

Planning and Development (Environmental Significance Opinion – Block 1553 Belconnen – Molonglo Water Quality Control Centre Sludge Holding Tank) Notice 2015 (No 1)

Notifiable Instrument NI2015–719

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 1553 Belconnen – Molonglo Water Quality Control Centre Sludge Holding Tank) Notice 2015 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

The Conservator of Flora and Fauna has prepared an Environmental Significance Opinion (ESO) under section 138AB of the *Planning and Development Act 2007* (the Act), relating to item 1 of Part 4.3 of Schedule 4 of the Act.

The text of the ESO is in the schedule.

Note 1: A copy of the ESO may be obtained from the Environment and Planning Directorate website:

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

Note 2: Under section 138AD(6) of the Act, the ESO and the notice including the text of the ESO expire 18 months after the day the notice is notified.

Dorte Ekelund
Chief Planning Executive
16 December 2015



ACT
Government

Environment and Planning

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

Dear Ms Ekelund *Dorte*

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 construction of a new sludge holding tank at Lower Molonglo Water Quality Control Centre.

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

Yours sincerely

Dr Annie Lane
Conservator of Flora and Fauna

03 December 2015

ENVIRONMENTAL SIGNIFICANCE OPINION

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

APPLICANT

James Gray, Environmental Assessment Officer, Icon Water, GPO Box 366
CANBERRA ACT 2601

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an environmental significance opinion to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for construction of a new sludge holding tank at Lower Molonglo Water Quality Control Centre as described in the submission.

LOCATION

Block 1553 District of Belconnen

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 the 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.

- That all works are in accordance with an approved Construction Environmental Management Plan approved by the Environment Protection Authority that includes all mitigation measures as detailed in the Environmental Assessment Report submitted in support of this application.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

03 December 2015

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, being:

Part 4.3, item 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Block 1553 Belconnen contains known habitat of *Aprasia parapulchella* (Pink Tailed Worm Lizard). This species is listed as vulnerable under the provisions of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Nature Conservation Act 2014*.

Pomaderris pallid, a species listed as vulnerable under the provisions of the EPBC Act, has been mapped at the location of the proposed construction site.

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.

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, known values of the

site, and provided the works are carried out in accordance with the conditions attached to this ESO.

Project description

Installation of a new 1.5ML concrete Sludge Holding Tank with corrosion resistant covers at the Lower Molonglo Water Quality Control Centre to expand the capacity of the sewage treatment centre to handle solids. The Sludge Holding Tank will be approximately 5.8m high and surrounded by a concrete access platform, and an asphalt roadway.

The total area to be used for construction, access and lay down areas will be approximately 5400m².

Documentation Submitted

- Environmental Assessment Report, Proposed Development, Lower Molonglo Water Quality Control Centre- Sludge Holding Tank Construction (Icon Water 13 November 2015);
- Form 1M.

Natural conservation values present

The Environmental Assessment Report notes that “the vegetation can be best described as mixed age woodland dominated by weeds. Pole stage regrowth of *Eucalyptus blakelyi* dominates the overstorey layer. *Rubus fruticosus*, *Acacia baileyana* and *A. rubida* dominate a patchy shrub layer. *Carex appressa* and a mix of broadleaf weeds and exotic grasses dominate the surface vegetation. “

Known *Aprasia parapulchella* habitat is to the west of the proposed construction site and is characterised by surface rocks on an exposed dry slope, while the area of the proposed construction site is notably wetter with a more dense vegetation cover.

Potentially Significant Environmental Impacts

The work area is within the confines of the existing water treatment plant and is highly disturbed. It is cut and fragmented by existing dirt tracks. The proposal will clear about 0.2 ha of vegetation. While it would appear that some of the area would meet the definition of native vegetation, (in that greater than 50% of the ground layer comprises of perennial native species) it would appear from the site plots and photographs that the area of native vegetation would be less than 0.1ha. Any native vegetation present is of very low diversity with a high weed presence.

The *Pomaderris pallida* record has almost certainly been miss reported as the written description for this undated record is given as Lower Molonglo Gorge. A large population of this shrub occurs within 100m of the Molonglo River, but not within or close to the treatment plant or the area of proposed development. As *Pomaderris*

pallida is not present at or within the vicinity of the proposed construction footprint, there will be no impact to this species.

The dense shrubby and weedy nature of the proposed work site means that it is either unsuitable Pink Tailed Worm Lizard habitat or at best very marginal habitat. Given the small size of disturbance in very unlikely habitat, it is considered that significant impact on the lizard will be avoided.

A condition that all works are to be undertaken in accordance with an approved Construction Environment Management Plan that includes the mitigation measures as detailed in Environmental Assessment Report has been included to reduce the likelihood of an inadvertent impact during construction.

It has been determined that if the works are undertaken in a manner consistent with the above condition attached to the ESO, they are unlikely to cause a significant adverse environmental impact.