

Planning and Development (Environmental Significance Opinion – Block 1563 Tuggeranong – Gilmore Horse Paddock Complex) Notice 2015 (No 1)

Notifiable Instrument NI2015–137

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 1563 Tuggeranong – Gilmore Horse Paddock Complex) Notice 2015 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

The Conservator of Flora and Fauna has prepared an Environmental Significance Opinion (ESO) under section 138AB of the *Planning and Development Act 2007* (the Act), relating to item 3 of Part 4.3 of Schedule 4 of the Act.

The text of the ESO is in the schedule.

Note 1: A copy of the ESO may be obtained from the Environment and Planning Directorate website:

http://www.planning.act.gov.au/topics/design_build/da_assessment/environmental_assessment/environmental_significance_opinions

Note 2: Under section 138AD(6) of the Act, the ESO and the notice including the text of the ESO expire 18 months after the day the notice is notified.

Dorte Ekelund
Chief Planning Executive
2 April 2015



ACT
Government

Environment and Planning

Ms Dorte Ekelund
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Ms Ekelund *Dorte*

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion for the installation of new infrastructure within Block 1563 Tuggeranong to facilitate the use of the block as part of the ACT Government Horse Paddocks complex.

The proposal is not likely to have a significant adverse environmental impact.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Dr A. Lane
Conservator of Flora and Fauna

27 March 2015

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Mr Daniel Iglesias, Director, Parks and Conservation Service, Territory and Municipal Services Directorate.

LOCATION

Block 1563 Tuggeranong; Blocks 1 and 4 Section 76 Gilmore.

DEVELOPMENT PROPOSAL

The installation of new infrastructure within Block 1563 Tuggeranong to facilitate the use of the block as part of the ACT Government Horse Paddocks complex, and associated access from the suburb of Gilmore.

The proponent wants the application for the development approval assessed for an environmental significance opinion 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.

OPINION

The installation of the infrastructure and the subsequent use as a horse paddock of Block 1563 Tuggeranong in the manner described in the documentation as submitted is unlikely to cause a significant adverse environmental impact. Works within the urban open space in Gilmore do not trigger a requirement for an environmental significance opinion.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

27 March 2015

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.

Block 1563 Tuggeranong is special purpose reserve and the management objectives for the area as provided in Schedule 3 of the Act is “to provide for public and community use of the area for recreation and education”.

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 for an environmental significance opinion (ESO) to that effect.

It should be noted that Blocks 1 and 4 Section 76 Gilmore are urban open space and do not contain any ecological communities or species that would trigger any items in Schedule 4 of the Act. The works in these blocks for access to the site are therefore not addressed in this opinion and will be addressed as part of the subsequent Development Application by the ACT Planning and Land Authority.

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 and known values of the sites.

Project description

The construction of livestock management infrastructure to facilitate the use of the area as a Government Horse Paddock.

The scope of works as proposed by the proponent is as follows:

- Construction of new horse yards, approximately 20m x 15m, of steel post and rail construction;
- Construction of a new stabilised gravel car park approximately 20m by 20m adjacent to the new yards;
- Upgrade of the existing management track between the Monaro Highway underpass and the new car park;
- Installation of new water meter and potable water supply line for stock water;
- Installation of new water troughs;
- Repairs and realignment of existing associated infrastructure including gates, fences and drainage;
- Blocking of current illegal and unsafe access route from southbound lanes of Monaro Highway down an embankment and to the underpass.

Note that the works subject to this ESO do not include those works relating to access as these works are outside of the special purpose reserve and will not impact on native vegetation.

Documentation Submitted

- Report titled: Request for Environmental Significance Opinion, Proposed Extension and Construction of Additional Infrastructure at the ACT Government Hume Horse Holding Paddock (ACT Parks and Conservation Service, March 2105);
- Aerial Photo showing the location of works;
- Amendment showing revised location of water pipes;
- Covering letter; and
- ESO Application Form 1M.

Natural conservation values present

The land is essentially exotic secondary grassland dominated by African Lovegrass and exotic annual grasses including Wild Oats and bromes. Wallaby and corkscrew grasses are common across the site. A field survey was conducted on 29 January 2014 and 42 weed species and 62 native plant species were observed. The survey wasn't held at an optimum time and that it is likely that many annual plant species present on the site had already died back and become unidentifiable.

Many of the native species that were only observed were located on the eastern boundary of the paddock, within a few metres of the fence line.

Potentially Significant Environmental Impacts

No species or community listed as vulnerable or endangered in the ACT were recorded during the field survey.

The report notes that the site contains two areas of outcropping rock that may be suitable habitat for the vulnerable Pink-tailed Worm-lizard (*Aprasia parapulchella*), however, it also notes that the poor condition of the grassy understorey and its lack of connectivity to a wider area of suitable habitat means that the habitat within the proposed paddock is considered marginal. The likelihood of this species being present within the paddock is very low. In addition, these areas are not being impacted by the proposed works.

The report does note that three plant species considered rare in the ACT were recorded on the site during the field inspection. These are:

- Chamomile Burr Daisy (*Calotis anthemodies*,) located just outside the north-eastern boundary of the site; and
- Prickly Moses (*Acacia ulicifolia*), located close to the ACT/NSW border in the central part of the paddock; and
- Five-cornered Jack (*Styphelia triflora*,) located close to the ACT/NSW border in the central part of the paddock.

All of these plants are outside the boundaries for the new horse paddock but the Chamomile Burr Daisy population is immediately adjacent to the northern boundary fence and the ecologist suggested that the fence could be realigned away from this plant, noting that the existing fence requires maintenance to make it stock proof.

The Parks and Conservation Service has determined that construction of a fence on a new alignment may have greater impact on the daisy and has offered the following mitigation measures to be implemented whilst fixing the existing fence:

- Restrict all work access to the southern side of the fence;
- Temporarily barricade the restricted area prior to the fencing contractor commencing works;
- Document the site in works plans as an environmentally sensitive area that must not be used by vehicles or used to store any materials; and
- Brief fencing contractor staff to remain clear of the area during pre-work site induction.

It is recommended that these be addressed in the conditions of approval through the Development Application process.

There are no records of any EPBC listed threatened species occurring on or close to the proposed development. As stated above, there are two areas that may be suitable habitat for the Pink-tailed Worm-lizard but it is considered unlikely that the species would be present due to the small size and isolated nature of the habitat and the poor quality of the surrounding grassland.

All listed migratory species are birds and there are no records of any of these species occurring in the development area. A number of species have the potential to be found within the development area but of these, the Rainbow Bee eater was considered the most likely to be negatively impacted by the proposed works around the car park and yards due to its nesting in burrows in the ground. While suitable nesting sites are not likely to occur at the actual site of construction the drainage gully approximately 10m south of the site could potentially provide a suitable location. All other species likely to be found on the site are primarily arboreal and as no trees are proposed for removal the impact on these species is considered to be insignificant.

Parks and Conservation Service has offered to mitigate the possible negative impact on the Rainbow Bee Eater by ensuring that the construction work will occur between April and September, a time when the species migrates to northern Australia and will not be present in the ACT region.

Impacts on the Special Purpose Reserve.

The proposed infrastructure has been designed and sited to minimise environmental impacts. Yards have been sited to keep horses clear of trees that could be damaged while still providing shade. No trees will be impacted by construction of any part of the proposal.

Currently the area is predominantly used for recreation by walkers, runners, cyclists and horse riders. The proposed works will not alter these uses. The use of the area as a horse paddock is not inconsistent with the management objectives for special purpose reserve being to provide for public and community use of the area for recreation and education.

There are low levels of illegal vehicle access and the change to the area being managed as a horse paddock may serve to discourage this use.

It has been determined that the potential for a significant environmental impact is low.