

Planning and Development (Conditional Environmental Significance Opinion – Multiple Blocks, Whitlam and Belconnen – Molonglo Valley Interceptor Sewer Odour Mitigator) Notice 2022

Notifiable instrument NI2022–477

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 – Multiple Blocks, Whitlam and Belconnen – Molonglo Valley Interceptor Sewer Odour Mitigator) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 04 September 2022, 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 multiple blocks of Whitlam and Belconnen, of sewer odour mitigators.

- (2) In this section:

conditional environmental significance opinion means the opinion as set out 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.

Craig Weller
Delegate of the planning and land authority
26 September 2022

Schedule

See section 3(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 Skylar Chan, Experienced Planner.

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 amendments to previously approved infrastructure to reduce and disperse odour emissions from the Molonglo Valley Interceptor Sewer at four sites as described in the submission.

LOCATION

The proposed works are described as:

- Site 1 and 2: Block 71, Molonglo Valley
- Site 3: Blocks 2 and 5, Section 39 Whitlam, Block 72 Molonglo Valley and Block 50 Molonglo Valley
- Site 4: Block 1020 Belconnen and Block 6 Section 39 Whitlam.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures 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:

CEMP

1. A Construction Environmental Management Plan (CEMP) is to be approved by the Conservator of Flora and Fauna prior to commencement of works. The CEMP must include weed management and sediment and erosion control measures.

Mapping

2. Any plans submitted as part of any future development application must include the geological heritage layer for consideration on all plans relating to Site 4.

Stormwater management

3. Stormwater management controls and activities must be described in any future development application, and must clearly demonstrate that stormwater management, including run off, will not impact on protected matters including Natural Temperate Grasslands nearby. Stormwater Management will be to the satisfaction of the ACT Parks and Conservation Service (PCS).

Design and siting plans

4. The construction footprint must be reflected consistently through all plans including the Landscape Plan;
Note: This may involve increasing the coverage of the landscaping for sites 1-4. The footprint is deemed to include all areas impacted by the development such as the demolition/infrastructure removal works, maintenance tracks, site compounds, trenching/backfilling and temporary work areas.
5. Areas impacted by the development (by the removal of vegetation) must be rehabilitated to native grassland, using a mix of native grass species and wildflowers to the satisfaction of PCS;
6. The proposed screening vegetation (shrubs and trees) must sufficiently screen the Odour Control Unit (OCU) buildings and vents, when mature. The number of shrub plantings must be increased to sufficiently screen the buildings, particularly from the existing track. The sufficiency of screening vegetation, including the species lists, is to be to the satisfaction of PCS;
7. Ground storey planting species must be planted at a density of at least 6 plants per m²;
8. Any batters or sloping ground that may be impacted by the project must be appropriately stabilised and include erosion mitigation measures. Specifically,

jute mesh and coir logs must be used to stabilise disturbed soil as vegetation establishes. This is to be to the satisfaction of PCS;

9. All planted vegetation and other landscaping features must be maintained for a minimum of 3-years post construction, commencing the day works are complete. This is to be to the satisfaction of PCS.

Façade Treatment

10. Façade treatment and materials of the OCU buildings must deter graffiti and be easily cleaned and any imagery/murals must be relevant to the Molonglo River Reserve. These are to be to the satisfaction of PCS.

Note: If imagery/murals are proposed these must be maintained until screening vegetation matures.

Additional Construction Activity

11. Any demolition or infrastructure removal works must be considered as part of the construction footprint (also see condition 3 above). Details of the ecological values at these locations and any remediation activities must be provided as part of any future development application and is to be to the satisfaction of PCS.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

4 September 2022

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 location of the development contains:

- Natural Temperate Grassland of the South Eastern Highlands (NTG), a critically endangered community listed under the EPBC Act and endangered under the NC Act is present within and immediately adjacent to the Project Area.
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (box-gum woodland), critically endangered community listed under the EPBC Act.
- Yellow Box/Red Gum Grassy Woodland (box-gum woodland), an endangered ecological community listed under the NC Act was recorded in the broader locality.
- Three animal species listed as threatened under the Nature Conservation Act 2014:
 - Pink-tailed Worm-lizard (*Aprasia parapulchella*), listed as vulnerable under the EPBC Act and NC Act is scattered in and around the Project Area
 - Murray Cod (*Maccullochella peelii*), listed as vulnerable under the EPBC Act
 - Perunga Grasshopper (*Perunga ochracea*), listed as endangered under the NC Act.

Molonglo River Reserve contains:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

Fourteen animal species listed as threatened under the *Nature Conservation Act 2014* or protected under the *EPBC Act 1999*:

- Varied Sitella (*Daphoenositta chrysoptera*)
- Brown Treecreeper (*Climacteris picummus*)

- Painted Honeyeater (*Grantiella picta*)
- Regent Honeyeater (*Xanthomyza phrygia*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Hooded Robin (*Malanodryas cucullata*)
- Scarlet Robin (*Petroica boodang*)
- Superb Parrot (*Polytelis swainsonii*)
- Swift Parrot (*Lathamus discolor*)
- Rainbow Bee-eater (*Merops ornatus*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Perunga Grasshopper (*Perunga ochracea*)
- Murray River Crayfish (*Euastacus armatus*)

One plant species listed as threatened:

- Pale Pomaderris (*Pomaderris pallida*)

Part 4.3, item 3 proposal for development on land reserved under s 315 for the purpose of a nature reserve.

Of the four sites, one (Site 4) is located within the Molonglo River 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 project comprises amendments to previously approved (ESO202000008) odour control units with associated vehicular access and reconfiguration of power supply. The works are located along the existing MVIS access track however portions of the proposed development are located within the Molonglo River Reserve.

The amendments include:

- Site 4 OCU building has moved 30m north-west of original location.
- Relocation of vent stacks from the side to the back of the OCU building.
- Relocation of foul air offtake pipes connecting the existing MVIS pipe with the proposed OCU building
- New proposed security fencing around water tank and external pipe work and valve.
- Revised concrete pad in front of the OCU building.
- Revised footpaths around OCU building widened to 2m.
- Stairwell and handrail on OCU buildings removed.
- Changes to site access for vehicles.
- Changes to retaining walls.
- Adjustments to stormwater infrastructure.
- OCU internal pipe layout changes.
- Changes to exterior doors for switchboard rooms, rear double doors and sliding doors.
- Roof access removed.
- Sediment and erosion controls updated.

Documentation Submitted

- Molonglo Valley Interceptor Sewer Odour Mitigation Project – supporting documentation;
- ESO Application Form.

Natural conservation values present

The Molonglo River corridor provides important foraging and breeding habitat and movement opportunities for both common and threatened species.

At least eight species of mammals, five species or subspecies of frog, 16 species of reptiles, one native fish species and 122 species of birds have been recorded in the Molonglo River Park reserve. There are also several rare species of plants present.

The following ecological potential ecological constraints were identified in the Project Area:

- Yellow Box – Red Gum Grassy Woodland community listed as endangered under the NC Act
- Natural Temperate Grassland (NTG) community listed as endangered under the NC Act and critically endangered under the EPBC Act
- Pink tailed worm lizard habitat, listed as vulnerable under both the NC Act and the EPBC Act

The Molonglo River Reserve Management Plan describes the values of the area.

The Molonglo River Reserve is located in the Molonglo Valley, partly in and partly outside the urban envelope of Canberra in the ACT. It is largely a river corridor reserve that is located either side of the Molonglo River between Scrivener Dam and the junction with the Murrumbidgee Corridor Reserve, about a kilometre before the Molonglo joins the Murrumbidgee.

The winding river, its channel, gorges and riverine vegetation are the key visual features of the reserve. Along with the long sloping grasslands and grassy woodlands above the river, the reserve has diverse habitats and high biodiversity values. This is despite the area's history of active agricultural, forestry and recreation use and consequent degradation in some areas.

For wildlife, connections into the wider region are also important, especially for birds. Kama forms an important link between the Murrumbidgee River Corridor Reserve and the reserves of Canberra Nature Park in the north of Canberra including Mt Majura, Black Mountain, Aranda Bushland, Mt Painter and the Pinnacle. The vegetation along the river also features in wildlife linkages to the west and south and into NSW

Table 1, extracted from the Molonglo River Reserve Management Plan, describes the threatened species and communities listed as having potential to occur, or have been recorded as occurring, in the Molonglo River Reserve area.

Table 1 - Species and communities within the Molonglo River Reserve

Species/community	Common name	Cwth*	ACT**	NSW***
Community				
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Box-Gum Grassy Woodland	Critically endangered R+, NES+	Endangered R+, NES+	
Natural Temperate Grassland of the South Eastern Highlands	Natural Temperate Grassland	Critically endangered R+, NES+	Endangered R+, NES+	
Plants				
<i>Pomaderris pallida</i>	Pale Pomaderris	Vulnerable	-	Vulnerable
Birds				
<i>Xanthomyza phrygia</i>	Regent Honeyeater	Endangered R+	Endangered R+	Critically endangered
<i>Lathamus discolor</i>	Swift Parrot	Endangered R+, NES+	Vulnerable R+, NES+	Endangered
<i>Polytelis swainsonii</i>	Superb Parrot	Vulnerable R+, NES+	Vulnerable R+, NES+	Vulnerable
<i>Melanodryas cucullata</i>	Hooded Robin	-	Vulnerable R+	Vulnerable
<i>Climacteris picumnus</i>	Brown Treecreeper	-	Vulnerable R+	Vulnerable
<i>Grantiella picta</i>	Painted Honeyeater	-	Vulnerable	Vulnerable
<i>Daphoenositta chrysoptera</i>	Varied Sitella	-	Vulnerable	Vulnerable
<i>Lalage sueurii</i>	White-winged Triller	-	Vulnerable (R+) Action Plan 27	-
<i>Hieraaetus morphnoides</i>	Little Eagle	-	Vulnerable R+	Vulnerable
<i>Merops ornatus</i>	Rainbow Bee-eater	a)	-	-
Fish (A)				
<i>Bidyanus</i>	Silver Perch	Critically endangered	Endangered	Vulnerable
<i>Macquaria australasica</i>	Macquarie Perch	Endangered	Endangered R+	Endangered
<i>Maccullochella macquariensis</i>	Trout Cod	Endangered R+	Endangered	Endangered
<i>Maccullochella peelii</i>	Murray Cod	Vulnerable R+	-	-
Reptiles				
<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard	Vulnerable NES+	Vulnerable	Vulnerable
Invertebrates				
<i>Eustacus armatus</i>	Murray River Crayfish	-	Vulnerable R+	-
<i>Perunga ochracea</i>	Perunga Grasshopper	-	Vulnerable R+	-

Impact on the Reserve

The proposal has been assessed for potential impacts on the reserve – both direct impacts on ecology and biodiversity and also visual amenity. The geological heritage site requires specific consideration, as does the management of stormwater, landscaping, and visual impacts.

Potentially Significant Environmental Impacts

The sites have been chosen to avoid significant impacts on ecological communities and there is a very low likelihood of the proposal impacting on rare plant species. Fencing/bunting is to be utilised to clearly demarcate and protect sensitive ecological areas.

The following conditions have been included to ensure that works will not have a significant adverse environmental impact on the Reserve or protected matters:

CEMP

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2. Any plans submitted as part of any future development application must include the geological heritage layer for consideration on all plans relating to Site 4.

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Note: If imagery/murals are proposed these must be maintained until screening vegetation matures.

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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.