

Australian Capital Territory

# Planning and Development (Environmental Significance Opinion - 12/2 and 6/13 Pialligo - Haul Road (from stockpile site) Majura Parkway) Notice 2013

Notifiable Instrument NI2013–225

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 (Environmental Significance Opinion - 12/2 and 6/13 Pialligo - Haul Road (from stockpile site) Majura Parkway) Notice 2013*.

## 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](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.

Dorte Ekelund  
Environment and Sustainable Development Directorate  
17 May 2013



**ACT**  
Government

Environment and  
Sustainable Development

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

Dear Ms Ekelund

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 on the construction of a haul road from a stockpile near Majura Road to the alignment of the Majura Parkway currently under construction.

The proposal is not likely to have a significant adverse environmental impact on a species or ecological community that is vulnerable, endangered, or protected, and does not meet the trigger for the clearing of more than 0.5ha of native vegetation

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

Yours sincerely

Penny Farnsworth  
Conservator of Flora and Fauna

10 May 2013



**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**

Malcolm Thomson, Deputy Project Director, Majura Parkway, Fulton Hogan Constructions Pty Ltd.

### **LOCATION**

Block 2 Section 12 Pialligo and Block 6 Section 13 Pialligo.

### **DEVELOPMENT PROPOSAL**

Construction of a haul road to enable the delivery of fill material from an existing stockpile on Majura Road to the Majura Parkway project. The haul road will be approximately 1 km in length and a maximum of 8.0m wide (excluding passing bays), with passing bays to be constructed in non-sensitive locations to assist with safe passing of heavy vehicles.

The proponent wants the application for the development approval assessed 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:**

That works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and:

- the alignment is fenced with temporary fencing prior to commencement of use;

- all disturbed land is rehabilitated and planted with locally sourced native stipa and wallaby grasses as soon as possible after the haul road is no longer required; and
- weed control continues for a minimum of 3 years after rehabilitation works.



Penny Farnsworth  
Conservator of Flora and Fauna

10 May 2013

## STATEMENT OF REASONS REASONS FOR THE DECISION

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an environmental significance opinion that, if successful, would enable a proposal to be assessed in the merit track. Schedule 4 of the *Planning and Development Act 2007* lists items that trigger the requirement for an EIS. The proponent has stated that the relevant Schedule 4 items for seeking an environmental significance opinion on this proposal are:

### 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;
- (b) a species that is vulnerable;
- (c) a species that is protected;

### Part 4.3 Item 2

the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area under the Territory Plan unless the Conservator of Flora and Fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact;

The proposal involves the clearance of 0.41 ha of potential habitat for the striped legless lizard and 0.08ha of low quality potential Golden Sun Moth habitat.

The native vegetation on the site is a modified native pasture dominated by a mix of native and exotic tussock grass species, with the dominant native species being *Austrostipa bigeniculata* and *Chloris truncate*. 0.27ha of native vegetation will be impacted by the proposal and therefore the proposal does not hit the trigger for an EIS under Part 4.3 Item 2, being the clearing of more than 0.5ha of native vegetation.

The proponent wants the application for the development approval assessed 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.

### **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 provided works are in accordance with the conditions imposed, based on the documentation submitted and known values of the site.

### **Project description**

Construction of a haul road to enable the delivery of fill material from an existing stockpile on Majura Road to the Majura Parkway project which will remove approximately 20,000 truck movements off the local roads during the construction of the Majura Parkway. The haul road will be approximately 1 km in length and a maximum of 8.0m wide (excluding passing bays). Passing bays will be constructed in non-sensitive locations to assist with safe passing of heavy vehicles.

Where possible, the alignment of the haul road is utilising existing tracks. These tracks vary in condition from fully cleared, gravelled access roads to vegetated tracks slashed to facilitate vehicular movement. To enable these tracks to be utilised by heavy vehicles the tracks require upgrading and widening to allow trucks to pass. The haul road will be primarily constructed using compacted material sourced from the existing stockpile adjacent to Majura Road.

### **Documentation Submitted**

- Report titled Environmental Significance Opinion Haul Road from Stockpile Site;
- Ecological Assessment – Majura Parkway Haul Road (ecological Australia);
- EPBC Referral of proposed action.

### **Natural conservation values present**

The ecological report submitted notes that the site is dominated by exotic grass species, including *Phalaris aquatic*, *Bromus sp*, *Cynodon dactylon* and *Eleusine tristachya*. Areas of native vegetation on site are patchy and severely modified. Native species present on site are typically disturbance tolerant native grasses and forbs such as *Austrostipa bigeniculata*, *Austrostipa scarbra*, *Rytidosperma sp.* (formerly *Austrodanthonia sp.*), *Chloris truncate* and *Rumex brownie*.

There is potential habitat for Golden Sun Moth along the north-western section of the proposed alignment to the north of Woolshed Creek. The habitat on site is considered to be of low quality, with a high cover of exotic grasses.

Potential habitat for Striped Legless Lizard occurs along the northern edge of Majura Road and the species is known to occur within the Majura Parkway alignment. Given that the species is recorded close to the proposed haul road and that there is suitable habitat on site, it is considered that the species has the potential to occur on the site.

### **Impact of development on these values (including offsite impacts)**

The scale and magnitude of the impacts resulting from the project is not considered significant given the small area impacted and the clearance of native vegetation and habitat areas occurs as a thin linear impact which will not fragment habitat or limit dispersal of native species.

The activity area is either exotic pasture or low diversity native pasture and not natural temperate grassland.

The haul road has been aligned to pass along the edge of areas of potential habitat to avoid fragmentation and is unlikely to cause a significant impact to either species.

Although the area is likely habitat of the vulnerable striped legless lizard (the nearest records are actually a 1994 and a 1998 capture in a pitfall trap, around 700 m to the north – not 2 km as stated in the referral) the impact will not be significant because:

- it has been limited to an 8 m wide strip and only a very small fraction of the likely habitat in the west Majura Valley will be impacted;
- it is located in a highly disturbed area, of which 3-4 m is an existing track;
- it is located along the edge of the possible habitat extent and does not fragment or divide habitat;
- works will occur at a time when the lizard is largely inactive;
- native pasture will be restored along the length of activity; and
- there is a reasonable expectation that the disturbed habitat can be restored as the striped legless lizard occurs in large numbers in grassland restored over a former quarry in Gungahlin.

The proposal will not have a significant impact on habitat of the endangered the golden sun moth as

- the proposed 0.08 hectare loss represents a very small fraction of the at least 466 hectares of habitat within the Majura Valley;
- the proposed work activity area is located towards the southern extent of possible habitat and does not cause major fragmentation or division of habitat; and
- the mix of exotic grasses and low diversity native pasture appears to be poor quality habitat.

### **Mitigation Measures**

The area to be cleared will be clearly marked by a surveyor to ensure that no vegetation is impacted outside of the proposed footprint.

The alignment will be fenced to ensure that no trucks deviate off the haul road.

Weed control measures will be implemented in accordance with the Weed Management Plan currently in place for Majura Parkway works.

Erosion and sediment erosion controls will be implemented to ensure sediment does not spread onto adjoining areas.

The haul road will be rehabilitated using native species once the haul road is no longer required for the Majura Parkway works and actively managed for weed control.

### **Potentially Significant Environmental Impacts**

The potential for a significant environmental impact is low provided works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and:

- the alignment is fenced with temporary fencing prior to commencement of use;
- all disturbed land is rehabilitated and planted with locally sourced native stipa and wallaby grasses as soon as possible after the haul road is no longer required; and
- weed control continues for a minimum of 3 years after rehabilitation works.