Australian Capital Territory

Planning and Development (Conditional Environmental Significance Opinion – Various Blocks, Paddys River/Stromlo/ Tuggeranong/Theodore – Icon Water Access Improvements) Notice 2021

Notifiable instrument NI2021–770

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 – Various Blocks, Paddys River/Stromlo/ Tuggeranong/Theodore – Icon Water Access Improvements) Notice 2021**.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

(1) On 8 November 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 general maintenance and minor upgrades to existing Icon Water valve pits, within various Blocks, Paddys River/Stromlo/Tuggeranong/ Theodore.

(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.

Craig Weller
Delegate of the planning and land authority
15 December 2021

*Name amended under Legislation Act, s 60

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 general maintenance and minor upgrades of existing Icon Water valve pits around Canberra as described in the submission.

LOCATION

Block 369 Paddys River
Blocks 465 and 507 Stromlo
Block 1511 Tuggeranong
Block 4 Section 682 Theodore

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 proposal must be undertaken in a way that is consistent with the licence issued under section 273 of the *Nature Conservation Act 2014* dated 12 October 2021.
2. Construction activities in the Lower Cotter Catchment Reserve must be undertaken outside the summer holiday period (24 December 2021 – 31 January 2022).
3. A Construction Environment Management Plan (CEMP) be prepared and submitted to the Conservator for endorsement that includes:
   a) Demarcation of areas requiring protection, as appropriate e.g. trees and the Cotter River.
   b) Sediment and erosion control measures are to be in line with the Environment Protection Guidelines for Construction and Land Development in the ACT.
   c) Ensure any excavation/trenches are not left open overnight or have appropriate fencing to exclude wildlife.
   d) Avoid disturbance to areas beyond the immediate footprint of proposed works.
   e) Fire suppression controls need to be onsite if hot works are to be used.
   f) Bushfire response plan developed if works are conducted during bushfire season.
   g) All litter to be removed from site by contractors.
   h) Icon Water Site Surveillance Officers (SSO's) to be onsite during works.
   i) Notify Icon Water environment team in the event of an environmental incident.
   j) Icon Water environmental scientists to conduct regular site inspections.
   k) Disturbed areas to be rehabilitated appropriately, where required, with native grass seed mix post installation.
   l) Temporary fences erected around works site to delineate work areas.
   m) Access trails are not to be blocked during works to allow service vehicles passage.

Attached is a Statement of Reasons for the decision.

Ian Walker
Conservator of Flora and Fauna

8th November 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*;**

Block 369 Paddys River – "Cotter 1 SPS" and "Cotter 4 SPS"- are located in the Lower Cotter Catchment Reserve and in proximity to the waterways that potentially contain protected fish and crustacea:

- Macquarie Perch (*Macquaria australasica*) - Endangered (the only sustainable ACT population is in the Cotter Reservoir)
- Trout Cod (*Maccullochella macquariensis*) Endangered
- Murray Cod (*Maccullochella peelii peelii*) Vulnerable
- Murray River Crayfish (*Euastacus armatus*) Vulnerable

Part 4.3, item 3 proposal for development in a reserve;

The sites are located within Nature Reserves and Special Purpose Reserves;

- Block 369 Paddys River – "Cotter 1 SPS" is in the Lower Cotter Catchment Reserve
- 507 Stromlo – "Cotter 4 SPS" is located in the Lower Cotter Catchment Reserve at "Casuarina Sands"
- Block 1511 Tuggeranong – "Gilmore Reservoir" is situated within the Tuggeranong Pines Nature Reserve
- Block 4 Section 682 Theodore - the "Lower Theodore Reservoir" is within the fenced area owned and operated by Icon Water on Tuggeranong Hill Nature 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

Cotter 1 SPS
The Cotter 1 SPS is a sewer pump station in the Cotter region, one of four in the area, which pumps sewerage to the Cotter Effluent Absorption Facility (CEAF) for local treatment. The Cotter 1 SPS services local toilet blocks around the Cotter and the ACT Parks and Conservation Service (PCS) Cotter Depot.

Cotter 4 SPS
General maintenance and upkeep of the Cotter 4 SPS is planned with the replacement of internal features such as ladders and hatches to improve overall access to the site. In addition to this, concrete footings are to be installed around existing valve pits. The extension of the concrete apron will be minor and generally within already disturbed areas.

Gilmore Reservoir
Gilmore Reservoir is situated within the Tuggeranong Pines Nature Reserve. The scope includes the installation of a new concrete slab on the outside of the valve pit for access purposes. Internal maintenance works will consist of replacement of ladders, valve coverings and support beams. The works are very minor in nature and are within an Icon Water fenced compound associated with the Gilmore Reservoir.

Lower Theodore Reservoir
The site is situated within the Lower Theodore Reservoir fenced area. Icon Water are proposing to install a concrete landing around a valve pit within an Icon Water fenced compound at the Lower Theodore Reservoir. Additional internal maintenance will involve replacement of ladders, grating over the valve pit and new support beam installation. The works are overall minor in nature.

Documentation Submitted

- CX11013 Access Improvements - Environmental Significance Opinion Assessment;
- Letters of Authorisation

- Form 1M.

Natural conservation values present

Cotter 1 SPS
The Cotter 1 SPS is located adjacent to the Cotter River and requires access upgrades, externally and internally. The surrounding site is an open grassland with mature River She-Oaks on the banks of the Cotter River. The surrounding land use is primarily for community and land conservation purposes. There are few conservation values beyond recreation values in the immediate grassy area.

The Cotter River potentially contains protected fish species, which will not be impacted with this project. The contractor is to list specific control measures to be in place during the project in their CEMP. Such measures will be inclusive of sediment fencing downstream of infrastructure, all demolished waste to be kept away from the river edge, along with material used in the construction process, spill kits present on site, no fuel storage on site and no usage of machinery directly on banks.

There are several River She-Oaks in proximity to the site, which will be protected during the works with fencing. Any works that expose large tree roots will require an arborist to be present to ensure the roots are cut cleanly and viability of the tree is maintained. Site access is to be along an existing access route currently used by Icon Water when maintenance works are required at the site. This access is over the open grassland area adjacent to the walking track from the carpark area to the north east of the Cotter 1 SPS.

Laydown of construction materials will be within the carpark area to the north east, agreed to by PCS. These items will be fenced off in one corner of the carpark so as to avoid damage to the surrounding grasses and trees at the pump station. Stockpiling will be adjacent to the SPS and not over tree root zones or within the Tree Protection Zone (canopy plus 2 m). Adequate sediment fencing will be installed around any stockpiles. The site is to be rehabilitated with a native grass seed appropriate for the area, as per Icon Water standard specifications and to the satisfaction of PCS.

Cotter 4 SPS
The site is a below ground sewer pump station with four valve pits which sit flush to ground level. The surrounding site is a mixture of native and exotic grasses and broadleaf weeds. In the greater surrounding environment, there are established trees towards the Cotter River to the north of the site.

There is a wombat hole present to the south east of the site, which will not be impacted with these works. The site is to be fenced off around the pump station to reduce impacts to the surrounding environment.

Site access will be through an existing ranger gate present off the Cotter Road towards the Casuarina Pool location. Laydown of construction materials and excavated soils is to be to the south of the Cotter 4 SPS. This area is an open

grassland, which is currently covered in broad leaf weeds. This area is also heavily disturbed with the ongoing usage of the site.

Gilmore Reservoir

Gilmore Reservoir is situated within the Tuggeranong Pines Nature Reserve and is fenced from the public, with valve pits and other pieces of infrastructure situated within the fenced area. The proposed construction location is within an Icon Water fenced compound adjacent to the Gilmore Reservoir itself. The valve pit is surrounded mostly by crushed rock as an access point and is trafficked heavily for operational purposes. The remaining site area can be described as an open grassland with a mix of native grasses and broad leaf weeds. The concrete slab to be installed will be within the western side of the valve pit and within the crushed rock area. Minimal disturbance to the grasses in the local area should occur.

Access to the site is off an existing dirt road off the Monaro Highway. The site is located behind a locked ranger gate and a locked Icon Water fence. Laydown areas are to be within the Icon Water compound on the crushed rock access track.

Lower Theodore Reservoir

The site is situated within the Lower Theodore Reservoir fenced area, owned and operated by Icon Water. On one side of the valve pit there is crushed rock associated with access to the site. On the opposite side, there is an open grassland with broad leaf weeds present and native tussocks. There is to be little disturbance to these grasses and works are overall very minor in nature. There is a scattering of semi-mature eucalypts around the site, which will not be impacted by these works.

Site access is via an existing concrete service road through a locked ranger gate. The site is within a fenced Icon Water area. The valve pit is accessed via a crushed rock road at the entry point to the reservoir boundary. Laydown areas are to be within the Icon Water fenced area on the crushed rock access point. Laydown areas are to be away from the TPZ.

Specific Flora and Fauna values

The majority of the works are internal to the structure of valve pits. Impacts associated with the proposed works, is expected to be low, as in most cases the extent of external works is largely limited to the construction of a small concrete landing around the valve pits for safer and more stable accessibility. This will disturb the ground immediately around the valve pits and a couple of meters beyond the construction zone.

Conditions around these valve pits is generally low-quality open grassland with broad leaf weed intrusions inclusive of species such as *Verbascum Thapsus* (Great Mullein), *Hypericum perforatum* (St John's Wort) and *Sisymbrium officinale* (Mustard weed). The floristic diversity at each site is typically low due to the highly disturbed nature of the sites, as existing utility facilities. Due to the lack of sensitive flora in the areas, targeted surveys were not undertaken as part of this assessment.

No mature trees are to be removed as part of these works, although some trimming may need to occur to facilitate movement into specific sites. This work will be undertaken in accordance with the SMA between the Conservator of Flora and Fauna and Icon Water, as appropriate. If any shrubs or juvenile trees are to be removed, this will be in accordance with the Nature Conservation Act Licence. Overall, the impact to the surrounding flora and habitat feature at each site is not significant as works are minor in nature, in well-established horizons and required for the optimisation and continuity of supply of water and sewer services in the ACT.

Targeted fauna surveys were not conducted as a part of this assessment. Due to the minor nature of works and short-time frames (approximately 1-2 weeks at each site), the works are not expected to impact local fauna at each location. No mature trees are to be removed as part of these works.

The Cotter 1 SPS site has potentially threatened fish species present in the Cotter River which abuts directly against the work site. There will be measures in place during construction to ensure pollutants do not enter the waterway, machinery is not to enter the waterway and the banks of the waterway are to be protected. No impact is envisaged with controls in place during the works.

The Cotter 4 SPS is situated with an overlay of potential Rosenberg's Monitor, which sits over most of the Cotter region. There are no habitat features synonymous with Rosenberg's Monitor present around the Cotter site such as termite mounds (NSW Government, 2017). The Monitor itself can be easily spotted if a specimen were to be present at the site during works. If a specimen is found, works will need to stop and the PCS Cotter Depot to be contacted. Protection measures are to be a part of the contractors CEMP for all potentially listed species. The CEMP is to outline the induction process and protected species are to be a part of the induction process.

The sites listed in the proposal are within previously disturbed areas for the installation of water or sewer infrastructure. The majority of this project is internal maintenance works within existing valve pits, which include replacement of ladders, valve coverings and support beams. Additions to each site will include new concrete pads around valve pits to improve access to the sites. Potentially listed species are unlikely to be impacted by these works. Given the minor nature and allowance for environmental protection measures to be implemented in the contractors CEMP, impacts to sites will be minimal. General management practices will include:

- Laydown areas to be kept away from TPZs and ideally within previously disturbed areas,
- sediment fencing to be installed,
- vehicle/plant wash down especially in nature reserves etc.

Potentially Significant Environmental Impacts
The sites have been well chosen to avoid any more than minor clearance of vegetation. The total disturbance footprint is low and 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 have no or negligible impact on the natural environment during construction and operation as follows:

1. The proposal must be undertaken in a way that is consistent with the licence issued under section 273 of the *Nature Conservation Act 2014* dated 12 October 2021.
2. Construction activities in the Lower Cotter Catchment Reserve must be undertaken outside the summer holiday period (24 December 2021 – 31 January 2022).
3. A Construction Environment Management Plan (CEMP) be prepared and submitted to the Conservator for endorsement that includes:
    a) Demarcation of areas requiring protection, as appropriate e.g. trees and the Cotter River;
    b) Sediment and erosion control measures are to be in line with the Environment Protection Guidelines for Construction and Land Development in the ACT.
    c) Ensure any excavation/trenches are not left open overnight or have appropriate fencing to exclude wildlife.
    d) Avoid disturbance to areas beyond the immediate footprint of proposed works.
    e) Fire suppression controls need to be onsite if hot works are to be used.
    f) Bushfire response plan developed if works are conducted during bushfire season.
    g) All litter to be removed from site by contractors.
    h) Icon Water Site Surveillance Officers (SSO's) to be onsite during works.
    i) Notify Icon Water environment team in the event of an environmental incident.
    j) Icon Water environmental scientists to conduct regular site inspections.
    k) Disturbed areas to be rehabilitated appropriately, where required, with native grass seed mix post installation.
    l) Temporary fences erected around works site to delineate work areas.
    m) Access trails are to not be blocked during works to allow service vehicles passage.

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.