

# Planning and Development (Conditional Environmental Significance Opinion – Molonglo Special Purpose Reserve – Part Coppins Crossing Road and Blocks 10, 11, 45, 46 and 47, Molonglo Valley) Notice 2020\*

## Notifiable instrument NI2020–54

made under the

**Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)**

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### 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Molonglo Special Purpose Reserve – Part Coppins Crossing Road and Blocks 10, 11, 45, 46 and 47, Molonglo Valley) Notice 2020*.

### 2 Commencement

This instrument commences on the day after its notification day.

### 3 Conditional Environmental Significance Opinion

- (1) On 2 December 2019, the Conservator of Flora and Fauna, pursuant to section 138AB (4)(b) of the *Planning and Development Act 2007* (the **Act**), gave the applicant a conditional environmental significance opinion in relation to the remediation of sewage treatment ponds, earthworks, landscaping and construction of paths and bench seating partly within the Coppins Crossing Road and within Blocks 10, 11, 45, 46 and 47, Molonglo Valley.

- (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.

\*Name amended under Legislation Act, s 60

Brett Phillips  
Delegate of the planning and land authority  
29 January 2020

## Schedule

See section 3(2)

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### 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

WSP Australia Pty Ltd, as represented by Alex Moody, Senior Environmental Scientist.

#### 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 remediation, restoration and construction of park facilities within the Molonglo Special Purpose Reserve as described in the submission.

#### LOCATION

The proposed works are within the Molonglo Special Purpose Reserve at the below locations:

- Block 10, Molonglo Valley
- Block 11, Molonglo Valley
- Block 45, Molonglo Valley
- Block 46, Molonglo Valley
- Block 47, Molonglo Valley

#### 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, in addition to the mitigation contained in the supporting application for an ESO, 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:

1. Sediment ponds to be flocculated and pumped out if they are more than 50% full;
2. Double row sediment fences are to be installed in areas with high risk of run-off (due to gradient, low point etc);
3. Access tracks and other works should avoid impacting Common Brookweed (*Samolus valerandi*), and staff and contractors should be familiarised with its identifying characteristics and location. The plant has been recorded on the sandy soils near the water's edge upstream of Butters Bridge which is one of only a few known ACT locations. Unnecessary loss of the plant is to be avoided.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

2<sup>nd</sup> December 2019

## 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;*

Molonglo River Reserve contains:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

Fourteen animal species listed as threatened under the *Nature Conservation Act 2014* or protected under the *EPBC Act 1999*:

- Varied Sitella (*Daphoenositta chrysoptera*)
- Brown Treecreeper (*Climacteris picummus*)
- Painted Honeyeater (*Grantiella picta*)
- Regent Honeyeater (*Xanthomyza phrygia*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Hooded Robin (*Malanodryas cucullata*)
- Scarlet Robin (*Petroica boodang*)
- Superb Parrot (*Polytelis swainsonii*)
- Swift Parrot (*Lathamus discolor*)
- Rainbow Bee-eater (*Merops ornatus*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Perunga Grasshopper (*Perunga ochracea*)
- Murray River Crayfish (*Euastacus armatus*)

One plant species listed as threatened:

- Pale Pomaderris (*Pomaderris pallida*)

*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 proposed works are located within the River Corridor Special Purpose 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 Molonglo River Reserve follows the Molonglo River from Scrivener Dam downstream to the confluence with the Murrumbidgee River Corridor Reserve. The total length of the river within the reserve is 23 kilometres and the area is 1280 hectares.

The ACT Government has committed to conservation and restoration outcomes by establishing the Molonglo River Reserve, acting to preserve native flora and fauna communities including the Superb and Swift Parrots, Pink-tailed Worm-lizard, Natural Temperate Grassland, and Box-Gum Woodland. A significant component of these conservation efforts is ongoing and includes extensive habitat restoration. The former Coppins Crossing sewage sludge ponds and surrounding areas in their current form represent a highly disturbed area and remediation and restoration of this area is considered a significant priority in the improvement of outcomes for the Molonglo River Reserve.

The proposed works involve:

1. Remediation of the former sewage sludge ponds
  - Levelling of existing pond berms, and importation of approximately 25,000 cubic meters (m<sup>3</sup>) of soils for capping
  - Remediation and restoration of the ponds
  
2. Revegetation and habitat enrichment
  - Physical removal of African Lovegrass tussocks and stabilisation with rocks, logs and root balls
  - Subsoil top-dressing across highly degraded areas
  - Use of coir erosion rolls
  - Seeding and planting with native grass, shrub and tree species
  - Landscaping works such as laying stepping stones
  - Installation of up to 10 root balls extracted from trees felled in Whitlam Stage 1b in the riparian flood zone
  - Vertical habitat structures constructed from dead trees and re-purposed utility poles
  - Hollow enrichment to existing trees and constructed vertical habitat through the attachment of nest boxes
  - Securing camera monitoring equipment
  
3. Provision of public space
  - Entrance signage
  - Low feature rock retaining walls (under 1 m high)
  - Perimeter fencing and entry markers
  - open hardstand events terrace for community events with circle sandpit and fire pit including perimeter logs and rocks for seating and possible terracing along the embankment for seating/viewing (under 1 m high)
  - elevated lookouts incorporating shelter and possible interpretive signage
  - potential installation of power and water services to events space including bubblers and a lock up power box
  - possible additional parking along primary vehicle trail between main entrance and Butters Bridge
  - stormwater management including the construction of a bio retention pond and associated swale
  - picnic shelter and rest areas
  - informal pedestrian trails including rock steps and rest stops
  - hierarchy of tracks and trails accommodating vehicles, pedestrians, cyclists and equestrian users.

### **Documentation Submitted**

- Molonglo Special Purpose Reserve Site Investigations and Civil Design – Application for an Environmental Significance Opinion;
- Molonglo Special Purpose Reserve Civil Services PSP;
- Nummerak Final Sketch Plan Draft Revision B by oxygen;
- Letter of Authorisation;
- Form 1M.

### ***Natural conservation values present***

The Molonglo River corridor provides important foraging and breeding habitat and movement opportunities for both common and threatened species.

At least eight species of mammals, five species or subspecies of frog, 16 species of reptiles, one native fish species and 122 species of birds have been recorded in the Molonglo River Park reserve. There are also several rare species of plants present.

The blocks in which works are proposed contain:

Three native vegetation communities:

- *Casuarina cunninghamiana* tableland riparian woodland
- *Eucalyptus pauciflora*- *E. rubida* Tableland Woodland
- Tableland shrubland

Two significant environmental values listed as threatened under the *Nature Conservation Act 2014* or protected under the *EPBC Act 1999*:

- Habitat for Pink-tailed Worm-lizard
- Rainbow Bee-eater and their nests

### **Impact on the Reserve**

The areas to be impacted by proposed earthworks and infrastructure development are highly degraded, with significant soil disturbance, infestation with African Lovegrass, and impacts from previous construction (Butters Bridge) and therefore support minimal ecological value.

The works have been carefully located to avoid significant environmental values (Pink-tailed Worm-lizard habitat and Rainbow Bee-eater nest sites) and are therefore unlikely to have significant impacts to threatened species.

The creation of the two proposed river access trails and the discharge point for the Whitlam stormwater swale will have some impacts to native vegetation, however the rehabilitation and restoration of the site is likely to result in greater connectivity of vegetation and habitats.



The works have been designed and developed to be consistent with actions under the Molonglo NES Plan (2011) and should improve biodiversity values and concentrate visitor usage away from sensitive areas.

### **Potentially Significant Environmental Impacts**

The sites have been well chosen to avoid any significant ecological values and are mainly confined to highly disturbed areas. While the presence of rare orchids can't be entirely dismissed there is a very low likelihood of the proposal impacting on rare plant species. The proposal includes weed and pathogen hygiene conditions.

Conditions have been included to ensure that works will not increase sediment entering the river:

4. Sediment ponds to be flocculated and pumped out if they are > 50% full;
5. Double row sediment fences are to be installed in areas with high risk of run-off due to gradient, low point etc.;
6. Access tracks and other works should avoid impacting Common Brookweed (*Samolus valerandi*), and staff and contractors should be familiarised with its identifying characteristics and location. The plant has been recorded on the sandy soils near the water's edge upstream of Butters Bridge which is one of only a few known ACT locations. Unnecessary loss of the plant is to be avoided.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.