

# Planning and Development (Environmental Significance Opinion – Block 6 Section 52 Coombs – Molonglo River Park Pedestrian Trail) Notice 2014 (No 1)

**Notifiable Instrument NI2014–377**

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 – Block 6 Section 52 Coombs – Molonglo River Park Pedestrian Trail) Notice 2014 (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\\_assessment/environmental\\_significance\\_opinions](http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_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 Planning Directorate

6 August 2014

\*Name amended under Legislation Act, s 60



**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

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 pedestrian trail network within Molonglo River Park, northwest of Coombs.

The proposal is not likely to have a significant adverse environmental impact provided the works are completed in accordance with the conditions as imposed.

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

Yours sincerely

Alan Traves  
Conservator of Flora and Fauna

30 July 2014



**ACT**  
Government

Environment and Planning

## ENVIRONMENTAL SIGNIFICANCE OPINION

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

### PROPONENT

Ros Ransome, Senior Environmental Planner, Parks Conservation and Lands, Territory and Municipal Services Directorate.

### LOCATION

Block 6 Section 52 Coombs.

### DEVELOPMENT PROPOSAL

The proposal is for the construction of a pedestrian trail network within the Molonglo River Park northwest of Coombs (Block 6 Section 52 Coombs).

The development proposal is mentioned in Schedule 4, part 4.3, item 1 (a) and (b) being development that may impact on a species or ecological community that is endangered; and a species that is listed as vulnerable; and Schedule 4, part 4.3, item 3 being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

Block 6 Section 52 Coombs contains

- Pink-tailed Worm-lizard (*Aprasia parapulchella*), listed as vulnerable under the provisions of the *Nature Conservation Act 1980* (NCA) and the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), and
- Box – Gum Woodland listed as endangered under the EPBC and NCA.

and is within Molonglo River Park being an area of Special Purpose 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 for an environmental significance opinion (ESO) to that effect.

## OPINION

The proposal is not likely to have a significant adverse environmental impact provided works are in accordance with the following conditions:

- that all mitigation measures described in section 7 and appendices 2 and 3 of the ESO Application and under the Environmental Management and General Site Controls sections attached to the submitted Plans are implemented; and
- that works are designed so that water runoff from the track and / or viewing pads does not flow over mapped Pink-tailed Worm-lizard habitat.

Attached is a Statement of Reasons for the decision.



Alan Traves  
Conservator of Flora and Fauna

30 July 2014

## STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Schedule 4 Part 4.3 -Development proposal for an activity requiring an EIS,

### Item 1

*Proposal that is likely to have a significant adverse environmental impact on one 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.*

Block 6 Section 52 Coombs contains:

- Pink-tailed Worm-lizard (*Aprasia parapulchella*), listed as vulnerable under the provisions of the *Nature Conservation Act 1980* (NCA) and the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), and
- Box – Gum Woodland listed as endangered under the EPBC and NCA.

### 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**, 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.*

The proposed works are located within an area of special purpose reserve within the Molonglo River Park.

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.

### 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.

#### **Project description**

The proposal is for the construction of:

- 1.8km of pedestrian trail 1200mm wide;
- 1.6km of habitat protective fencing;
- three boardwalks;
- two pedestrian bridges;
- viewing platform

and the installation of associated seating and interpretative signage.

The trail will commence at the western edge of the newly constructed Holden Creek Pond, part of the Coombs/Wright estate development, and traverse west to the Riverview heritage site and the Box Gum Park.

The works are required to manage public use of the area to help protect the site's ecological values.

#### **Documentation Submitted**

- Application for an ESO (Form 1M);
- Document titled: Documentation to Support an Application for an Environmental Significance Opinion Pedestrian Trail – Molonglo River Park (17/07/2014);
- Numerous plans

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

Block 2 Section 56 Coombs contains areas of high and medium quality Pink-tailed Worm-lizard (PTWL) habitat and associated 20 metre buffer zones, and areas mapped as moderate quality Box-Gum Woodland.

The trail alignment was selected to minimise sections through areas mapped as Box-Gum Woodland. These areas were mapped as Box-Gum Woodland in the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (the NES Plan) though recent baseline studies have redefined one area (Patch K2-01) as exotic pasture (containing a high abundance of *P.aquatica*, *Avena sp.*, *Brumus sp.*, *Vulpia sp.*, *R.rubiginosa*, *H.perforatum*) and another (Patch D1-03) as poor quality Box-Gum Woodland. Some areas of Patch D1-03 are dominated by exotic annuals though there are some small patches of native grasses and forbs. Patches of the highest native diversity are found within the few rocky outcrops that exist in the area.

The Box-Gum Woodland contains some remnant trees in moderate condition with some containing hollows. The remnant trees (and resulting litter, fallen branches etc), and rocky outcrops, contain moderate fauna habitat values. There is limited natural regeneration occurring.

There are significant stands of *Casuarina cunninghamiana* that are re-generating along the river banks. In addition, there are rare and regionally uncommon species present in the area though in low abundance.

No uncommon, rare or endangered flora or fauna were found in the areas where the various elements are to be installed.

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

It is proposed to construct the protective fence around the PTWL habitat first. The fence is to be constructed generally outside of the buffer zone and will help protect the habitat from unintended impacts from the proposed works

The trail crosses poor quality Box-Gum Woodland within patch D1-03 for approximately 255m and Patch K2-01 (recently mapped as exotic pasture) for approximately 300m. The alignment through these patches was selected to avoid hollow bearing trees and good quality grassland and is located in areas of exotic pasture.

There are also patches of moderate and high quality potential PTWL habitat which are to be protected with 20 meter buffer zones. The proposed protective fencing is

to restrict pedestrian access to the habitat and buffer zones to ensure protection of this habitat into the future.

The trail will be located outside the Medium and High quality PTWL habitat; however, in some places the trail will be located within the 20 metre buffer zones. This is in accordance with Action 37 of the NES Plan. A boardwalk is to be installed where the trail crosses the buffer zone.

The trails are to be constructed of compacted site soils. Soil disturbance will be minimised by appropriate construction methods.

Two bridges and one boardwalk are proposed to cross three drainage lines that the trail intercepts. The bridges and boardwalk are designed to limit disturbance to the water flow and to protect the banks from degradation.

The fibreglass composite open pattern (35mm) of the boardwalk was selected to maximise light penetration maintaining existing habitat characteristics and allow the existing plants to receive sunlight and rain so the grasses and forbs will continue to grow below the platform. As the boardwalk is elevated, with a large proportion 800mm or above the natural ground level, it will allow maximum sunlight, rain and air circulation below the boardwalk. It will also allow fauna to move underneath, thereby ensuring that the boardwalk is not a barrier to habitat connectivity.

The locations of the viewing platform and seating have been chosen to ensure that no disturbance to any areas of ecological sensitivity will occur. The walking trails have also been located outside ecologically sensitive areas, and where it crosses a buffer zone a boardwalk will be used.

***Has the proponent demonstrated that all reasonable measures have been taken to avoid, minimise and as a last resort offset impact?***

The trails and protective fencing will control pedestrian movement in the area by providing a preferred destination and will restrict adhoc pedestrian access from the surrounding PTWL habitat. This is likely to provide greater protection for the PTWL habitat than by trying to prevent access to the area entirely.

The nature conservation values of the area have been well documented as part of the Molonglo Strategic assessment process, and the walking track and look out points have been well sighted to avoid PTWL habitat or important vegetation. The proposed mitigation measures are comprehensive, with the vast majority of disturbance occurring within areas dominated by weeds and of little habitat value. The proposed plantings and rehabilitation are utilising appropriate species at appropriate locations. Some of the walking trail will impinge on the 20m buffer zone



that has to be established and maintained around high and moderate quality PTWL habitat, but Action 37 of the NES Plan allows for strategically placed walking tracks to occur within these buffers.

The location of the proposed walking trail avoids steep areas of land minimising excavation and negates the requirement for any retaining walls. Temporary soil erosion measures will be installed to prevent deposition of silt down slope in the PTWL habitat.

There is a threat of the spread of weeds from the proposed works. The threat of weed spread is lessened by the mitigation measures and the rehabilitation of the grassland.

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

There is the potential for accidental damage during construction however this risk will be reduced by the proposed construction methods. In addition, all works will be supervised by an ecologist employed by Parks and Conservation as well as the Ranger for Molonglo River Park.

As these works are within Molonglo Valley, there is a requirement for the Contractor to complete all works in accordance with an approved Construction Environment Management Plan that will detail the work methodology as proposed.