
ENVIRONMENTAL SIGNIFICANCE OPINION - Dairy Road Sewer Pump Station - ESO202400029

In accordance with section 140 (4) of the *Planning Act 2023* (the Act), I provide the following environmental significance opinion:

APPLICANT

Icon Water Pty Ltd, as represented by Mr Michael Smith, Environmental Scientist.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 140 (4) 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 installation of a new sewer pump station and associated sewer main pipeline for the Dairy Road precinct in Fyshwick. The infrastructure is required to provide increased sewerage capacity for the upcoming redevelopment of the precinct.

LOCATION

The proposed works are located in the following areas:

- Block 13 Section 47 Fyshwick (sewer pump station)
- Block 14 Section 47 and Block 11 Section 30 Fyshwick (sewer main pipeline)

MATTERS TO WHICH THIS OPINION APPLIES

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

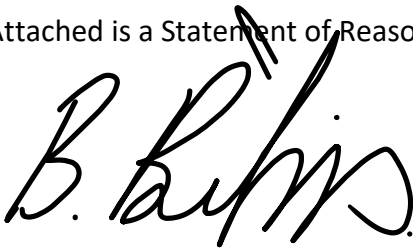
OPINION

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 s140 (4)(b) of the Act:

1. Conditions of approval including mitigation measures as stated in the submission.
2. Compensatory planting of 20 trees and/or shrubs is to be undertaken in a suitable adjacent location.
3. The site must have an environmental contamination assessment, in the form of a preliminary site investigation and/or detailed site investigation. The site assessment should be submitted to the Environment Protection Authority (EPA) in accordance with Contaminated Sites Information Sheet 11 – 'Environment Protection Authority Report Submission Requirements', for review and endorsement.
4. All spoil identified at the site must be managed in accordance with EPA [Information Sheet – Spoil Management in the ACT](#).
5. All soil subject to disposal from the site must be assessed in accordance with EPA [Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT](#).
6. No soil is to be disposed from the site without EPA approval.
7. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

29 July 2024

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – requiring environmental impact statement, being:

Part 1.2, item 25 - proposal that is likely to result in a key threatening process under the Nature Conservation Act 2014

The proposed works will result in the removal of 1 mature native tree on the site and may result in the key threatening process of Loss of mature native trees and lack of recruitment.

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement 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 for an opinion 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 are to provide upgraded sewerage infrastructure to the planned redevelopment of the Dairy Road Precinct in Fyshwick. The project requires

construction of a new sewer pump station (SPS) and new sewer main pipework connecting the SPS to existing sewer main leading to the Fyshwick SPS.

The proposed works are located approximately 500m southeast from Jerrabomberra Wetlands Nature Reserve, with the SPS adjacent to the Monaro Highway and NSW-Canberra railway line. The site was used as a municipal landfill and construction laydown area in the 1970s-80s, and there is potential for contamination due to hydrocarbons and heavy metals.

The new SPS will be 10m x 10m. Construction of the SPS will include installation of a new wet well (~10m deep), an overflow point, a 14m educt fan, and an emergency storage tank.

The pipeline will lead south away from the Jerrabomberra Wetlands, and will be approximately 350m long with minimum 3m wide for excavation. The pipeline will be bored at depth underneath the NSW-Canberra railway to not have impacts on the railway.

The project will involve removing 10 trees, of which 1 is a mature native tree.

Documentation Submitted

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Tree survey;
- Site maps following Request for Information;
- Letter(s) of Authorisation;
- Form 1M.

Natural conservation values present

The site is located approximately 500m southeast of the Jerrabomberra Wetlands Nature Reserve. Jerrabomberra Wetlands is one of the most valuable wetland areas in the ACT and is regionally important as a drought refuge and seasonal habitat for migratory species. The Wetlands is listed in the Australian Directory of Important Wetlands, as well as the ACT Heritage Register.

Over 200 species have been recorded within the nature reserve, with at least 6 species listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* and the *ACT Nature Conservation Act 2014*:

- Curlew Sandpiper (*Calidris ferruginea*);
- Varied Sittella (*Daphoenositta chrysoptera*);
- White-winged Triller (*Lalage tricolor*);
- Scarlet Robin (*Petroica boodang*);
- Australian Painted Snipe (*Rostratula australis*);

- Grey-headed Flying-fox (*Pteropus poliocephalus*);
- Gang-gang Cockatoo (*Callocephalon fimbriatum*).

The landuse is zoned as 'Services Zone'. The vegetation is mapped as 'Exotic Grassland'. The site is heavily disturbed, with ground and mid storeys being almost exclusively exotic species, dominated by Blackberry and African Lovegrass. The canopy layer is a mix of native and exotic species planted approximately 20 years ago.

The site is within a potential connectivity corridor for small woodland birds, riparian reptiles and mammals, and potential core habitat for amphibians and native bees. The site also contains mapped remnant patches for small to medium terrestrial mammals.

The vegetation proposed for removal includes one of the only mature native trees within the site, being a relatively large Brittle Gum (*Eucalyptus mannifera*). The proposal would also remove a relatively large exotic Cypress, which may provide foraging habitat value for Gang-gang Cockatoo, which is known to occur in proximity to the site.

Potentially Significant Environmental Impacts

The biggest risk for the proposed works is the potential to disturb contaminated soils due to historical landuse of the site. Since the 1960s the adjacent NSW-Canberra railway has been operating, the site was a municipal landfill in the 1970s, and as a construction laydown area in the 1980s. While the site is not listed in the EPA's Register of Contaminated Sites, there is still potential for environmental impacts associated with disturbance of contaminated soils due to hydrocarbons and heavy metals.

Construction of the SPS and installation of the pipework will require extensive earthworks. The proponent is undertaking further contamination studies to assess this risk which includes sampling at depth, and will prepare a Construction Environmental Management Plan prior to start of works that will detail mitigation to minimise disturbance. The EPA has been consulted and has given conditional support for the works.

The removal of the mature native tree is not considered significant due to the highly disturbed nature of the site and poor quality of vegetation. The small number of trees removed is also unlikely to significantly impact habitat or connectivity for other species. The proponent intends to replant trees at a ratio of 2:1 as per the Urban Forest Act.

Conditions have been included to ensure that environmental impact is minimised in the vicinity.

1. Conditions of approval including mitigation measures as stated in the submission.
2. Compensatory planting of 20 trees and/or shrubs is to be undertaken in a suitable adjacent location.
3. The site must have an environmental site assessment, from a contamination perspective, in the form of a preliminary site investigation and/or detailed site investigation. The site assessment should be submitted to the Environment Protection Authority (EPA) in accordance with Contaminated Sites Information Sheet 11 – ‘Environment Protection Authority Report Submission Requirements’, for review and endorsement.
4. All spoil identified at the site must be managed in accordance with EPA [Information Sheet – Spoil Management in the ACT](#).
5. All soil subject to disposal from the site must be assessed in accordance with EPA [Information Sheet 4 - Requirements for the reuse and disposal of contaminated soil in the ACT](#).
6. No soil is to be disposed from the site without EPA approval.
7. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by the Conservator of Flora and Fauna.

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.