

Planning and Development (Environmental Significance Opinion - Block 146 Tennent, Block 293 Paddys River) Notice 2012 (No 1)

Notifiable instrument NI2012–442

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 (Environmental Significance Opinion - Block 146 Tennent, Block 293 Paddys River) Notice 2012 (No 1)*.*

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_significance_opinions

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps
Environment and Sustainable Development Directorate
17 August 2012

*Name amended under Legislation Act, s 60



ACT
Government

Environment and
Sustainable Development

Mr David Papps
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Papps

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion for the replacement of Smiths Road Bridge within the road reservation of Smiths Road where it crosses the Gudgenby River approximately 800m upstream of the confluence with the Murrumbidgee River and approximately 1.5km south of Tharwa.

The proposal is not likely to have a significant adverse environmental impact on a species or ecological community that is endangered.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Penny Farnsworth
Conservator of Flora and Fauna

/ 6 August 2012



ACT
Government

Environment and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Mr Peter Dickson, Senior Project Officer Civil Branch, Shared Services Procurement

LOCATION

Within the road reservation of Smiths Road where it crosses the Gudgenby River approximately 800m upstream of the confluence with the Murrumbidgee River and approximately 1.5km south of Tharwa.

DEVELOPMENT PROPOSAL

The construction of a new bridge in replacement of the low level, single lane crossing that was damaged in the floods of December 2010. The proposal is to remove the remnants of the damaged crossing, decommission the temporary structure and improve the alignment of the road approaches, as well as construct a single lane bridge with a deck height above the 1:20 year flood line.

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 for an environmental significance opinion to that effect.

OPINION

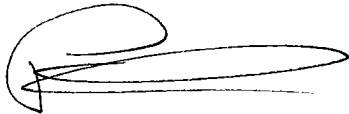
The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

- That all works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and Conservation Planning and Research, Environment and Sustainable Development Directorate;

- No snags or logs are to be removed from the river without prior approval from the Parks and Conservation Service;
- the bridge structure must conform to the NSW fish friendly crossings guidelines;
- the bridge does not require piers or other footings within the river channel; and
- revegetation of the riparian zone and other areas impacted by the works to be undertaken in conjunction with the Parks and Conservation Service, to ensure that appropriate species are used in the revegetation works. Where possible plants from local provenance are to be used.

Attached is a Statement of Reasons for the decision.



Penny Farnsworth
Conservator of Flora and Fauna

15 August 2012

**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,

The development proposal is mentioned in Schedule 4, part 4.3, item 3, being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

Smiths Road Bridge is within an area reserved as public land nature reserve within the Gigerline 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 for an environmental significance opinion (ESO) 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 and known values of the sites.

Project description

Flooding in December 2010 resulted in a heavy debris load which washed away one pier and two adjacent spans of the existing Smiths Road Bridge. A temporary bridge structure is currently in use. The development proposal is to build a new bridge in replacement of the damaged one, remove the remnants of the damaged bridge, decommission the temporary structure and improve the alignment of the road approaches.

Smiths Road connects Naas Road with Angle Crossing Road and Applebox Lane. It crosses the Gudgenby River at the northern end near its confluence with the Murrumbidgee River and provides access to Gigerline Nature Reserve, Ingledene Forest and all local properties encompassed by the two Rivers.

The crossing is located approximately 1.5km south of Tharwa approximately 800m upstream of the confluence with the Murrumbidgee River, and was a low level, single lane bridge carrying traffic volumes of approximately 150 cars per day. The new bridge is to be a one lane single span of approximately 32m, supported on two reinforced concrete abutments. It will comprise of two 1500mm deep precast super-tee girders with an in-situ concrete deck of 180mm thick and will have a low design speed (30/40km). The bridge deck will be above the 1:20 year flood line. The proposed changes to Smiths Road's geometry are limited to the transition from the existing road alignment to the new bridge. All abandoned sections of road will be rehabilitated.

Documentation Submitted

Reports titled:

- Application for Environmental Significance Opinion – Smiths Road Bridge Replacement; and
- Smith's Road Bridge Environmental Impact Assessment

Natural conservation values present

The proponent states that the development footprint will be approximately 0.45 hectares containing mostly exotic vegetation and disturbed soil along a short section of the Gudgenby River.

The documentation states that severely degraded box gum woodland is mapped directly to the north of the proposed works but that, upon site inspection, little or no native vegetation will be removed because the area is heavily disturbed by the previous road and bridge development and past land uses. The condition of native vegetation is very poor, with extensive weed species established and no trees greater

than 5m in height. The floods caused extensive erosion of the outer bends of the river bank and extensive deposition of sands on the inside of the bends in the river.

The area is dominated by weeds and cleared of native trees and shrubs so the proponent determined it was not necessary to map the vegetation but included a species list and photo log in the accompanying report.

Box-Gum Woodland

The application identifies that box-gum woodland is present to the north of the proposed works site. The ACT Government data shows that the proposed works site is included in this mapped area.

The report also identifies this woodland as severely degraded, impacted by the previous foot print of the bridge, past agricultural use and heavily impacted by weeds. The ACT Government data supports this, as the area is mapped as 'substantially and severely modified woodland vegetation'. A site inspection by Government ecologists post flooding determined that there is little native vegetation remaining in the proposed works site, and that the area has a high population of weeds.

Aquatic Species

The ACT Government has recent recorded data (last 10 years) of 3 ACT listed aquatic species (Macquarie Perch, Trout Cod and Murray River Crayfish) and 1 nationally listed (Murray Cod) within close proximity to the proposed works site. While the habitat quality, especially for the fish species, is poor at the works site there is a possible probability that these species may occur in the area.

The ESO application reports that the Trout Cod was not located in the SPRAT database search. It is advised that, if not already doing so, the standard search radius should be 10km.

Impact of development on these values (including offsite impacts)

It has been determined that the proposed works are unlikely to have any significant impact on the fish species, however the Macquarie Perch is highly susceptible to impacts from sedimentation, and it is advised that the following measures should be implemented to ensure mitigation:

- An approved Construction Environment Management Plan (CEMP) must be in place prior to any commencement of works at the site;
- All works must be in accordance with the approved CEMP;

- In-stream habitat management should follow the NSW snag management guidelines;
- The bridge structure must conform to the NSW fish friendly crossings guidelines.

Gudgenby River Channel

The ESO application identifies that the bridge has been designed so as to not to require piers or other footings within the river channel. It is agreed that this will provide the least impact on the aquatic ecosystem.

Revegetation

The ESO application identifies that revegetation of the riparian zone will occur after completion of the works. It is agreed that significant revegetation of the riparian zone and other areas impacted by the works must be undertaken. The exact scope of works must be determined in conjunction with Parks and Conservation staff, to ensure that appropriate species are used in the revegetation works. Where possible, plants from local provenance are to be used.

Potentially Significant Environmental Impacts

There is no requirement for the construction of piers in the river and the abutments will not infringe on the water course. No logs or snags will be removed, and riparian vegetation will be reinstated. There is little or no adverse impacts predicted for aquatic habitat as the construction and maintenance of the new bridge is unlikely to impact on the aquatic environment.

The potential for a significant environmental impact is low provided works are in accordance with the conditions as imposed. Implementation of the mitigation measures and the conditions imposed, as well as the rehabilitation works, will reduce the likelihood of off-site impacts.