

# Planning and Development (Conditional Environmental Significance Opinion – Block 71, Molonglo Valley – Molonglo River Reserve Boundary Fence) Notice 2017

Notifiable Instrument NI2017–380

Made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 71, Molonglo Valley – Molonglo River Reserve Boundary Fence) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

- (1) On 3 July 2017, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction, on block 71, Molonglo Valley, of the urban reserve boundary fence for the Molonglo River Reserve.
- (2) In this section:  
*Conditional environmental significance opinion* means the opinion 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 this notice is notified.

Ben Ponton  
Chief Planning Executive  
07 July 2017

## **Schedule**

**See section 2(2)**

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### **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**

Parks and Conservation Service, Environment and Sustainable Development Directorate, as represented by Darren Le Roux, Environmental Project Officer.

#### **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 the construction of a boundary fence at the Molonglo River Park, Coombs, as described in the submission.

#### **LOCATION**

Block 71 District of Molonglo – Molonglo River Park

#### **MATTERS TO WHICH THIS OPINION APPLIES**

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

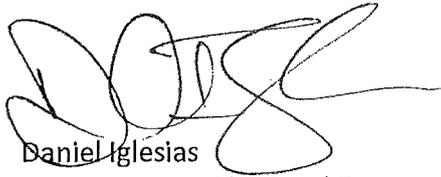
#### **OPINION**

Provided the works are undertaken in the manner consistent with the following conditions, 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 all works are undertaken in accordance with the Construction Environment Management Plan as submitted with the application.

Attached is a Statement of Reasons for the decision.



Daniel Iglesias  
Conservator of Flora and Fauna

3 July 2017

## 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;*

Block 71 Molonglo contains Pink-tailed Worm-lizard (*Aprasia parapulchella*) which is listed as vulnerable both nationally and in the ACT; and Box Gum Woodland a nationally listed endangered community.

*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.*

Molonglo River Park is currently special purpose reserve but it is proposed to amend the overlay provisions in the near future and the area of works will be within an area that will be designated 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**

Construction of a boundary fence at the Molonglo River Reserve / urban development interface which will complete the boundary fencing at Coombs. The fence will regulate access to the reserve and direct access to the existing trail network for pedestrians, cyclists, equestrians and vehicles.

The work will involve the construction of 2,330m of fencing, 900mm high with steel posts every 2.4m and two strands of wire rope.

It is intended to construct the fence in two stages:

- STAGE 1: Construction of 1,600m of fence which will complete the boundary fence around the Coombs peninsular and west of Holdens Creek pond. The proposed fence will match the existing fences previously installed to protect the Pink-tailed Worm-lizard habitat. Works will also include the construction of 3 x cavaletti (steel and treated pine construction); 5 x pedestrian access points (500mm gap with steel marking points); and 1 x vehicle access gate.
- STAGE 2: Construction of a further 730m boundary fence at Coombs to the east of the peninsular and 1 x cavaletti; 2 x pedestrian access points; and 1 x vehicle access gate.

### **Documentation Submitted**

- Report titled Molonglo Boundary Fence Construction (Parks and Conservation Service 29 May 2017);
- Construction Environment Management Plan;
- Form 1M.

### ***Natural conservation values present***

Block 71 Molonglo contains Pink-tailed Worm-lizard (*Aprasia parapulchella*) which is listed as vulnerable both nationally and in the ACT, and Box Gum Woodland a nationally listed endangered community.

The following ACT protected plant species have been recorded on the broader site:

- *Discaria pubescens* (Hairy Anchor Plant)
- *Glycine tabacina* (Vanilla Glycine)
- *Indigofera adesmiifolia* (Tick Bush)
- *Calotis lappulacea* (Tlloow Burr-daisy)
- *Dianella longifolia* (Blue Flax Lily)
- *Cheilanthes distans* (Bristly Cloak Fern)
- *Diuris punctata* (Purple Diuris)

However there is no uncommon, rare or endangered flora, fauna or communities located in the areas directly adjacent to the area of work. The site for the proposed work is currently heavily infested with exotic species, including *Rubus fruticosus sp.*, *Phalaris aquatica*, *Setaria sp.*, *Paspalum dilatatum*, *Eragrostis curvula*, *Carthamus lanatus* and other introduced weeds.

#### **Impact on the Reserve**

The works will have a positive impact on the reserve by establishing a clear delineation between the urban area and the reserve, managing access and egress points to the reserve whilst still being permeable for wildlife movement. Installation of the fence will facilitate future restoration works of the native ecological community by directing public access onto the existing trail network.

#### **Potentially Significant Environmental Impacts**

All construction work will occur outside of any sensitive habitat areas. Access will be on formed access tracks and no vehicle parking or storage of materials will occur within areas of ecological significance.

It has been determined that provided the works are undertaken in a manner consistent with the Construction Environment Management Plan attached to the ESO application, they are unlikely to cause a significant adverse environmental impact.