

# Planning and Development (Conditional Environmental Significance Opinion – Block 849, District of Gungahlin – Park and Ride Facility) Notice 2016 (No 1)

Notifiable Instrument NI2016– 19

Made under the

Planning and Development Act 2007 s 138AD(4) (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 849, District of Gungahlin – Park and Ride Facility) Notice 2016 (No 1)*.

## 2 Conditional Environmental Significance Opinion

- (1) On 22 December 2015, the Conservator of Flora and Fauna, pursuant to section 138AB(4)(b) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to the construction, on Block 849, District of Gungahlin, of a new ‘park and ride’ facility to support the light rail.
- (2) In this section:  
*Conditional environmental significance opinion* means the opinion in the schedule.

*Note* : under section 138AD(6) of the Act, the Conditional ESO and this notice expire 18 months after the day this notice is notified.

Dorte Ekelund  
Chief Planning Executive  
19 January 2016



**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 construction of a new 'park and ride' facility to support the light rail. 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 Annie Lane  
Conservator of Flora and Fauna

*22* December 2015

## **ENVIRONMENTAL SIGNIFICANCE OPINION**

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

### **APPLICANT**

Emma Thomas, Project Director, Capital Metro Agency.

### **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).

### **LOCATION**

Block 849 District of Gungahlin.

### **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 conditions as imposed, 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:

- the boundary of Block 849 is fenced with rural stock proof fencing prior to commencement of construction;
- that no trees are to be planted where they may cause shading over the adjoining striped legless lizard habitat; and

- the landscaping utilise species such as Mugga Ironbark (*Eucalyptus sideroxylon*) or local wattles such as silver, Red-leaf or hickory wattle (*Acacia dealbata*, *A. rubida*, *A. implexa*).

Attached is a Statement of Reasons for the decision.



Dr Annie Lane  
Conservator of Flora and Fauna

22 December 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

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;

There are two threatened species that may be affected by the proposed works, namely Striped Legless Lizard (*Delmar impar*) and Superb Parrot (*Polytelis swainsonii*).

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, 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 new 'park and ride' facility to support the light rail. Works include:

- construction of an at-grade car park capable of accommodating approximately 197 vehicles;
- installation of a cycle storage structure for 30 bicycles
- construction of a new vehicle entry point and right turn bay along Well Station Drive;
- construction of pedestrian paths linking to the existing signalised intersection of Flemington Road and Well Station Drive and the existing city bound bus stop;
- demolition and removal of existing utility services and installation of new replacement services;
- landscaping work.

### **Documentation Submitted**

- Report titled ACT Light Rail Stage 1 Well Station Drive Park-and-Ride Facility, Application for an Environmental Significance Opinion, 30 November 2015 (Parsons Brinckerhoff); and
- Form 1M.

### **Natural conservation values present**

The proposed development area is within a largely improved paddock with Phalaris as the dominant species. Although some native grass and a few plants of native herbs are present the site would not be considered native vegetation. There has been some planting of non-local native trees and shrubs on the northern boundary of the block. There are two threatened species that may be affected by the proposal, being the Stripped Legless Lizard and Superb Parrot. The information within the ESO application relating to these two species is sometimes incorrect or incomplete, but not to the degree that having complete or fully factual information would lead to different conclusions

In relation to Striped Legless Lizard, Biosis (2012) placed an array of 24 roof tiles adjacent to the development area and captured 7 animals over 12 separate checks. In 2014 SMEC placed roof tile arrays of 48 tiles each at three locations within the development area. SMEC recorded 1 striped Legless lizard under the arrays. The proposal will destroy 0.56 ha on the north-west edge of a 250ha patch of Striped Legless Lizard habitat, conservatively estimated to support a population of around 1500 lizards by Biosis. The population may be twice this size, depending on whether

the estimated distance that animals moved to shelter under the tiles is 20m as used by Biosis or 10m as suggested by the small distance travelled by most recaptured animals during other surveys. The Kenny habitat patch is likely to be reduced to 200ha once EPIC, the suburb of Kenny and associated stormwater water infrastructure are completed. Based on the Kenny population estimates there are likely to be within 5 – 10 animals within the proposed development area. The loss of the habitat at the development area will not significantly impact on the viability or connectivity of the local population.

The proposed development site is about 2.5km from a breeding location of the Superb Parrot on Throsby Ridge. Recent radio tracking of adults feeding chicks has shown that they fly over the proposed development area. The adults are largely feeding in urban areas on street and park trees and on sports ovals.

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

A condition of approval regarding the placement of trees in the landscaping works is to ensure that there will be no shading of the adjoining Striped Legless Lizard habitat, as shading the area may make the area unsuitable habitat. In addition the park and ride facility should be fenced so that overflow parking does not spill onto the Striped Legless Lizard habitat, and fencing should be installed prior to commencement of works to protect the adjoining area from inadvertent incursions by construction vehicles. Utilising a stock proof fence will also ensure that the adjoining area can be grazed to maintain the structural diversity of the grass for the Striped Legless Lizard and for fire fuel management if required.

A suggested mitigation measure within the ESO documents is that Striped Legless Lizard within the development area are caught and moved. This may be problematic as the number of individuals affected is low and there is no guarantee that adjoining areas are already not at carrying capacity for the lizard, while other possible translocation sites within the ACT have not been identified. However, there is a translocation research project underway which may be able to be utilised. It is recommended that the proponent contact the Conservator Liaison Officer prior to commencement of works to determine if the translocation of the lizards from this site can be incorporated into this project.

Given the proximity of the site to the Superb Parrot breeding area, landscaping should utilise species such as Mugga Ironbark (*Eucalyptus sideroxylon*) or local wattles such as silver, Red-leaf or hickory wattle (*Acacia dealbata*, *A. rubida*, *A. implexa*) that provide a food resource for the Superb Parrot.

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

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