

Planning and Development (Conditional Environmental Significance Opinion – Block 71, Molonglo – Odour Control Works) Notice 2016 (No 1)

Notifiable Instrument NI2016–191

Made under the

Planning and Development Act 2007 s 138AD(4) (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 71, Molonglo – Odour Control Works) Notice 2016 (No 1)*.

2 Conditional Environmental Significance Opinion

(1) On 11 April 2016, 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 the odour control works to be undertaken on Block 71, Molonglo.

(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 this notice is notified.

Dorte Ekelund
Chief Planning Executive
19 April 2016

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 Lara Odell, Environment and Catchment Protection Officer.

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 construction of odour control works including the construction of an underground foul air pipeline that will connect to existing infrastructure to the south of Molonglo River corridor, and will direct airflow to a fan house and new vent located at Ryans Hill to the north of the river as described in the submission.

LOCATION

Block 71 District of Molonglo Valley.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only the development proposal as described in the application.

OPINION

Provided the works are undertaken in the manner consistent with the following conditions, 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.

- Top soil is stripped prior to trenching works and replaced after consolidation of the trench and reseeded with dryland grasses;

- the restoration works include weed control along the area of disturbance for a minimum of 18 months after completion of the works.
- That all works are in accordance with an approved Construction Environment Management Plan.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

// April 2016

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.

All of the works are on unleased Territory land, however approximately 150m of the pipeline is to be installed within the Molonglo River Corridor that is an area reserved as public land 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

Four main trunk sewers, Molonglo Valley Interceptor Sewer (MVIS), Woden Valley Trunk Sewer (WVTS), the Main Outfall Sewer (MOS) and the Tuggeranong Tunnel (TT), in addition to major sewers serving the Weston Creek district, converge in one area approximately 150 metres north of Cotter Road. Both the MOS and WVTS enter the MVIS via separate vortex drop structures and these structures generate high levels of turbulence resulting in the release of Hydrogen Sulphide and other odorous and corrosive gases. These gases create excessive odours, cause residential nuisance, reduce the asset life of the infrastructure and affect safety.

Works will include:

- Installation of an underground foul air pipeline from the Molonglo River Corridor to Ryan's Hill (of which 285m has already been approved by the National Capital Authority);
- Construction of a new overhead power supply from an existing supply location at Ryan's tunnel outlet ventilation to the new pipeline and vent stack, comprising 11kV, 3 phase bare overhead power lines; and
- Construction of a new ventilation structure (3.56 m height x 1.624 m diameter) at the existing connection to Molonglo Valley Interceptor Sewer.

Other works, such as construction of a fan house and new odour control pipe vent stack, are located within Designated Land and have been previously approved by the National Capital Authority.

Documentation Submitted

- North Weston Odour and Ventilation Improvement Ecological Assessment, October 2012 (ecological Australia);
- Construction Environmental Management Plan Requirements;
- Locality Plan;
- Schematic drawings of construction works;
- Erosion and sediment control plan;
- Photographs of site;
- Form 1M.

Natural conservation values present

The site consists primarily of old pine plantations traversed by forestry roads, with the Molonglo River Corridor located at the southern end of the site.

The Ecological Assessment by Eco Logical Australia Pty Ltd states that "the field surveys, which were conducted in August 2011 and February 2012 found the majority of the site to comprise of one vegetation community dominated by regenerating pine plantations with pine trees approximately 5 to 8 metres in height. The site visit in

August 2012 incorporated a small expansion of the original study area and confirmed the previous vegetation mapping along the pipeline route was relevant to the additional area. “

Pine Plantation

The former pine plantation was severely impacted by the 2003 fires and was subsequently cleared. The overstorey is dominated by regenerating *Pinus radiata* (Soft Pine) and the understorey consists primarily of exotic vegetation (*Phalaris aquatic*, *Rubus fruticosus* spp. (Blackberry), *Verbascum Thapsus* (Great or Common Mullein), *Plantago lanceolata*, *Centaureum* sp., and *Rosa rubiginosa* (Briar Rose)), many of which are weed species. There are small occurrences of native grasses and other natives occurring intermittently such as *Austrostipa scabra*, *A. bigeniculata*, *Cassinia quinquefaria*, *Themeda australis*, *Geranium solanderi*, and *Acacia mearnsii*.

The ecological survey found “The highest occurrence of native vegetation occurred along the road verges and where there was a lack of pines in the overstorey. However, the community is invariably similar in a broad context and should be treated as a single unit. Regenerating Pine Plantation represents a severely modified community and did not meet the definition of *Native Vegetation* (NC Act). There was a very high abundance of exotic and non-indigenous species in the overstorey and understorey. The Regenerating Pine is considered to be of low condition woodland reflecting a low quality site and containing few fauna habitat values. However, the community may still contain some habitat values for avifauna, particularly in the south adjacent to the Molonglo River corridor. Leaf litter and fallen timber may provide suitable habitat for reptiles and invertebrates. No hollow-bearing trees, termite mounds or meat-ant nests were observed within this vegetation community. Some rocky habitat was observed around Ryan’s Hill.

River She-oak Tableland Riparian Woodland (*Casuarina cunninghamia* Tableland Riparian Woodland) is an ACT Climax vegetation community characterised by *Casuarina cunninghamia*, *Acacia mearnsii*, *Acacia dealbata*, *Lomandra longifolia* and *Microlaena stipoides* var *stipoides*. This vegetation community is common along the banks of the Molonglo River and it occurs within normal water levels and maximum flood levels. River She-oak Tableland Riparian Woodland in the study site represents approximately 0.24 ha. The majority of this comprises a concrete bridge, modified river banks (rocks) and residual debris from the high water flows (flood) in spring 2010 and 2011. This vegetation community was also mapped by Eco Logical Australia (2008) to occur within much of the Molonglo River corridor, downstream of Scrivener Dam. The characteristic overstorey species were observed along with *Populus* sp. (Poplars) and *Salix* sp. (Willows). It is likely that the condition of this community has been reduced in the immediate area since the 2008 mapping surveys due to recent high flow events and general works in the area. Any ecological values present, are therefore likely to have also been decreased.

River She-oak Tableland Riparian Woodland within the study site is considered to be in very low condition due to the high level of disturbance, its severely modified nature (bridge and associated infrastructure) and flood debris. However, the few native overstorey species present to the east of the bridge and south of the road, are likely to provide habitat for avifauna and provide minor ecological connectivity values associated with the Molonglo River wildlife corridor. This area (0.1 ha) dominated by native overstorey species constitutes *Native Vegetation* as defined by the NC Act. However, the proposed works corridor is 20m wide and therefore, any native overstorey species present (native vegetation under the NC Act) as part of this vegetation community are likely to fall outside the construction footprint."

There were no endangered or threatened communities or species found during the surveys conducted.

Pink-tailed Worm Lizard

The ecological study also notes that the presence of rocky habitat was observed in the northern third of the study site on the mid to upper slopes of Ryan's Hill. In general, there was a relative low abundance of rocky habitat across the whole site, and the rocks observed varied considerably in size and embedment. The rocky habitat observed was considered unsuitable for Pink-tailed Worm Lizard because:

- the study site is highly disturbed and severely modified due to the residual impacts from cleared pine plantations;
- exotic species dominate the ground cover and there was a general lack of characteristic native grasses, such as *Themeda australis* (Kangaroo Grass) and *Austrostipa* spp. (Spear grasses).
- the majority of partially embedded rocks were larger than the preferred rock size for this species; and
- the majority of rocky habitat observed were outcroppings and fully embedded.

Impact on the Reserve

It is noted that the development footprint shown in the ESO application (which shows a pipeline spur from the fan to the vent) is slightly different to that assessed by Ecological Australia (which show a spurless route, with the pipeline going directly to the vent). However, the area of assessment undertaken by Ecological Australia included most of the spur route and, as stated in the assessment, the works are located either in regenerating pine plantation or on fire trails. Neither of the routes dissect significant threatened or rare species habitat.

Soils in the general area were investigated by the Sydney Soils and Environment Lab and they have determined that the subsoil is highly dispersive and susceptible to erosion.

Impacts of the development can be managed, particularly in those sections of the pipeline route that pass through the Molonglo River Park, by conditioning the approval to ensure that the restoration works include weed control along the area of disturbance for at least 18 months after completion of the works, and that the restoration works include the requirement for the topsoil to be protected from mixing with the subsoils and reused.

Potentially Significant Environmental Impacts

The potential for a significant environmental impact is low provided works are in accordance with the conditions as provided. Implementation of these measures will reduce the likelihood of off-site impacts and reduce the risk of soil erosion occurring.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.