

Planning and Development (Conditional Environmental Significance Opinion – Blocks 62, 221 and 225, Coree – Uriarra Non-Potable Water Main Replacement) Notice 2018

Notifiable instrument NI2018–697

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 – Blocks 62, 221 and 225, Coree – Uriarra Non-Potable Water Main Replacement) Notice 2018*.*

2 Conditional Environmental Significance Opinion

- (1) On 27 November 2018, 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 Blocks 62, 221 & 225, Coree, of a replacement water main to supply non-potable water from the Cotter tanks to firefighting supply tanks at Uriarra Village.

- (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.

Ben Ponton
Chief Planning Executive
12 December 2018

*Name amended under Legislation Act, s 60

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

Icon Water, as represented by James Gray, Coordinator Environmental Impact Assessment.

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 installation of a replacement water main to supply non-potable water from the Cotter tanks to firefighting supply tanks at Uriarra Village as described in the submission.

LOCATION

Blocks 225, 221 and 62 District of Coree

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.

- A minimum of 2 years defects period for inspection and maintenance of the construction footprint to ensure appropriate filling and compaction of trafficable areas, and rehabilitation works.

- Commitment to pay for maintenance of the trail with the embedded infrastructure in accordance with a return schedule to be agreed between Icon Water and PCS after the initial defects period. This is to ensure adequate cover can be maintained to the infrastructure such that the integrity of the infrastructure is not compromised in the future.
- All Scour Valves to have appropriate erosion control structures at outflows.
- During construction, the fire trail must be passable as much as possible. This is to be achieved by minimising the extent of open trench to what is achievable/required by a pipe length.
- Provision for rescue of fauna that may become trapped in trenches.
- During periods of heightened fire danger: when the FDI exceeds 25 all work onsite with the potential to emit a spark will cease (includes earth works). If a Total Fire Ban is declared all work on the site will cease.
- A site induction and site contact protocol to be established with the district ranger to allow for communication of FDI and other event information.
- Commitment to undertake stabilisation and rehabilitation works of the approximately 1200m of eroding trail easement as part of the current (to be redundant) Uriarra Water main. This can be achieved in consultation with PCS, or provide approximately \$20K of funding for PCS to undertake the stabilisation and rehabilitation works.
- Consideration is given to incorporating the installation of a hydrant outside the fenced area of the Uriarra Water tanks as part of the works.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

27 November 2018

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;

Macquaria australasica (Macquarie Perch), listed as endangered pursuant to the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Nature Conservation Act 2014* (NC Act) is known to occur in the nearby vicinity of the construction footprint.

Varanus rosenbergi (Rosenberg's Goanna) is known to occur in the area. Whilst this species is listed as vulnerable in NSW, it is not listed in the ACT

Part 4.3, item 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area

The proposal will impact on 1.14ha of native vegetation.

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 installation of a replacement water main to supply non-potable water from the Cotter Tank to the firefighting supply tanks at Uriarra Village. The current water main is ageing, unreliable and has required numerous repairs. The current alignment also includes a section submerged under the enlarged Cotter Dam, which poses maintenance and problems.

The new water main is to be a combination of 180mm diameter high density polyethylene and ductile iron pipes approximately 4km long. The proposed alignment will be within existing fire trails or an existing telecommunications easement where possible but does traverse a steep slope from the Cotter Tank, under the Brindabella Road, to the fire trail above the left abutment of the enlarged Cotter Dam.

Documentation Submitted

- Environmental Assessment Report for an Environmental Significance Opinion, Uriarra Non-potable Water Main Realignment (Icon Water 12 November 2018);
- Options Analysis, Uriarra Water Mains Replacement Project (Actew Water 24 October 2013);
- Water Main alignment drawings;
- Form 1M.

Natural conservation values present

The report notes that the alignment is typified by a mountainous landscape consisting of poor soils, dry sclerophyll forest and patches of post-2003 bushfire *Pinus radiata* (Radiata Pine) regrowth. The Cotter Dam is situated to the south-west of the proposed pipeline with Uriarra Village to the north. Slopes include steep and moderate gradients with varying levels of vegetation cover. Soils are likely to be erodible due to poor soil structures and nutrient status, although unlikely to be dispersive due to low clay content. The proposed pipeline traverses numerous ephemeral waterways, all of which are predominantly vegetated with a mix of native and non-native species and relatively stable. Due to the low soil clay content and the

vegetated nature of waterways, the risk of pipeline construction works causing turbidity in local waterways, including the Cotter Dam is low.

From the Cotter Tank to the fire trail near the left abutment of the Cotter Dam the alignment essentially follows an existing telecommunications underground service. In this section the vegetation is natural mixed species dry sclerophyll forest. Regrowth vegetation is evident including *Leptospermum continentale* (Prickly Tea-tree), *Cassinia longifolia* (Shiny Cassina) and *Eucalyptus rossii* (Scribbly Gum) regrowth. Mature dry sclerophyll forest elements exist, including hollow bearing trees and *Xanthorrhoea glauca* (Grass Tree), but will not be impacted by the works.

Where the proposed pipeline alignment follows existing fire trails, the surrounding vegetation is a mix of planted revegetation of native species and natural regeneration. The vegetation is abundant in colonising species such as *Acacia rubida* (Red Stem Wattle), *Acacia dealbata* (Silver Wattle), *Cassinia longifolia* and *Senecio quadridentatus* (Cotton Fireweed), with revegetating *Eucalyptus mannifera* (Brittle Gum) and *Eucalyptus macrorhyncha* (Red Stringybark)

The last stage of the alignment follows a power line easement and service track to Uriarra Tanks. In this section the vegetation is mostly dense *Pinus radiata* wildlings with a *Rubus fruticosus* (Blackberry) understory.

Potentially Significant Environmental Impacts

The alignment of the proposed water main has been micro aligned to reduce the environmental impact. The Parks and Conservation Service has agreed to the alignment being within the existing fire trails where ever possible to reduce the amount of vegetation clearance required for the works. To reduce the potential impact on the water main by future maintenance works on the trail system, the main will be installed at a greater depth.

The vegetation is a widespread dry forest type and the route selected avoids any rare or uncommon plant species. Apart from birds moving across the slope the proposed route is also not known or likely habitat of threatened or rare fauna. Most of the work will be within a corridor disturbed about 20 years ago in the laying of a Telstra cable so that trees to be felled aren't taller than 5m.

Rosenberg Monitors have large home ranges and are wide ranging. Any occurrence within north-west Canberra would be part of a sparse population widely distributed from the Murrumbidgee River into Namadgi. Provided the works are in accordance with the mitigation measures as provided in the report, it is unlikely this species will be impacted.

Due to the low clay content in the soils, and the vegetated nature of drainage lines in the area, the works are unlikely to cause turbidity in the local waterways and therefore the works are unlikely to impact the Macquarie Perch population in the Cotter Dam.

To ensure the installation of the infrastructure does not lead to land degradation or maintenance issues, and the fire trail remains accessible for the Parks and Conservation Service (PCS) the works must have:

- A minimum of 2 years defects period for inspection and maintenance of the construction footprint to ensure appropriate filling and compaction of trafficable areas, and rehabilitation works.
- Commitment to pay for maintenance of the trail with the embedded infrastructure in accordance with a return schedule to be agreed between Icon Water and PCS after the initial defects period. This is to ensure adequate cover can be maintained to the infrastructure such that the integrity of the infrastructure is not compromised in the future.
- All Scour Valves to have appropriate erosion control structures at outflows.
- During construction, the fire trail must be passable as much as possible. This is to be achieved by minimising the extent of open trench to what is achievable/required by a pipe length.
- Provision for rescue of fauna that may become trapped in trenches.
- During periods of heightened fire danger: when the FDI exceeds 25 all work onsite with the potential to emit a spark will cease (includes earth works). If a Total Fire Ban is declared all work on the site will cease.
- A site induction and site contact protocol to be established with the district ranger to allow for communication of FDI and other event information.
- Commitment to undertake stabilisation and rehabilitation works of the approximately 1200m of eroding trail easement as part of the current (to be redundant) Uriarra Water main. This can be achieved in consultation with PCS, or provide approximately \$20K of funding for PCS to undertake the stabilisation and rehabilitation works.
- Consideration is given to incorporating the installation of a hydrant outside the fenced area of the Uriarra Water tanks as part of the works.

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.