for odour control. This matter is more appropriately addressed at the design approval stage of the sewer trunk and reticulation system.

## Recommendation

That conditions requiring documentary evidence of EPU approval for all site contamination reports be provided at the estate development plan DA submission stage.

## ACT Emergency Services Agency (ESA) – ACT Fire Brigade, ACT State Emergency Services

Conditional support of s211 exemption.

Whilst ACT ESA supports the s211 exemption they have identified several matters that they believe will need to be addressed prior to or in conjunction with development of the site:

- Fire station response area (ACT FB)
- Water supplies (ACT FB)
- Infrastructure – roadways standards (ACT FB)

- Street furniture (ACT FB)
- Construction requirements (ACT FB)
- Bush fire risk (ACT FB)
- Drowning risk (ACT SES).

ACTPLA considers that the matters listed above are concerned with a level of detail that is beyond the scope of the EIS process. They are more appropriately addressed during the DA assessment stage of the estate development plan or the individual infrastructure project DA's.

### Recommendation

That no further assessment is required in relation to these matters.

## 5 DA Considerations

Any development application related to the Molonglo Valley Urban Development will include the consideration of appropriate conditions of approval such as those outlined below. Issues identified during the assessment of the subsequent impact track development application may be addressed through further conditions not included in this section or as a variation of these conditions. Many of the conditions of approval involve the implementation or management of mitigation measures.

Below is a list of possible conditions of approval have been identified during the consideration of the s211 request.

### 1) Construction Environmental Management Plan

That a *Construction Environmental Management Plan* (CEMP) be submitted to ACTPLA for approval prior to the commencement of works on site. The CEMP shall include as a minimum, the following sub-plans and mitigation measures:

- Vegetation Management Plan and Mitigation Strategy detailing the management and/or removal of native and exotic vegetation before, during and after construction and endorsed by Parks, Conservation and Lands and the Department of Territory and Municipal Services.
- Map of areas of Environmental Significance identifying areas of environmental significance, including areas identified for rehabilitation, offsets and for special consideration.
- Work Method Statements endorsed by PCL, TAMS.
- Conservation Management Plan and Unanticipated Discovery Plan that include the discovery of human remains, developed and endorsed by the ACT Heritage Council.
- Noise Management Plan including mitigation measures to be endorsed by EPA.
- Molonglo River Corridor Master Plan endorsed by Parks, Conservation and Lands
- Sediment and Erosion Control Plan to be endorsed by the EPA.

**NOTE:** the CEMP may contain plans and management strategies listed elsewhere within the conditions of approval. Where these plans can be integrated into the CEMP, it must be clearly identified to which condition of approval the plan or management strategy applies.

## (2) Environmental authorisation/agreement

That prior to the commencement of works, the following requirements be sought, submitted to and approved by the Environment Protection Authority (EPA):

- Environment Authorisation under the provisions of the *Environment Protection Act 1997* for any activity on the site which is listed under Schedule 1 as a Class A activity
- a waterways works licence under the provision of the *Water Resources Act 2007* for any diversion of or any works within a natural waterway
- Environment Protection Agreement with the EPA for any activity on the site which is listed under Schedule 1 as a Class B activity of the *Environment Protection Act 1997*.

## (3) Works on Territory land

That in accordance with the *Roads and Public Places Act 1937* no work should be undertaken on road verges and other unleased Territory Land without the approval of the Manager, Asset Acceptance, Community and Infrastructure Services, TAMS. The approval is to be obtained prior to the commencement of any work on site.

## (4) Traffic Management Plan

That a *Traffic Management Plan* be submitted to and approved by the Manager, Asset Acceptance, Community and Infrastructure Services, TAMS, and evidence of this approval be submitted to ACTPLA prior to the commencement of works.

## (5) Construction (Temporary) Parking Management Plan

That a detailed construction parking plan for the construction phase be submitted to and approved by the Manager, Asset Acceptance, Community and Infrastructure Services, TAMS, prior to the commencement of any works on site. This plan shall take into account all construction/demolition vehicles and equipment, and construction workers vehicles, and how and where they will be accommodated within the site to the satisfaction of the Manager, Asset Acceptance, Community and Infrastructure Services, TAMS.

## (6) Traffic Control Device Drawings

That Traffic Control Device drawings for all new and amended works be submitted to the Manager, Asset Acceptance, Community and Infrastructure Services, TAMS for approval prior to the installation of such devices.

## (7) Landscape Management Protection Plan (LMP)

That during construction, all existing vegetation (trees, shrubs and grass) located on the verge and unleased Territory land immediately adjacent to the development be managed, protected and maintained in accordance with the LMP submitted to and approved by the Manager, Asset Acceptance, Community and Infrastructure Services, TAMS prior to the commencement of works. This plan is to be implemented before the commencement of works, including the demolition/earthworks on the site and is to be in accordance with *City Management Guidelines for the Protection of Public Landscape Assets Adjacent to Development Works-REF-04*.

## (8) Notice of Commencement of Construction

That a Notice of Commencement of Construction be submitted to the Manager, Asset Acceptance, Community and Infrastructure Services, TAMS, one week prior to the commencement of works. The Notice shall also include the confirmation of any protective measures installed in accordance with the approved *Landscape Management Protection Plan* and programmed implementation of the *Temporary Traffic Management Plan*.

#### (9) Waste Management Plan

That a *Waste Management Plan* be prepared in accordance with the Development Control Code for Best Practice Waste Management in the ACT which includes demolition, construction and ongoing operational phases.

#### (10) Bushfire Risk Management and Mitigation Plan

That a bushfire risk assessment and recommendations be endorsed by the Commissioner, Emergency Services Authority and be submitted to ACTPLA prior to commencement of works on site, in accordance with the Planning for Bushfire Risk Mitigation General Code, the Territory Plan.

#### (11) Table of Associated works and details of associated works

Details of associated works including off site works be submitted to ACTPLA including the location of alternative recreation areas, parking areas and public viewing areas. Details shall include requirements for approval (development and building) and proposed intended timeframes for implementation.

#### (12) Audit of requirements of conditions of approval

That prior to the commencement of works, the applicant/lessee shall nominate an independent person, who will be approved by ACTPLA, to audit and ensure that all conditions of approval set out in the decision by ACTPLA, or under the EPBC Act are fully completed in accordance with the next condition of this decision. That prior to the completion of work, the applicant/lessee shall submit a report prepared and endorsed by the person identified under the previous condition of this decision to provide demonstrated evidence that the mitigation measures set out in the approval have been fully completed to the satisfaction of ACTPLA.

#### (13) Compliance monitoring and tracking

That a Compliance Tracking Program be developed and implemented to track and audit the requirements and compliance of conditions of the approval. The program shall be submitted to and approved by ACTPLA prior to the commencement of construction or operation as appropriate. The program shall relate to both the construction and operational stages of the project and shall include, but not necessarily be limited to:

- provisions for periodic review of the compliance status of the development against the requirements and conditions of approval
- provisions for periodic reporting of compliance status to ACTPLA
- mechanisms for rectifying any non-compliance identified during auditing or review of compliance.

#### (14) Implementation of revisions for approval

That prior to the commencement of works, revised drawings, based on the relevant drawings submitted as part of the application, showing any changes required as a result of the implementation of the conditions of approval set out in this decision, shall be submitted to ACTPLA for assessment and decision.

#### (15) Hazardous materials

That a *Hazardous Materials Management Plan* be submitted to the Manager, EPA, DECCEW, in accordance with the *Hazardous Materials Environment Protection Policy*.

#### (16) Emergency and Incident Response Management Plan

That an *Emergency and Incident Response Management Plan* endorsed by the ESA shall be submitted to ACTPLA for approval prior to the commencement of works on site.

## (17) Community Information, Consultation and Involvement

That prior to the commencement of construction, the proponent shall ensure that the following are available for community enquiries and/or complaint for the life of the project (construction stage):

- a telephone number on which complaints about construction and operational activities at the site can be registered
- a postal address to which written complaints may be sent; and
- an email address to which electronic complaints can be transmitted.

The telephone number, the postal address and the email address shall be displayed on the signs, placed in appropriate locations as defined in Condition 11 “Temporary Disruption Signage Plan” and Condition 18 “Table of Associated works and details of associated works”. A register of complaints shall be made available for inspection by ACTPLA upon request.

## 6 Conclusion

Previous studies have demonstrated that those issues which triggered the requirement for an EIS have been satisfactorily identified and addressed. This has been confirmed by referral entities who have given unconditional and conditional support for the granting of an s211 exemption.

## 7 Recommendation

ACTPLA has assessed the EIS scope/s211 exemption request as meeting the requirements of Chapter 8 of the Planning and Development Act.

The supporting documentation has provided sufficient information to the ACT Government to allow an informed evaluation of potential environmental impacts which could be attributed to the proposal. The Land Development Agency has proposed a range of mitigation and management measures to reduce or avoid potential environmental impacts arising from construction and operational activities associated with the project. It is considered that any potential adverse impacts can be adequately addressed through implementation of these measures and the development application conditions specified in this report.

ACTPLA's recommendation is that the previous studies submitted with the application have adequately identified and considered those matters of potentially significant impact and that further environmental assessment is not required.

ACTPLA's recommendation is that the Minister grant exemption from the requirement to complete an EIS in accordance s211 of the *Planning and Development Act 2007*.