

Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 124 and Block 1 Section 144 Latham – Latham 1 and 2 Sewer Vent Fan Demolition) Notice 2021

Notifiable instrument NI2021–219

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 1 Section 124 and Block 1 Section 144 Latham – Latham 1 and 2 Sewer Vent Fan Demolition) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 30 March 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 demolition of two sewer vent fans and associated works on Block 1 Section 124 and Block 1 Section 144 Latham.

- (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
07 April 2021

Schedule

See section 3(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

Icon Water, as represented by 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 demolition of two sewer vent fans in Latham and associated works as described in the submission.

LOCATION

The works are to be undertaken in urban open space at two sites:

- Block 1 Section 124 (Latham 1); and
- Block 1 Section 144 Latham (Latham 2).

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:

1. The proponent will submit a Construction Environment Management Plan to the Conservator of Flora and Fauna for endorsement that includes all relevant commitments from the ESO as well as the conditions below.
2. Wherever possible access is to be contained to existing tracks, and parking of vehicles and machinery, and storage of materials, must only occur on previously disturbed areas.
3. No works are to occur on days of Total Fire Ban, when the Fire Danger Index exceeds 30, or when the ground is wet and boggy
4. Rehabilitation is to be undertaken using native species of the following list with a focus on the *Rytidosperma* species that are food plants for Golden Sun Moth:
 - *Rytidosperma carphoides* – Short Wallaby Grass
 - *Rytidosperma caespitosum* – Ringed Wallaby Grass
 - *Rytidosperma racemosum* – Striped Wallaby Grass
 - *Rytidosperma erianthum* – Hill Wallaby Grass
 - *Rytidosperma laeve* – Bare-backed Wallaby Grass
 - *Austrostipa bigeniculata* - Tall Speargrass
 - *Austrostipa scabra* – Corkscrew Grass
 - *Bothriochloa macra* – Red-leg Grass
 - *Themeda triandra* – Kangaroo Grass

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

30 March 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 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;

The general area contains:

One community listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT;

Habitat and/or records for four animal species listed as threatened under the Nature Conservation Act 2014:

- Golden Sun Moth (*Synemon plana*)
- White-Winged Triller (*Lalage sueurii*)
- Scarlet Robin (*Petroica boodang*)
- Superb Parrot (*Polytelis swainsonii*)

One plant species listed as threatened

- Hoary Sunray (*Leucochrysum albicans* var. *tricolor*)

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

Latham 1 and 2 sewer fans are the current means of ventilation for the Latham Trunk Sewer. The fans will soon become redundant infrastructure with the implementation of a new sewer main in the Belconnen area. The proposed works include:

- Demolition of Latham 1 and 2 sewer vent fans, including stacks, buildings and switchboards;
- Replacement of sewer pit covers at the Latham 2 site;
- Sealing penetrations to the sewer;
- Removing approximately 290 m of overhead power lines between the two sites; and
- Rehabilitation/revegetation of both sites.

Documentation Submitted

- CX10066 – Latham 1 and 2 Demolition – Environmental Significance Opinion;
- Letters of Authorisation;
- Form 1M.

Natural conservation values present

The general area contains grassland communities (including patches of Natural Temperate Grassland) and planted stands of *Eucalyptus* species. The grassland areas are mapped as Golden Sun Moth habitat and also contain records of Hoary Sunray.

The vegetation in the immediate surroundings of the work sites are primarily exotic grassland with minimal native grasses and forbs. No instances of Hoary Sunray were found at each site or within the power line easement during a site walkover by Icon Water Environmental Scientists.

Vegetation surrounding each site was found to be unsuitable for Golden Sun Moth thus it is unlikely to be present in the works area.

The site contains habitat for numerous common bird species, including some threatened woodland species.

Potentially Significant Environmental Impacts

The project work sites are surrounded by primarily exotic vegetation and the removal of existing infrastructure and handstand areas are unlikely to impact on more than small patches of native grasses.

No trees are to be removed and a commitment has been made to erect protective fencing to avoid accidental damage.

The works are likely to result in only temporary disturbance, and rehabilitation with native plants will have a positive outcome.

While the presence of rare plants can't be entirely dismissed there is a very low likelihood of the proposal impacting on rare plant species.

Conditions have been included to ensure that impact to the surrounding area is minimal and that rehabilitation of the sites results in a positive outcome for the local Golden Sun Moth population:

1. The proponent will submit a Construction Environment Management Plan to the Conservator of Flora and Fauna for endorsement that includes all relevant commitments from the ESO as well as the conditions below.
2. Wherever possible access is to be contained to existing tracks, and parking of vehicles and machinery, and storage of materials, must only occur on previously disturbed areas.
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 - *Austrostipa scabra* – Corkscrew Grass
 - *Bothriochloa macra* – Red-leg Grass
 - *Themeda triandra* – Kangaroo Grass

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.