ENVIRONMENTAL SIGNIFICANCE OPINION -202400059 BLOCK 1553 BELCONNEN – D-CX11061 – LMWQCC BIOREACTOR

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

APPLICANT

Icon Water, as represented by 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 the Installation of two new bioreactors at the Lower Molonglo Water Quality Control Centre (LMWQCC) as described in the submission.

LOCATION

Block 1553 District of Belconnen.

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 application.

2. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
3. A Construction Environmental Management Plan (CEMP) must be endorsed by the Conservator of Flora and Fauna prior to commencing the action. The CEMP should include at a minimum:

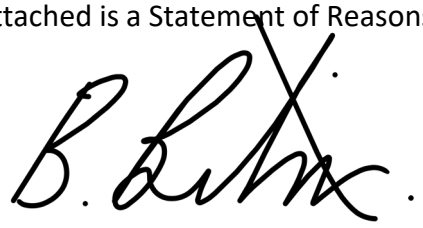
    - A pre-clearance survey of patches of surface rock and/or nests identified within or in close proximity to the disturbance footprint.

    - All trees must be replaced as per the tree replacement ratios table below.

DBH class (cm)	REPLACEMENT RATIOS
<5	1:1
5 - 20	1:3 + relocate as native mulch or at Conservator discretion
21 - 30	1:8 + relocate as coarse woody habitat
31 - 40	1:13 + relocate as coarse woody habitat
41 - 50	1:40 + relocate as coarse woody habitat
50+	1:90 + reinstate as vertical habitat structure or at Conservator discretion
100+	1:180 + reinstate as vertical habitat structure or at Conservator discretion

    - Given the high value of Tree 98 measuring 99cm DBH - the ratio of 1:180 will be required for its replacement.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

8 April 2025

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 16 - proposal that is likely to have a significant adverse environmental impact on 1 or more of the following:

(a) a critically endangered species;
(b) an endangered species;
(c) a vulnerable species;
(d) a conservation dependent species;
(e) a regionally threatened species;
(f) a regionally conservation dependent species;
(g) a provisionally listed threatened species;
(h) a listed migratory species;
(i) a threatened ecological community;
(j) a protected native species;
(k) a Ramsar wetland;
(l) any other protected matter

Block 1553 contains:

One ecological community listed as critically endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT

Records or potential habitat for 14 animal species listed as threatened under the EPBC Act and/or *Nature Conservation Act 2014*:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Swift Parrot (*Lathamus discolor*)
- Superb Parrot (*Polytelis swainsonii*)
- Diamond Firetail (*Stagonopleura guttata*)
- Regent Honeyeater (Anthochaera Phrygia)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-throated Needletail (*Hirundapus caudacutus*)
- White-winged Triller (*Lalage tricolor*)
- Scarlet Robin (*Petroica boodang*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Striped Legless Lizard (*Delma impar*)
- Perunga Grasshopper (*Perunga ochracea*)
- Golden Sun Moth (*Synemon plana*)

Habitat for seven plant species listed as threatened:

- Pale Pomaderris (*Pomaderris pallida*)
- Murrumbidgee Bossiaea (*Bossiaea grayi*)
- Hoary Sunray (*Leucochrysum albicans var. tricolor*)
- Tarengo Leek Orchid (*Prasophyllum petilum*)
- Button Wrinklewort (*Rutidosis leptorhynchoides*)
- Small Purple Pea (*Swainsona recta*)
- Austral Toadflax (*Thesium australe*)

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

Works are proposed to deliver upgrades in system capacity for the Lower Molonglo Water Quality Control Centre (LMWQCC). Works are required to meet system performance requirements, ensure compliance with licence requirements, and ensure the plant has capacity to meet future population growth in stages up to 2070.

Upgrades will include the provision of two new 21 ML Membrane Bioreactors (MBR), to be constructed adjacent to existing treatment chains. The existing bioreactors will be retained and operated in parallel to the new technology.

Documentation Submitted

- Statement of Heritage Effect (SHE)
- SHE Approval
- Cx11061 Environmental significance opinion report
- Tree survey
- WSP ecological survey report 2022
- WSP ecological targeted surveys report 2024;
- Letter of Authorisation
- Form 1M.

Natural conservation values present

The general vegetative surrounds of the LMWQCC are natural, grassy or vegetated with two broad native vegetation communities being quite dense *Casuarina cunninghamiana* and open Woodland (consisting of planted Eucalypts and broad leaf weeds), amongst grassy and rocky potential Pink-tailed Worm-lizard habitat.

The site is mainly devoid of an understorey as these have been removed progressively over time for bushfire risk reduction. The ground layer is dominated by exotic broad leaf weeds ranging from St John's Wort (*Hypericum perforatum*) and Great Mullein (*Verbascum Thapsus*).

The area proposed for development can be described as an open grassland (Canberra dryland mix) devoid of trees that is dominated by broad leaf weeds and annual grasses. The sites directly surrounding the existing infrastructure are highly degraded with the construction and ongoing use of the LMWQCC.

A patch of Natural Temperate Grassland, a critically endangered ecological community occurs to the south of the site supporting habitat for the threatened Golden Sun Moth and Perunga Grasshopper. Box Gum Woodland also occurs within the broader site.

At least three species of mammals, nine species of reptiles, and over 68 species of birds have been recorded in the area as well as three animal species listed as threatened under the EPBC Act and/or *Nature Conservation Act 2014*:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Diamond Firetail (*Stagonopleura guttata*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)

The threatened Pale Pomaderris (*Pomaderris pallida*) has been recorded in the vicinity, and the site also contains *Callitris endlicheri*, a plant considered rare in the ACT.

Potentially Significant Environmental Impacts

The proposal requires the removal of up to ninety-three trees resulting in the loss of approximately 20 ha of foraging habitat for the threatened Gang Gang Cockatoo and Superb Parrot, of these, one tree (tree 98), is a remnant tree. However, as there is contiguous suitable foraging habitat within the surrounding Murrumbidgee River Corridor, the loss of these values is unlikely to represent a significant impact and there will be no loss of breeding habitat for either species as hollow surveys have ruled out the hollow bearing trees present, including tree 98, as suitable nesting sites.

ICON waters design team have made considerable design changes to avoid impacts to as many trees as possible and the final design avoids impacts to the remaining ecological communities onsite such as Natural Temperate Grassland, Box Gum Woodland, Perunga Grasshopper, Golden Sun Moth and Pink Tail Worm Lizard. Several trees marked for removal are in close proximity to Pink Tail Worm Lizard however a condition will be included in this ESO requiring a preclearance survey of patches of surface rock and/or nests identified within or in close proximity to the disturbance footprint.

Overall, the site selected for the works has been well considered and significant effort has been made to avoid impacts to ecological communities and as many trees as possible. The applicant has agreed to compensatory replanting to further mitigate the loss of trees and a condition is included to ensure replanting for the high value remnant tree is replaced at the highest replacement ratio to further compensate its loss.

In addition to the mitigation measures that are stated in the application, the following conditions of approval have been included to further protect the ecological values onsite:

1. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.

2. A Construction Environmental Management Plan (CEMP) must be endorsed by the Conservator of Flora and Fauna prior to commencing the action. The CEMP should include at a minimum:

a. A pre-clearance survey of patches of surface rock and/or nests identified within or in close proximity to the disturbance footprint.

b. All trees must be replaced as per the tree replacement ratios provided below.

DBH class (cm)	REPLACEMENT RATIOS
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c. Given the high value of Tree 98 measuring 99cm DBH - the ratio of 1:180 will be required for its replacement.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to this 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.