

Australian Capital Territory

Planning and Development (Conditional Environmental Significance Opinion – Block 10, Section 39, Whitlam – Coppins Crossing Waste Point Demolition) Notice 2022 (No 1)

Notifiable instrument NI2022–522

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 10, Section 39, Whitlam – Coppins Crossing Waste Point Demolition) Notice 2022 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 21 September 2022, 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 a waste receival point on block 10, section 39, Whitlam.

- (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
17 October 2022

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 Mr Michael Smith, 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 demolition of the liquid waste receival facility at Coppins Crossing as described in the submission.

LOCATION

The works are located at Section 39 Block 10, Whitlam.

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:

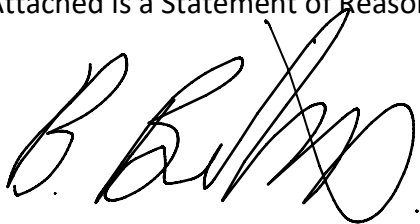
1. The proponent is to develop a Construction Environmental Management Plan (CEMP) to be endorsed by the Conservator of Flora and Fauna prior to commencement of works. The CEMP is to include:

- a) Provisions about ceasing works, particularly hot works on days of elevated fire danger (TOBANS)
- b) Plans for landscaping and restoration including stabilisation of the site to mitigate any future impacts to the Molonglo River Reserve. This will be the main risk for this project impacting the surrounding nature reserve (Molonglo River Reserve), given its location in the landscape.
- c) Further detail on seeding ratios and quantities. Sterile rye can be used for stabilisation, but quantities will be in addition to Native grass seed mix. Native grass seed mix should be amended to include forbs as well. Below is a PCS endorsed list of grass and forb seed mix to be used

Grasses	Forbes
<i>Austrostipa bigeniculata</i>	<i>Calotis lappulacea</i>
<i>Austrostipa scabra</i>	<i>Chrysocephalum apiculatum</i>
<i>Poa sieberiana</i>	<i>Chrysocephalum semipapposum</i>
<i>Chloris truncata</i>	<i>Craspedia variabilis</i>
<i>Aristida ramosa</i>	<i>Leucochrysum albicans</i>
<i>Microlaena stipoides</i>	<i>Linum marginale</i>
<i>Panicum effusum</i>	<i>Plantago varia</i>
<i>Rytidosperma caespitosum</i>	<i>Vittadinia muelleri</i>
<i>Rytidosperma carphoides</i>	<i>Xerochrysum viscosum</i>
<i>Rytidosperma laeve</i>	
<i>Bothriochloa macra</i>	
<i>Cymbopogon refractus</i>	
<i>Sorghum leiocladum</i>	
<i>Themeda triandra</i>	

- 2. Access for fire and emergency vehicles is to be maintained along the MVIS track throughout the works.
- 3. Proponent is to be aware the location sits within an environmental offset and not the future urban zone of Whitlam. Proponent must ensure the appropriate site measures are put in place to avoid impacts on any environmental values in the area.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', with a large, sweeping flourish at the end.

Bren Burkevics
Conservator of Flora and Fauna

21 September 2022

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 in a reserve;

All works are located within the Molonglo 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 proposal is for demolition works at an existing sewer facility in Whitlam. The site proposed for demolition is the Coppins Crossing Liquid Waste Receiving Facility.

The proposed works include:

- Demolition of the fence line
- Removal of electrical equipment
- Removal of infrastructure, including poles, railing, pipework bollards etc.
- Construction of new access manhole on existing concrete pit
- Construction of new bollards
- General landscaping

Documentation Submitted

- Supporting Documentation – CX11250 – Coppins Crossing Demolition Environmental Significance Opinion (July 2022)
- 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 following ecological values occur in the broader area to the north of the Project Area:

- Yellow Box – Red Gum Grassy Woodland community listed as endangered under the NC Act
- Natural Temperate Grassland (NTG) community listed as endangered under the NC Act and critically endangered under the EPBC Act
- Pink tailed worm lizard habitat, listed as vulnerable under both the NC Act and the EPBC Act

The general project area is mapped as Native Grassland, however, the demolition area itself is a concreted area surrounded by broad-leaf weeds including Scotch Thistle and Prickly Lettuce. There are no trees present.

Impact on the Reserve

The proposal has been assessed for potential impacts on the reserve – both direct impacts on ecology and biodiversity. Works are to be entirely constrained to an already disturbed area with no direct impact to habitat values. Disturbed areas are to be rehabilitated using a seed mix appropriate for the Reserve.

The main potential risk to be mitigated is erosion and site stabilisation which must be further addressed in a CEMP to avoid future impacts to the Molonglo River Reserve.

Potentially Significant Environmental Impacts

The site does not contain any significant values and there is a very low likelihood of the proposal impacting on rare plant species.

The following conditions have been included to further reduce the risk of impact on the Reserve and protected matters:

1. The proponent is to develop a Construction Environmental Management Plan (CEMP) to be endorsed by the Conservator of Flora and Fauna prior to commencement of works. The CEMP is to include:
 - a) Provisions about ceasing works, particularly hot works on days of elevated fire danger (TOBANS)
 - b) Plans for landscaping and restoration including stabilisation of the site to mitigate any future impacts to the Molonglo River Reserve. This will be the main risk for this project impacting the surrounding nature reserve (Molonglo River Reserve), given its location in the landscape.
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3. Proponent is to be aware the location sits within an environmental offset and not the future urban zone of Whitlam. Proponent must ensure the appropriate site measures are put in place to avoid impacts on any environmental values in the area.

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.