

Planning and Development (Conditional Environmental Significance Opinion – Block 4, Section 682, Theodore – ACTEW Theodore Fence) Notice 2017

Notifiable Instrument NI2017–471

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 4, Section 682, Theodore – ACTEW Theodore Fence) Notice 2017*.

2 Conditional Environmental Significance Opinion

- (1) On 24 August 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 construction, on Block 4, Section 682, District of Theodore, of a security fence around the Theodore Water Pump Station.
- (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.

Brett Phillips
Delegate of the Chief Planning Executive
30 August 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

Paul Tilse Architects, as represented by Paul Tilse, Director.

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 construction of a security fence around the Theodore Water Pump Station to meet security and public safety requirements for critical infrastructure as described in the submission.

LOCATION

Block 4 Section 682 Theodore within Tuggeranong Hill 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.

- Weed species within the leased area are to be controlled to ensure they are not contributing to the spread of weeds through the reserve; and

- works are not to result in the destruction or damage of any *Dianella longifolia* or *Dianella amoena* plants.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'A. Lane', written in a cursive style.

Dr A. Lane
Conservator of Flora and Fauna

24 August 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 Tuggeranong Hill Nature Reserve, part of the Canberra Nature Park.

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 construction of new security fencing at the Theodore Water Pump Station to meet the Commonwealth's Attorney Generals Department's current standards for the security of high value essential services infrastructure, and to protect the facility from vandalism.

Block 4 Section 682 Theodore is an irregular shaped block of approximately 36,000 sq metres leased to Icon Water. The block is wholly within the reserve and contains two water reservoirs approximately 320m apart and the water pump station. This proposal is to fence the Water Pump Station assets only.

Documentation Submitted

- Theodore Water Pump Station Security Fence Environmental Assessment Report (Icon Water August 2017);
- Application for a Licence under Chapter 11 Nature Conservation Act 2014;
- Plans detailing the location and fence details;
- Form 1M.

Natural conservation values present

The report notes that the vegetation directly around the pump station is best described as weedy grassland with broadleaf weeds being common throughout the site. There is no overstorey and the shrub layer is almost absent except for scattered young regrowth *Acacia parramattensis* (Parramatta Green Wattle). The ground cover includes native grasses such as *Bothriochloa macra* (Red-leg Grass) and forbs such as *Acaena* sp.

Directly surrounding the assessment area are elements of a Grassy Box Gum Woodland community, which will not be disturbed by the installation of the security fence. The overstorey in the surrounding area contains *Brachychiton populneus* (Kurrajong) and *Eucalyptus bridgesiana* (Apple Box).

However, there is a recent record of *Dianella longifolia* (Smooth Flax Lily) in the vicinity of the area, though not in the proposed alignment of the fence. The description provided with the recording suggests that it may actually be *Dianella amoena* (Matted Flax Lily), which is listed nationally as endangered. Victorian taxonomists have previously identified this species in the ACT and it appears that this species may be locally misidentified as *Dianella longifolia*. Further work will need to be undertaken at the time of flowering to determine which these species is found at this location. To enable works to be undertaken it is a condition of approval that works do not result in the destruction or damage of any *Dianella longifolia* or *Dianella amoena* plants.

No faunal species are likely to be impacted by the proposed works.

Impact on the Reserve

The area leased to Icon Water contains a fire trail that winds around the pump station. The fence has been designed to mitigate impacts on the reserve by fencing only the assets that need protection and not the boundary of the block that is leased to Icon Water. The proposed alignment of the fencing does not interfere with the use of the existing trail for walking or access for fire vehicles.

The vegetation report notes the area around the pump station is weedy. Installation of the fencing may make it more difficult to control weeds in the vicinity (particularly within the fenced area) therefore it is a condition that weed control is undertaken across the broader leased area. Controlling woody weeds such as the firethorn, privet and cotoneasters as well as significant invasive grasses (e.g. African Lovegrass) and herbaceous plants (e.g. St John's Wort) will ensure that the works and ongoing use of the site as a fenced area will not contribute to the spread of weeds.

The fence is to be constructed in black chain wire reducing its visibility and possible visual impacts on the reserve.

Reduction in graffiti and other vandalism will have a long term positive visual impact on the reserve

Potentially Significant Environmental Impacts

The risk of a significant impact is minimal provided the works do not result in the destruction or damage of any *Dianella longifolia* or *Dianella amoena* plants, and weed species within the leased area are controlled to ensure they are contributing to the spread of weeds through the reserve.

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.