

# Planning and Development (Conditional Environmental Significance Opinion – Blocks 1553, 1613 and 1614 Belconnen – Lower Molonglo Water Quality Control Centre) Notice 2017 (No 2)

Notifiable Instrument NI2017–552

Made under the

**Planning and Development Act 2007 s 138AD(4) (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 – Blocks 1553, 1613 and 1614 Belconnen – Lower Molonglo Water Quality Control Centre) Notice 2017 (No 2)*.

## 2 Conditional Environmental Significance Opinion

- (1) On 11 April 2017, 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 construction, on Blocks 1553, 1613 and 1614, District of Belconnen, for upgrades to existing fencing, lighting and CCTV cameras at the Lower Molonglo Water Quality Control Centre.
- (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  
20 October 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**

Icon Water, as represented by Benjamin Bryant, Team Leader Environmental Services.

#### **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 the upgrade of the existing boundary fencing of Lower Molonglo Water Quality Control Centre to meet security and public safety requirements for critical infrastructure of as described in the submission.

#### **LOCATION**

Blocks 1553, 1613 and 1614 District of Belconnen - Lower Molonglo Water Quality Control Centre (LMWQCC) and adjoining blocks.

#### **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.

- That all works are in accordance with a Construction Environment Management Plan (CEMP) previously endorsed by the Conservator of Flora and Fauna. The CEMP is to include all mitigation measures as

outlined in the report attached to the application, including all items as listed in Chapter 5 of this report, as well as a method to shepherd out any Eastern Grey Kangaroos from the LMWQCC to ensure that the site does contain a trapped population, and reuse of the timber from the large trees being removed for woodland restoration works in the adjoining areas of reserve

Attached is a Statement of Reasons for the decision.



Dr Annie Lane  
Conservator of Flora and Fauna

// April 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 works may impact habitat for Pink Tailed Worm Lizard (*Aprasia parapulchella*), a species listed as vulnerable under the provisions of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) and the ACT's *Nature Conservation Act 2014* (NCA).

*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 proposed works will encroach into an area of nature reserve being Woodstock 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**

The construction of new security fencing at the Lower Molonglo Water Quality Control Centre (LMWQCC) to meet the Commonwealth's Attorney General's Department's current standards for the security of high value essential services infrastructure, and public safety by exclusion from interaction with potentially hazardous infrastructure.

It is proposed to remove approximately 3,325m of existing security fence and construct approximately 2,645 m of new fencing on a revised alignment. The new fence will be 2.4m high with a concrete plinth running the length of the fence. A trench will need to be excavated for the construction of the concrete plinth. The construction impact will generally be 3.0m wide with some areas extending to 4.0m.

Any holes from the removal of the existing fencing will be filled with soil sourced from the excavation for the concrete plinth. Once the holes are filled, the soil will be compacted and resurfaced to ensure there is no subsidence under the trench or an area of weakness that may cause a future erosion point. No soil is expected to be imported for hole-filling.

The fence will have minor encroachments into the adjoining reserve at two locations to avoid habitat for the Pink Tailed Worm Lizard.

### **Documentation Submitted**

- Environmental Assessment LMWQCC Critical Infrastructure Fencing Renewal 21 March 2017 (Icon Water);
- Site Layout Plan;
- Form 1M.

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

The vegetation varies widely across the site. The outer fringes are less disturbed areas of grassy open box gum woodland and Black Cypress Pine (*Callitris endlicheri*) woodland. Closer to the treatment plant weed species dominate the landscape and trees have been removed during to facilitate construction of the LMWQCC infrastructure and its activities.

The grassy communities include native and exotic species. There are 30 species onsite which are labelled as Weeds of National Significance with the most common being Cootamundra Wattle (*Acacia baileyana*) and Blackberry (*Rubus fruticosus*).

LMWQCC and surrounds contains known habitat of *the Pink Tailed Worm Lizard*, a species listed as vulnerable under the provisions of the EPBC and the NCA. Habitat is found along the alignment of the existing fence that is to be removed and close to the new fence alignment.

LMWQCC provides ecological connectivity to the Woodstock Nature Reserve and the Murrumbidgee River corridor.

The treatment plant discharges treated effluent into the Molonglo River and Platypuses are known to live downstream of the discharge point.

Eastern Grey Kangaroos are commonly seen around site.

#### **Impact on the Reserve**

The existing security fence traverses areas of high quality Pink Tailed Worm Lizard habitat. The fence will be carefully removed to ensure impacts are minimised.

The location of the new security fence has been micro aligned to avoid any high quality potential habitat. If any Pink Tailed Worm Lizard are discovered during the works they will be relocated to a site previously nominated for this purpose.

To facilitate the construction of the new fence, four mature Blakely's Red Gum (*Eucalyptus blakelyi*) will require either complete removal or removal of major limbs. One dead standing tree will also require removal. These trees are either on the alignment of the new fence or require removal for occupational health and safety reasons. None of these trees contain hollows.

Other removals include numerous juvenile regenerating eucalypts, and numerous *Acacia sp.* Other trees, both Eucalypts and *Callitris endlicheri* (Black Cypress Pine), will require trimming.

Laydown areas for construction materials will be within existing hardstand areas at LMWQCC.

Areas disturbed by the works will be rehabilitated.

### **Potentially Significant Environmental Impacts**

There is unlikely to be any significant environmental impacts provided works are in accordance with a Construction Environment Management Plan (CEMP) previously endorsed by the Conservator of Flora and Fauna. The CEMP is to include

- all mitigation measures as outlined in the report for the ESO and including all items as listed in Chapter 5 of this report;
- a method for shepherding out any EKG's from the LMWQCC to ensure that the site does contain a trapped population;
- reuse of the timber from the large trees being removed for woodland restoration works in the adjoining areas of reserve.

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.