

# Planning and Development (Conditional Environmental Significance Opinion – Block 61, Coree and Block 475, Stromlo – Casuarina Tank and Cotter Tank Telemetry Installations) Notice 2021

Notifiable instrument NI2021–196

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 – Block 61, Coree and Block 475, Stromlo – Casuarina Tank and Cotter Tank Telemetry Installations) Notice 2021*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 18 February 2021, 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 installation of monitoring equipment at two Icon Water sites, the Casuarina Tank and Cotter Tank, on Block 61, Coree and Block 475, Stromlo.

- (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 planning and land authority  
24 March 2021

## **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**

Icon Water LTD as represented by Mr Michael Smith, 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 the installation of monitoring equipment at two Icon Water sites - the Casuarina Tank and Cotter Tank as described in the submission.

#### **LOCATION**

Site 1: Block 61, Coree District,  
Site 2: Block 475, Stromlo District

Both sites are within the Murrumbidgee River Corridor Reserve and are have a Pd: Special Purpose Reserve overlay.

#### **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 a manner consistent with the following conditions in addition to the mitigation measures 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:

- Sediment and erosion control measures are to be in line with the Environment Protection Guidelines for Construction and Land Development in the ACT, EPA 2011.
- Excavated areas are either not to be left open overnight or have appropriate fencing to exclude wildlife.
- Temporary fencing is to be erected around Heritage items 'CPS3'.
- Disturbance to areas beyond the immediate surrounds of the work site is to be avoided.
- Fire suppression controls are to be onsite if hot works are to be used.
- Bushfire response plan is to be developed if works are conducted during bushfire season.
- Works are not to occur on days where a Total fire Ban has been declared, when the Fire Danger Index exceeds 25, or when the ground is wet and boggy.
- All litter is to be removed from site by contractors.
- The Icon Water environment team is to be notified in the event of an environmental incident.
- Icon Water environment team is to conduct regular inspections during works to ensure protection of the environment.
- Icon Water Site Surveillance Officers (SSO's) are to be onsite during works.
- Disturbed areas are to be rehabilitated appropriately with native grass seed mix post installation.
- Vehicle hygiene measures are required, including vehicle washdown, so as to prevent the spread of weeds in the Reserve areas.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

18 February 2021

## 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 proposal is within a Special Purpose Reserve, and part of the Murrumbidgee River Corridor 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**

Icon Water is proposing the installation of monitoring equipment at two Icon Water sites in the Cotter Region. These two sites are the Casuarina Tank and Cotter Tank. Both sites are above ground water reservoirs which supply a small number of customers in the Cotter region.

Both sites are situated within Nature Reserves within Icon Water fenced areas. The sites are heavily disturbed associated with the installation of Icon Water infrastructure.

Within each boundary fence surrounding the reservoir are mown grassed areas which are typically full of exotic grassland and broadleaf weeds. The proposed works will include localised excavation for conduits and cable pits which are within the fenced areas.

#### **Documentation Submitted**

- ESO Report – CX11308 – Casuarina Tank and Cotter Tank Telemetry Installations Environmental Significance Opinion, V1.0, 23 December 2020;
- Form 1M.

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

The following animal and plant species listed under the *Nature Conservation Act 2014* have been identified as potentially occurring in the development area:

- Regent Honeyeater (*Anthochaera phrygia*)
- White-throated Needletail (*Hirundapus caudacutus*)
- Black faced monarch (*Monarcha melanopsis*)
- Satin faced flycatcher (*Myiagra cyanoleuca*)
- Rufous fantail (*Rhipidura rufifrons*)
- Rosenberg's Monitor (*Varanus rosenbergi*)
- Pink Tailed Worm Lizard (PTWL) (*Aprasia parapulchella*)
- Murray Cod (*Maccullochella peelii*)
- Macquarie perch (*Macquaria australasica*)
- Pale pomaderris (*Pomaderris pallida*)
- Murrumbidgee Bossiaea (*Murrumbidgee Bossiaea*)

The potential for impact on the listed species is considered unlikely based on the site surrounds and the type of work proposed

Rosenberg's monitor is found in heath, open forest and woodland habitat. They lay their eggs within termite mounds and shelter in hollow logs, rock crevices or burrows (NSW government 2017). No termite mounds were observed within the project footprint during the site walkover. The works are therefore unlikely to impact on nesting and breeding sites.

The project will not have any interaction with the Murrumbidgee River, based on its distance to the site therefore the risk of impact on protected fish species was considered low to negligible.

#### **Impact on the Reserve**

The development is located within fenced and previously disturbed areas, near established structures, using existing access tracks and established pathways, and involving small scale works with a short duration.

There will be low risk of direct impact to local groundcover.

The proposed mitigation measures included in the ESO application have been included as conditions of this opinion. Additional requirements for work on total fire ban days, and weed control/vehicle hygiene have been included to reduce the risk of impact on the Reserve.

### **Potentially Significant Environmental Impacts**

The sites have been well chosen to avoid any more than minor clearance of vegetation. The total disturbance footprint is very small and confined to areas fenced to protect Icon Water assets.

The following conditions have been included to protect the values of the Reserve:

- Sediment and erosion control measures are to be in line with the Environment Protection Guidelines for Construction and Land Development in the ACT, EPA 2011.
- Excavated areas are either not to be left open overnight or have appropriate fencing to exclude wildlife.
- Temporary fencing is to be erected around Heritage items 'CPS3'.
- Disturbance to areas beyond the immediate surrounds of the work site is to be avoided.
- Fire suppression controls are to be onsite if hot works are to be used.
- Bushfire response plan is to be developed if works are conducted during bushfire season.
- Works are not to occur on days where a Total fire Ban has been declared, when the Fire Danger Index exceeds 25, or when the ground is wet and boggy.
- All litter is to be removed from site by contractors.
- The Icon Water environment team is to be notified in the event of an environmental incident.
- Icon Water environment team is to conduct regular inspections during works to ensure protection of the environment.
- Icon Water Site Surveillance Officers (SSO's) are to be onsite during works.
- Disturbed areas are to be rehabilitated appropriately with native grass seed mix post installation.
- Vehicle hygiene measures are required, including vehicle washdown, so as to prevent the spread of weeds in the Reserve areas.

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.