

Planning and Development (Environmental Significance Opinion – Block 2031 Jerrabomberra) Notice 2012 (No 1)

Notifiable instrument NI2012–441

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 2031 Jerrabomberra) Notice 2012 (No 1)*.*

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

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

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps
Environment and Sustainable Development Directorate
17 August 2012

*Name amended under Legislation Act, s 60



ACT
Government

Environment and
Sustainable Development

Mr David Papps
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Papps

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 expansion of the existing Mugga Recycling Facility (RF) at the Mugga Quarry site on Block 2031 District of Jerrabomberra.

The proposal is not likely to have a significant adverse environmental impact on a species or ecological community that is endangered.

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

Yours sincerely


Alan Traves
A/g Conservator of Flora and Fauna

29 June 2012



ACT
Government

Environment and
Sustainable Development

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 Brett McLennan, Director, Boral Resources (Country) Pty Ltd.

LOCATION

Block 2031 District of Jerrabomberra

DEVELOPMENT PROPOSAL

The proposed expansion of the existing Mugga Recycling Facility (RF) at the Mugga Quarry site requiring civil works to remove approximately 30,000 tonnes of topsoil and rock to create a single level processing area capable of accommodating an increased volume of both unprocessed and processed material stockpiles. The work will necessitate the removal of five living and one dead tree.

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 to that effect.

OPINION

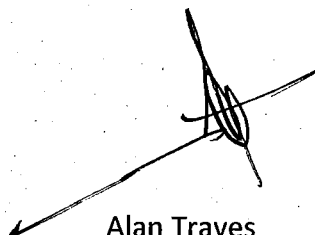
The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

1. A vegetation management plan (incorporating weed control) is produced for vegetation that is outside of the current and future pit area and current work areas, that this plan is produced to the satisfaction of ESDD and that its implementation is adequately resourced;
2. That water management of the site is in accordance with the requirements of the Environment Protection Authority, and

3. Mitigation measures as detailed in the documentation submitted are implemented.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to be 'Alan Traves', is written over a long, thin horizontal line that extends to the left and ends in an arrowhead.

Alan Traves
A/g Conservator of Flora and Fauna

24 June 2012

**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,

Part 4.3 Item 1

proposal that is likely to have a significant adverse environmental impact on 1 or more of the following, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact:

- (a) a species or ecological community that is endangered;

The eastern part of the Boral Lease contains high quality endangered woodland and threatened woodland bird habitat.

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 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 and known values of the sites.

Project description

The proposed expanded RF requires civil works to remove approximately 30,000 tonnes of topsoil and rock to create a single level processing area capable of accommodating an increased volume of both unprocessed and processed material stockpiles. The existing landform in the area of the proposal falls approximately 10 metres from the northern boundary of the expanded RF area down to the existing processing area at the south of the RF. The civil works will require the installation of safety batters to ensure the soil stability of the excavated faces and the removal of five living and one dead tree.

Documentation Submitted

Assessment of Environmental Effects including:

- Traffic Impact Assessment
- Air Quality Impact Assessment
- Noise Impact Assessment
- Site Environmental Management System
- Visual Assessment
- Water Management Plan.

Natural conservation values present

The proposal occurs within an already disturbed area on the edge of an area of remnant vegetation. A site assessment confirmed that the trees within the proposal area were Scribbly Gums (*Eucalyptus rossii*) which typically occur higher in the landscape to trees typical of the Box Gum woodland community. As such, the vegetation within the area to be cleared is not considered to represent the endangered ecological community. The groundcover within the proposal area is sparse and consists of native and exotic grasses, forbs, sapling Eucalypts and some weed species.

The proponent has stated that “no threatened fauna species have been recorded within the proposal area previously (Crawford 1996) and no habitat for any threatened fauna species was identified within the ACT online mapping for the site. However, previous surveys identified the presence of Diamond Firetails (*Stagonopleura guttata*) and Brown Treecreepers (*Climacteris picumnus*), both listed threatened species (Crawford 1996). However, as these two species utilise box-type woodlands, the proposal area is considered to provide unsuitable habitat. Some habitat for common arboreal species, such as the Brushtail Possum (*Trichosurus*

vulpecula) and microbats were present within the hollow-bearing trees and dead stag. The removal of this habitat for such species is not considered to be significant.”

A site visit confirmed that the eastern part of the Boral Lease contains high quality endangered woodland and threatened woodland bird habitat. There are significant weeds on site, notably St John’s wort, pampas grass, and woody shrubs (firethorn, cotoneaster, privet) but their current extent is manageable. The Boral representative stated that Boral is committed to environmental management and would like to develop a vegetation management plan (incorporating weed control) for the vegetation that was outside of the approved quarry area.

Impact of development on these values (including offsite impacts)

The documentation lists some mitigation measures including:

- a qualified and experienced ecologist or fauna rescue person to be present when the trees are felled to rescue any fauna. A two-stage clearing protocol should be developed where all habitat trees (stags and hollow-bearing trees) are tapped with an excavator or similar the day prior to felling to allow animals to relocate overnight. As part of the construction management plan, it is recommended that the ecologist identify an area to release any unharmed animals salvaged during the felling works.
- Appropriate erosion and sedimentation controls should be instated prior to any construction work within the proposal area to ensure that runoff does not enter surrounding vegetation.
- Machinery being used during construction works should be washed down if it has come from another site to ensure that no weed seeds are brought into the proposal area or spread into surrounding remnant vegetation.

Potentially Significant Environmental Impacts

Nil as the proposal occurs within an already disturbed area on the edge of an area of remnant vegetation and the removal of the trees will not impact on wildlife corridors. Implementation of the mitigation measures and the conditions imposed will reduce the likelihood of off-site impacts.