

Planning and Development (Environmental Significance Opinion – Block 5, Section 1 Tharwa – Improving Fire Fighting Water Supply) Notice 2018

Notifiable instrument NI2018–620

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 5, Section 1 Tharwa – Improving Fire Fighting Water Supply) Notice 2018*.

2 Environmental Significance Opinion

(1) On 26 October 2018, the Conservator of Flora and Fauna, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the **Act**), gave the applicant an environmental significance opinion in relation to construction on block 5, section 1 Tharwa, of installation of firefighting water supply infrastructure at the village of Tharwa.

(2) In this section:

environmental significance opinion means the opinion in the schedule.

Note Under section 138AD (6) of the Act, the environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton
Chief Planning Executive
8 November 2018

Schedule

See Section 2(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

SMEC, as represented by Jie Liao, Senior Engineer.

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 installation of firefighting water supply infrastructure at the village of Tharwa as described in the submission.

LOCATION

Block 5 Section 1 Tharwa

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 documentation submitted, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

26 October 2018

**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.

Some of the works will be within the area of Special Purpose Reserve identified as the Tharwa Bridge Recreation Area in the Murrumbidgee River Corridor Management Plan.

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

- two in ground concrete water tanks with a capacity of 188 kl each,
- a new bore pump and DN80 rising main to pump water from the bore that was recently constructed in Block 5 Section 1 Tharwa,
- a new booster assembly and two pumps next to the water tanks,
- a new DN150 pipe from the tanks to the General Store along North Street,
- the construction of a new lookout / truck turnaround area to the east of Naas Road, and
- installation of five hydrants along North Street/Nass Road.

The site works are located partly within the Naas Road and North Street road reserves, extending into Block 5 Section 1 Tharwa which is a special purpose reserve, part of the Tharwa Recreation Reserve.

Documentation Submitted

- Environmental Significance Opinion Submission Report, Tharwa Fire-fighting Infrastructure (October 2018);
- Supporting documentation – Preliminary Environmental Assessment (ngh environmental 23 October 2018);
- Form 1M.

Natural conservation values present

Although located partly within the river corridor, the works area extends only about 20 m into the river corridor zone from the adjoining road corridor and is located approximately 130 m west of the top of the bank of the river channel.

The special purpose reserve has been modified with large cleared areas of pasture improved and regularly mown grasses to allow for recreational users. Small clumps or stands of mostly large mature native trees are scattered along the floodplain zone, as well as fringing riparian vegetation along the river's edge. These provide important foraging, breeding and shelter for native fauna, and provide important opportunities for fauna movements through the landscape.

The site of the works has low natural flora diversity with the native species component of the vegetation being mainly the existing tree cover. The tree species includes Blakely's Red Gum as the dominant species with a few immature Yellow Box (*Eucalyptus melliodora*) and a single immature Kurrajong (*Brachychiton populneus*).

The shrub layer is generally in a disturbed and modified condition and supports a mix of native species, including some regenerating Blakely's Red Gum and Wattles (primarily *Acacia dealbata*). There are numerous weed species including a large dense thicket of Blackberry (*Rubus fruticosus agg.*), Plums (*Prunus sp.*), Robinia

(*Robinia* sp.), Hawthorn (*Cratageus* sp.) and Privet (*Ligustrum* sp.). The groundcover is in a highly modified condition and almost completely dominated by exotic grass species, mainly Phalaris (*Phalaris aquatica*).

The report notes that only a small number of common native and introduced birds were observed during the brief site inspection. The species observed included European Starlings, Indian Mynas and Noisy Miners which are aggressive territorial species.

Impact on the Reserve

Tharwa Recreation Reserve is a low key recreation area consisting of an area of mown exotic grasses accessible from a carpark that is accessed under the western end of Tharwa Bridge. The works within the recreation area are on the edge of the reserve close to Naas Road and not close to any park benches or the existing public toilet block, which is more than 50 m to the north of the works. There will be some visual impact on the reserve but this is outweighed by the increased protection afforded to Tharwa Village by the installation of a reliable source of water for fighting wild fires.

No existing amenities in the reserve will be impacted by the works.

Potentially Significant Environmental Impacts

The documentation submitted describes the vegetation and wildlife values of the site accurately. The proponent has moved the location of the works 25m south of its original location in order to retain dead (stag) trees for their local habitat elements.

The site does lie within a nationally important wildlife corridor that runs along the Murrumbidgee and connects alpine areas with woodlands on the south western slopes. However, even if all the trees were removed as proposed strong north-south connections would still remain in the Tharwa area.

The pipeline route chosen should avoid significant impact.

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.