

Planning and Development (Environmental Significance Opinion – Block 6 Section 12 Pialligo – IKEA Store Access Road Stormwater Extension) Notice 2015 (No 1)

Notifiable Instrument NI2015– 345

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 6 Section 12 Pialligo – IKEA Store Access Road Stormwater Extension) 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 1 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
22 June 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 proposed extension of the stormwater outlet from the IKEA site in Pialligo. The proposal is not likely to have a significant adverse environmental impact provided the works are in accordance with the conditions as provided.

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

18 June 2015

ENVIRONMENTAL SIGNIFICANCE OPINION

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

APPLICANT

Mr Misha Beljic, Senior Project Officer, Procurement and Capital Works, Chief Minister, Treasury and Economic Development Directorate.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA 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 minor works to extend the storm water outlet from the IKEA site, which is currently under construction, to north east of the IKEA site to Woolshed Creek. Works will involve the construction of a swale drain 6.0m x 2.0m with a total impact area of 25m².

LOCATION

Block 6 Section 12 Pialligo

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 the manner consistent with the following conditions of approval, 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.

- That sediment and erosion control fencing is installed prior to commencement of construction and remains in place until all works are 100% stabilised;

- That the site is revegetated as soon as possible after the drainage works are completed utilising the existing top soil from the site and native grass seed; and
- That the storm water swale drain / channel is designed to withstand the maximum discharge velocity from the pipe especially when in a saturated condition. A standard grassed swale is not likely to meet this criteria and therefore the swale will require rock protection at the outfall of the stormwater drain;

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

18 June 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 1(a) development that may impact on a species or ecological community that is endangered.

The area of the works is mapped as *Delmar impar* (Striped Legless Lizard) habitat. *Delmar impar* is listed as vulnerable under the provisions of both the *Nature Conservation Act 1980* and the *Environment Protection and Biodiversity Conservation Act 1999* (C'wlth).

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.

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 are carried out in accordance with the conditions of approval.

Project description

Construction of IKEA and the associated access road is underway. This work included a stormwater drain running from the IKEA site, under the access road, to a natural drainage line above Woolshed Creek. The result of these works is that the stormwater out fall has ended up 200mm lower than the ground level to the adjacent waterway causing the water to pond. This ponding will cause mosquito issues if not corrected and will threaten soil stability in the vicinity of the creek. It is proposed to correct this problem by the installation of a swale drain 6.0m long and 2.0m wide.

The disturbed area is to be reinstated and revegetated with native grasses.

Documentation Submitted

- Report titled: Application for Environmental Significance Opinion – Stormwater Outfall Extension Spitfire Road alignment, Pialligo (26 May 2015 SMEC);
- ESO Application Form 1M.

Natural conservation values present

Surveys in 2010 (SMEC Australia) and 2013 (Biosis) determined that the area of works does not contain an unusual richness or diversity of native grassland species. Biosis mapped the location to be predominantly exotic pasture with small areas in borderline exotic mixed pasture. SMEC observed predominantly Chilean Needle Grass and Phalaris with minor components of native Spear Grass and Wallaby Grass. Serrated Tussock, a Weed of National Significance, is also present.

Striped Legless Lizard has previously been recorded in the area and their presence in the general locality has been confirmed by surveys (Biosis, 2014a; 2014b) and SMEC's Scoping Study (2014).

Potentially Significant Environmental Impacts

At the present time, Chilean Needlegrass, a declared pest species, is the dominant grass in the area. Within the general vicinity of IKEA, Chilean Needlegrass has invaded or is invading all low lying moist areas and forms a monoculture. Given that this invasion is happening in undisturbed areas, it seems very unlikely that without repeated and long term weed control the revegetation of the disturbed swale area with native species will not succeed. Thus it should be assumed that a sward of Chilean Needlegrass will develop across the swale.

This may favour the expansion of Golden Sun Moth, which has been recorded within tens of metres of the swale location and which is known to thrive in moist Chilean Needlegrass habitat at Dunlop/MacGregor.

There is no evidence that *Delmar impar* utilises Chilean Needlegrass, and tile surveys for the lizard tend not to locate any, or only find the lizard at a very low density, in densely grassed moist drainage areas. It is possible that these areas may become more important during drought, but this is only supposition.

Therefore it could be determined that the longer swale may increase the barrier to movement of lizards north and west of the IKEA site and those that exist south. The stormwater outlet is in a pinch-point location in relation to the north-south movement of *Delmar impar*. However, the adjacent road will already create a significant barrier, and the swale is likely to only increase the barrier impact of the road by a small amount (if any). The actual extent of habitat disturbed is insignificant in relation to the 46 ha or so of *Delmar impar* habitat within the general vicinity.

A standard grassed swale may not be able to withstand the velocity of the maximum discharge from the pipe, particularly after periods of rain when the soil would be saturated. A high velocity discharge at this time may result in a 'blow out' of the swale and associated erosion. To combat this possibility it is a condition of approval that the channel is designed to withstand the maximum discharge velocity from the pipe especially when in a saturated condition. It is expected that the swale will require rock protection at the outfall of the stormwater drain.

A condition has been included for sediment and erosion control fencing to be installed prior to commencement of works, and for it to remain in place until all works are completed. This will ensure that sediment does not enter the waterway during construction works and have the added benefit of defining the work area.

It has been determined that if the works are undertaken in a manner consistent with the above conditions of approval, they are unlikely to cause a significant adverse environmental impact.