

Planning and Development (Conditional Environmental Significance Opinion – Block 240, Paddys River – Removal of Underground Fuel Storage Tanks) Notice 2017

Notifiable Instrument NI2017–385

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 240, Paddys River – Removal of Underground Fuel Storage Tanks) Notice 2017*.

2 Conditional Environmental Significance Opinion

- (1) On 11 July 2017, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to the removal, on Block 240, District of Paddys River, of two underground petrol tanks and associated infrastructure at the Tidbinbilla Nature Reserve Depot.
- (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.

Dave Peffer
Chief Planning Executive (Delegate)
17 July 2017

Schedule
(see section 2(2))

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

Elizabeth Lowe, Director, Incidental Civil Works.

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 the removal of two underground petrol tanks and associated infrastructure at the Tidbinbilla Nature Reserve depot as described in the submission.

LOCATION

Block 240 District of Paddys River, Tidbinbilla Nature Reserve.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only 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 dust suppression measures must be implemented at all times to ensure that no dust that might contain contaminants settles on the roof of the adjoining buildings.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'D. Iglesias', with a stylized, cursive script.

Daniel Iglesias
Conservator of Flora and Fauna

11 July 2017

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 3 proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

The works are within the special purpose reserve area of the Tidbinbilla 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 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 and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

The removal and decommissioning of two underground fuel storage tanks at the Parks and Conservation Service maintenance and service depot at Tidbinbilla Nature Reserve. The tanks were used for the storage of diesel and unleaded petrol.

The tanks are to be removed to comply with the *ACT's Environmental Guidelines for Service Station Sites and Hydrocarbon Storage* (January 2014) that requires all decommissioned tanks to be removed unless there are specific operational or structural reasons not to. Works will include:

- the removal of two 5,300L underground tanks (one abandoned diesel tank and one operational unleaded tank)
- the removal of all accessible fuel transfer and return pipes, vent pipes and fuel dispensing infrastructure
- the removal and stockpiling of all potentially impacted soils from the excavations and beneath the fuel bowser stand areas.

The excavated areas will be refilled and the rehabilitated using the excavated material provided the excavated material is determined to be suitable for on-site re-use by the final removal and validation report that is endorsed by the Environment Protection Authority.

Documentation Submitted

- Report titled Application for an Environmental significance Opinion Section 9 Responses (Northwood Environmental 19 May 2017);
- Form 1M.

Natural conservation values present

Tidbinbilla Nature Reserve is 6,466 hectares adjacent to the Namadgi National Park and is part of the Australian Alps National Parks system protecting much of the alpine, subalpine and montane environments of mainland Australia. Tidbinbilla Nature Reserve contains an area of 'national park' as well as an area of 'special purpose reserve' over those areas that have been developed for recreation, education and research (e.g. the Rock Wallaby breeding program and the Corroboree Frog breeding facility).

The Tidbinbilla maintenance and service depot is located on the valley floor within the area of special purposes reserve.

The special purpose reserve area has a history of European settlement dating from the 1830s. Farming, grazing and eucalyptus oil distilling were carried out until land was resumed by the Commonwealth Government in 1962 for the establishment of the reserve. Part of the special purpose reserve was formerly pine plantations that were severely burnt in the 2003 fires and are now regenerating to native vegetation. These were added to the reserve in about 2007.

Vegetation communities in Tidbinbilla include subalpine snow gum on the exposed ridges to woodlands, grassland and shrublands in the valley, with tall wet forests in the moist sheltered gullies. These vegetation communities provide habitat for a wide range of native species.

The area around the depot is mainly fragmented woodland with eucalypts such as peppermints and Stringybarks. As the area has been highly disturbed over the years, Burgan (*Kunzea ericoides*) dominates much of the understorey.

A facility for maintaining and breeding a captive population of around 800 - 1600 Northern Corroboree Frogs (a critically endangered species) is located at the depot. This facility commenced in 2003 when eggs were collected from the wild to establish a captive breeding program as an insurance policy and to release frogs back into the wild in an effort to boost the wild population.

Impact on the Reserve

The area of the works is within the existing depot. The works will be confined to the concrete forecourt area of the existing refuelling station and the area immediately adjacent to the northwest corner of the refuelling station / chemical storage building. No ecological values will be impacted by the works as proposed.

The report notes that the ecological risks associated with the generation of dust during the excavation, stockpiling and backfilling of the tanks was rated as High due to the Corroboree Frog breeding facility located at the depot but the proposed mitigation measures (and condition of approval) to reduce the likelihood of dust generation reduces the risk to a rating of Low. There is also a good separation distance between the area of works and the Corroboree Frog breeding facility and the facility is a specialised, climate controlled facility with strict quarantine protocols.

Removal of the tanks and associated infrastructure may enhance the environmental conditions on the site by removing a potential source of contamination and any residual hydrocarbon in the soils.

Potentially Significant Environmental Impacts

The main risk of the works is if contaminated dust settles on the roof of the depot building which is used for the collection of water used in the Corroboree Frog

breeding facility. To mitigate this risk it is a condition of approval that dust suppression be undertaken.

It has been determined 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.