

# Planning and Development (Conditional Environmental Significance Opinion – Block 1633, Belconnen – West Belconnen Trunk Sewer Geotechnical Investigation) Notice 2017

Notifiable Instrument NI2017–494

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 – Block 1633, Belconnen – West Belconnen Trunk Sewer Geotechnical Investigation) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

(1) On 11 September 2017, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the Planning and Development Act 2007 (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to the drilling of eight boreholes as part of geotechnical investigations for the proposed West Belconnen trunk sewer, on Block 1633, District of Belconnen.

(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.

Ben Ponton  
Chief Planning Executive  
15 September 2017

## Schedule

(see section 2(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**

Douglas Partners Pty Ltd, as represented by Colin Reid, Project Manager.

#### **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 geotechnical investigations to support the construction of a sewer line for the West Belconnen Urban Development as described in the submission.

#### **LOCATION**

Block 1633 District of Belconnen. The works are within the Murrumbidgee River Corridor, more specifically the works are within the West Belconnen Conservation Corridor.

#### **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.

- All vehicles and machinery involved in the drilling must be cleaned with a high pressure hose prior to accessing the land

- Vehicle and machinery access to the sites are to avoid areas of African Love-grass invasion;
- No bore hole fill material is to be imported, rather drill holes are to be filled with excavated material;
- Works are to cease if wet soil conditions are such that tracks and sample sites are likely to be damaged by the passing of vehicles or machinery;
- Any track indentations or tearing of soil by machinery or vehicles will be rectified, through weed control and minor earth repair; and
- Machinery and works are not to encroach on the drip line of any tree.

Attached is a Statement of Reasons for the decision.



Dr A. Lane  
Conservator of Flora and Fauna

// September 2017

## 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;*

The West Belconnen Conservation Corridor contains areas of:

- Yellow Box – Blakely’s Red Gum Grassy Woodland (Box-Gum Woodland), listed as critically endangered pursuant to the Commonwealth’s *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered pursuant to the ACT’s *Nature Conservation Act 2014* (NC Act); and
- rocky habitat that supports a nationally significant population of the Pink-Tailed Worm Lizard (listed as vulnerable EPBC Act and NC Act).

The forest and woodland within the riparian corridors provides habitat for the following listed bird species

- superb parrot (*Polytelis swainsonii*) (listed as vulnerable EPBC Act and NC Act);
- regent honeyeater (*Anthochaera phrygia*) (listed as critically endangered EPBC, endangered NCA);
- swift parrot (*Lathamus discolor*) (listed critically endangered EPBC, and vulnerable NCA); and
- painted honeyeater (*Grantiella picta*) (listed as vulnerable EPBC Act and NC Act).

*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 works are within an area of 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**

It is proposed to undertake geotechnical investigations to investigate the area's existing geology to inform the design, construction and management of a new sewer line within Block 1633 District of Belconnen. Works involve borehole and test pitting at 53 locations, of which 8 are within nature reserve.

The boreholes within the reserve will be approximately 150mm wide and 25.0m deep.

The construction of a trunk sewer is required to support the development of West Belconnen, however this ESO only relates to the geotechnical investigations, not the construction of the trunk sewer itself.

### **Documentation Submitted**

- Report titled West Belconnen Urban Development Sewer Construction: Geotechnical Assessment Final (Feb 2017 Umwelt);

- Report titled West Belconnen Geotechnical Investigations, Significant impact Self-Assessment Final (Feb 2017 Umwelt);
- Supplementary Information – endorsement by ACT Heritage Council;
- Form 1M.

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

The Strategic Assessment undertaken for the development of West Belconnen notes that due to the steep topography of the West Belconnen Conservation Corridor, much of the woodland and forest communities within the riparian corridors remain. Grazing has occurred within accessible areas, degrading the quality of these communities to varying degrees, though other areas are relatively undisturbed.

The Conservation Corridor contains:

- A nationally important population of pink-tailed worm-lizard (*Aprasia parapulchella*) (vulnerable);
- Yellow Box – Blakely’s Red Gum Grassy Woodland (Box-Gum Woodland), listed as critically endangered pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered pursuant to the Nature Conservation Act 2014 (NC Act)

The forest and woodland within the riparian corridors provides habitat for the following threatened bird species:

- Superb Parrot (*Polytelis swainsonii*) (vulnerable);
- Regent Honeyeater (*Anthochaera phrygia*) (endangered);
- Swift Parrot (*Lathamus discolor*) (endangered); and
- Painted Honeyeater (*Grantiella picta*) (vulnerable).

### **Impact on the Reserve**

No boreholes are proposed to be located within areas of Box-Gum Woodland or Pink Tailed Worm Lizard habitat. Existing tracks will be used for access to the bore hole sites. If no access track is available it is proposed that access will be obtained avoiding sensitive areas. If sensitive areas cannot be avoided then an alternate borehole location will be investigated.

The Swift Parrot is a non-breeding visitor to the ACT that may use this area when mature eucalypts are flowering but they are not known to regularly use the area for foraging (Taws and Saunders 2005).

The Superb Parrot, Regent Honeyeater and Painted Honeyeater are unlikely to be impacted by the proposed works.

Spoil from the boreholes will be stockpiled next to the borehole and used to refill the hole with any excess material transported off site. Once works are completed there will be little evidence that the geotechnical investigations have been undertaken.

### **Potentially Significant Environmental Impacts**

There is unlikely to be any potentially significant impacts with the proposed works provided all works are in accordance with the conditions as provided. The drilling of the bore holes will not cause a significant impact. Any impacts are more than likely to be inadvertent impacts caused by machinery and vehicles accessing the site. To reduce this likelihood, conditions have been imposed regarding washing down of machinery and vehicles, restricting access to dry weather and repairing any soil disturbance.

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.