

Planning and Development (Conditional Environmental Significance Opinion – Fire Fighting Water Infrastructure – Tharwa Road Reserve and Block 5, Section 1, Tharwa) Notice 2019

Notifiable instrument NI2019–762

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 (Conditional Environmental Significance Opinion – Fire Fighting Water Infrastructure – Tharwa Road Reserve and Block 5, Section 1, Tharwa) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 21 November 2019, 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 development of firefighting water infrastructure within the Tharwa Road corridor/reserve and partly within Block 5 Section 1, Tharwa.

- (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.

Brett Phillips
Delegate of the planning and land authority
29 November 2019

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

NGH Pty Ltd, as represented by Johanna Duck, Senior Consultant.

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

LOCATION

The proposed works are located within the Tharwa Road corridor/reserve and partly within 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 following conditions in addition to the mitigation contained in the supporting application for an ESO, 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:

1. The development does not result in the loss of any hollow bearing tree or native tree taller than 10 metres;
2. The proposal does not cause the loss of 10 or more native indigenous trees within the 2 -10 metre height range;

3. Measures are in place to prevent any soil or sediment being washed from the works/work area into the Murrumbidgee River; and
4. Weed control includes the control of any African Lovegrass tussocks within the area of disturbance at least up until 18 months after completion of the works.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker
Conservator of Flora and Fauna

21 November 2019

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 (Block 5 Section 1, Tharwa) 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 proposed works involve open trenching and installation of 60 m of 80 mm diameter rising main. Approximately 10.8 m³ of trench materials will be excavated and backfilled.

The construction of the rising main will provide a non-potable water source for firefighting services to Tharwa and surrounding areas.

Documentation Submitted

- Environmental Significance Opinion Application Report, NGH Environmental October 2019;
- General Arrangement Layout Plan;
- Letter of Authorisation;
- Form 1M.

Natural conservation values present

The special purpose reserve has been modified with large cleared areas of improved pasture 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 works has low native flora diversity, with the native species component of the vegetation being mainly the existing tree cover. The tree species includes Blakely's Red Gum (*Eucalyptus blakelyi*) as the dominant species with occasional Yellow Box (*E. melliodora*) and Red Box (*E. polyanthemos*). 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. There are numerous weed species including Blackberry (*Rubus fruticosus agg.*) The groundcover is in a highly modified condition and is dominated by exotic species. The vegetation at the site therefore does not meet the requirements to be considered Box Gum Woodland.

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. There are no records of threatened or significant species within the immediate area of works.

Impact on the Reserve

The scale of the works will have very little impact on connectivity. The trenched area will be subject to weed control and revegetation so any disturbance will be minor and short-term. No existing amenities in the reserve will be impacted by the works.

Adequate measures should be put into place to minimise the risk of soil and sediment washing from works into the Murrumbidgee River.

The installation of the rising water main will enhance local firefighting capabilities and increase protection of Tharwa Village.

Potentially Significant Environmental Impacts

The site is composed of predominantly exotic grasses and the presence of threatened species is unlikely.

Conditions have been included to ensure that works will not result in increased weed cover, a significant reduction in connectivity, or increased sediment run-off:

1. The development does not result in the loss of any hollow bearing tree or native tree taller than 10 metres;
2. The proposal does not cause the loss of 10 or more native indigenous trees within the 2 -10 metre height range;
3. Measures are in place to prevent any soil or sediment being washed from the works/work area into the Murrumbidgee River; and
4. Weed control includes the control of any African Lovegrass tussocks within the area of disturbance at least up until 18 months after completion of the works.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.