

# Planning and Development (Conditional Environmental Significance Opinion – Blocks 475 and 507, Stromlo – Cotter Sewer Main Renewal) Notice 2021

Notifiable instrument NI2021–27

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 – Blocks 475 and 507, Stromlo – Cotter Sewer Main Renewal) Notice 2021*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 18 December 2020, 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 construction of a replacement sewer main, on Blocks 475 and 507, District of 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  
14 January 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 – as represented by Sean Fritsch, 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 replacement of the rising main leading from the Cotter 4 Sewerage Pumping Station (SPS4) to the Cotter Effluent Absorption Facility (CEAF) as described in the submission.

#### **LOCATION**

Block 475 and Block 507 District of Stromlo.

#### **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:

- A Construction Environmental Management Plan (CEMP) will be prepared and submitted to the Conservator of Flora and Fauna for endorsement that includes the following for the proposed works:
  - Sediment and erosion controls that will be installed prior to the commencement of construction and maintained during the construction period;
  - Site rehabilitation for all disturbed areas including an establishment period for all replanted and re-seeded areas of not less than 24 months from the start of construction;
  - Weed management including vehicle hygiene and weed controls for all disturbed areas for a period of not less than 24 months from the start of construction;
  - Impacts to mature native trees (with a diameter at breast height (DBH) of more than 20cm) will be minimised as follows:
    - No more than 8 mature native trees will be removed;
    - any work within the tree protection zones (the drip line plus two metres) will be under bored, and not trenched;
    - Any roots that are required to be removed will be cut cleanly and not ripped or torn;
    - Areas of disturbance in the tree protection zone will be filled as soon as practical; and
    - Trees that are required to be trimmed, pruned, lopped or removed will be removed and distributed to the satisfaction of the ACT Parks and Conservation Service.
  - Regular site inspections will be scheduled with the ACT Parks and Conservation Service to the satisfaction of the Area Manager – Lower Cotter and Murrumbidgee Corridor.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

18 December 2020

## 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 development occurs within a Pd: Special Purpose Reserve between Casuarina Creek (Cotter 4 SPS) and the Lagoon (CEAF) north of Cotter Road.

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 Environmental Significance Opinion (ESO).

### **Project description**

Scope of works include:

- Replacement of the existing rising main from SPS4 to the CEAF.
- Repair of a broken concrete plinth located between the Cotter SPS 1 and Cotter SPS 2 – These are two of the four SPS in the Cotter precinct which all work together to pump sewer from the area into the CEAF. The concrete support is in a remote location and has likely cracked and broken due to a combination of construction technique and ice formation over time.
- Design to repair a sunken pipe section on the Cotter 2 SPS rising mains, located between Cotter SPS 2 and Cotter SPS 3

#### **Documentation Submitted**

- Ecological Survey for Cotter SPS4 to CEAF;
- ESO for SPS4 to CEAF Final; and
- Form 1M.

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

The general site surrounding SPS 4 was an open grassland adjacent to a public road which leads to picnic spots and to a recreation zone on the Murrumbidgee River. The pump station consists of valve pits with some above ground features such as a control panel, and connects the CEAF to the rest of the Cotter sewer system.

The pipeline runs up the hill adjacent to Cotter Road into the Icon Water owned CEAF site, which is demarcated with rural fencing in a semi-dilapidated state. There is access to the PCS managed nature reserve within the CEAF site, close to where the pipe enters the Icon Water estate. The pipeline then continues up the hill to the CEAF connection point at the top of the hill.

The Lower Cotter Catchment conserves a wide variety of ecosystems and contributes to regional ecological connectivity through its links to reserves within NSW. The development area consists of open native woodland, however it does not meet the classification of an endangered ecological community.

The following animal species and plant species listed under the *Nature Conservation Act 2014* that 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 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 site was observed for key habitat features for the Pink-tailed Worm-Lizard (PTWL) during the site assessment. Football sized surface rocks were particularly focused on during the assessment. Icon Water have advised that the site is largely absent of surface rocks required for PTWL shelter / habitat.

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 a previously disturbed area, near established structures, using existing access tracks and established pathways, and involving small scale works with a short duration.

There will be direct impact to local groundcover in the area in which trenching is occurring. There will also be potential impact on a total of eight (8) trees along the pipeline and potential root impact and canopy impact on twelve (12) trees.

The application includes the following mitigation measures, which are required to be adhered to along with the condition included in this ESO:

- Ensure erosion and sediment controls are in place to reduce risk of sediment entering the Murrumbidgee River;
- 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;
- Ensure any excavation/trenches are not left open overnight or have appropriate fencing to exclude wildlife;
- Clear marking of trees to be removed onsite to occur before works commence;

- Protective fencing around trees to be erected before works commence;
- Avoid disturbance to areas beyond the immediate surrounds of the work site;
- Fire suppression controls need to be onsite if hot works are to be used;
- Bushfire response plan developed if works are conducted during bushfire season;
- All litter to be removed from site by contractors;
- Notify Icon Water environment team in the event of an environmental incident;
- Icon Water environment team to conduct regular inspections during works to ensure protection of the environment;
- Icon Water Site Surveillance Officers (SSO's) to be onsite during works;
- Disturbed areas to be rehabilitated appropriately with native grass seed mix post installation;
- Removed trees to be replanted at a ratio of 2:1;
- Qualified arborists to be used for any tree removal, trimming or cutting of roots; and
- Temporary fences erected to exclude members of the public.

#### **Potentially Significant Environmental Impacts**

The development is expected to have a localised direct impact on the site, but due to the short duration and minor nature of the works, existing infrastructure already present in the area, and the area being previously disturbed, the proposed works are not expected to have a significant adverse environmental impact.

Any short term impacts can be mitigated with the implementation of a Construction Environmental Management Plan (CEMP). This will include measures identified by the proponent as well as the conditions included in this ESO.

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.