

Planning and Development (Environmental Significance Opinion – Upgrade of an Access Track from Angle Crossing Road to Murrumbidgee River – Block 1687 Tuggeranong) Notice 2014 (No 1)

Notifiable instrument NI2014–98

made under the

Planning and Development Act 2007, s138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion – upgrade of an access track from Angle Crossing Road to Murrumbidgee River – Block 1687 Tuggeranong) Notice 2014 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_assessment/environmental_significance_opinions

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

Dorte Ekelund
Environment and Sustainable Development Directorate
22 March 2014



ACT
Government

Environment and
Sustainable Development

Ms Dorte Ekelund
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Ms Ekelund

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion for the upgrade of an access track within Gigerline Nature Reserve to facilitate access to, and the maintenance of, ACTEW's water gauging station located upstream of Angle Crossing.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Heather Tomlinson
A/g Conservator of Flora and Fauna

14 March 2014

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Mr Alastair Smith, Environmental Projects Officer, ACTEW Water.

LOCATION

Block 1687 District of Tuggeranong.

DEVELOPMENT PROPOSAL

A water gauging station on the Murrumbidgee River is to be relocated approximately 1km upstream of Angle Crossing necessitating the upgrade of an access track from Angle Crossing Road to the river. The gauging station will be located just across the border in NSW. The works to upgrade the track are within Gigerline Nature Reserve on Block 1687 District of Tuggeranong.

The proponent wants the application for the development approval assessed for an environmental significance opinion on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna to that effect.

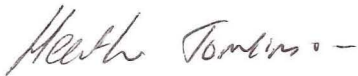
OPINION

The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

- That all works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and the Parks and Conservation Service;
- That all works are in accordance with the Code of Practice – Practical Guidelines and Standards for Co-Operation Between Act Parks and Conservation and ActewAGL 2009;
- Machinery and vehicles associated with the works are cleaned of any mud or organic material prior to entering the nature reserve;
- Any mulch or fill utilised as part of the construction or restoration must be free of any significant weeds
- Any weed infestation or localised erosion resulting from construction or use of the track will be controlled or rectified as directed by the Parks and Conservation Service.

Attached is a Statement of Reasons for the decision.



Heather Tomlinson
A/g Conservator of Flora and Fauna

14 March 2014

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4,

The development proposal is mentioned in Schedule 4, part 4.3, item 3, being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

The proposed works are within an area reserved as public land nature reserve within the Gigerline Nature Reserve.

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact and has applied to the Conservator of Flora and Fauna for an environmental significance opinion (ESO) 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.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted and known values of the site.

Project description

ACTEW Water currently operates a water gauging station upstream of Angle Crossing in NSW, close to the ACT border. The gauge is required as part of ACTEW's licence to take water and is necessary to inform the operation of the Murrumbidgee to Googong water transfer pipeline. It is proposed to relocate the gauging station to further upstream and this relocation will require an existing track to be upgraded to facilitate access for maintenance activities.

The proposed access track is an existing degraded track that has two points of erosion as it is located on steep land. The entrance to the track is located on Angle Crossing Road opposite the High Lift Pump Station for the Murrumbidgee to Googong water pipeline.

The works will include:

- the installation of 3 concrete winch blocks with eyelets at prescribed intervals;
- the installation of two rows of turf stabilising material approximately 20 m long to stabilise the existing erosion points. The stabilising material will be 800 mm wide and spaced to match the wheel span of a standard 4WD vehicle. The existing grass will be removed to a maximum depth of 100 mm, the stabilising material inserted just below ground level then anchored with heavy duty pins; and
- replacement of the existing access-restricting boulders located adjacent to the access gate with larger boulders.

Documentation Submitted

Reports titled:

- Angle Crossing Track Upgrade Environmental Significance Report (13 February 2014) by ACTEW Water; and
- Angle Crossing Track Upgrade Ecological Report (3 February 2014) by ACTEW Water
- Angle Crossing Gauging Station and Access Track, Statement of Heritage Effects (October 2013) Navin Officer.
- ESO Application Form 1M'
- Supporting documentation from Heritage Unit and Parks and Conservation Service.

Natural conservation values present

The Ecological Report states that "No vegetation is required to be cleared, except the existing native grass/weed assemblage for the laying of material and installation of winching points. The total area of the development is expected to be approximately 0.1 ha (100 m²) including laydown area for temporarily stored spoil and machinery

movements. All excavated spoil will be re-used onsite. Access to the site will be on the existing track and will have no significant impact on the surrounding area. The majority of the development will be at natural ground level. The only parts of the development above natural ground level are the winching point attachments, approximately 100 mm in height.”

The site was surveyed on 25 March 2013 by suitably qualified ecologists and it was determined that the vegetation community in the area of the works consists of degraded grassy bushland. It was noted that while the access track has a high coverage of Kangaroo grass (*Themeda australis*) and a population of Bluebells (*Wahlenbergia sp.*), there is also a large infestation of weeds including St John’s Wort (*Hypericum perforatum*), Poplar, Willow, Burgan (*Kunzea ambigua*) and Blackberry (*Rubus fruticosus*) in the vicinity of the works. Further towards the proposed new gauging station site near the riverbank, a monoculture of African Love Grass (*Eragrostis curvula*) was present.

No species protected under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* were found.

Impact of development on these values (including offsite impacts)

Significant localised erosion is evident at the two steepest locations on the existing track. This erosion will be rehabilitated as part of this project providing a positive benefit from the works.

Potentially Significant Environmental Impacts

The total area of disturbance is expected to be approximately 100 m² which includes a laydown area for temporarily stored spoil and machinery movements. All excavated spoil will be re-used onsite. Access to the site will be on the existing track and will have no significant impact on the surrounding area. The majority of the development will be at natural ground level. The only parts of the development above natural ground level are the winching point attachments, approximately 100 mm in height.

There will be a very minor visual impact which will diminish as time goes on as the regrowing vegetation softens the disturbed areas.

As maintenance requirements are minimal and the existing erosion points are to be stabilised, there is unlikely to be any ongoing detrimental impacts from the works.

It has been determined that the potential for a significant environmental impact is low provided works are in accordance with the conditions as imposed.