

Planning and Development (Conditional Environmental Significance Opinion – Block 9 Section 52 Coombs and Block 3 Section 2 Molonglo – Creek Crossings) Notice 2016

Notifiable Instrument NI2016–499

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 (Conditional Environmental Significance Opinion – Block 9 Section 52 Coombs and Block 3 Section 2 Molonglo – Creek Crossings) Notice 2016**.

2 Conditional Environmental Significance Opinion

- (1) On 29 August 2016, 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 of two creek crossings on Block 9 Section 52 Coombs and Block 3 Section 2 Molonglo.
- (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.

Dorte Ekelund
Chief Planning Executive
2 September 2016

Schedule

See section 2(2)

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

ACT Parks and Conservation Service, Environment and Planning Directorate, as represented by Ros Ransome, Manager, Projects.

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 two creek crossings within the Molonglo River Park near Coombs, one will cross Holdens Creek, and the second is to cross an unnamed creek near the area known as Patch K.

LOCATION

Site 1 - Holdens Creek Pond-outflow crossing - Block 9 Section 52 Coombs.

Site 2 - Patch K creek crossing - Block 3 Section 2 Molonglo.

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 in accordance with an approved Construction Environment Management Plan that includes all mitigation measures as detailed in the application, including:

- the location of stockpiles and set up areas will be agreed to on site by the Molonglo Ecologist and Senior Ranger, Parks and Conservation Service, prior to construction;
- That all works will be outside the habitat protective fence;
- Vehicle access tracks, areas of ecological significance and location of stockpiles etc will be marked on a map and, where considered appropriate, marked on site;
- All vehicles and machinery will remain on the specified access tracks and confined within the specified construction boundary;
- All areas of Box Gum Woodland and Pink Tailed Worm Lizard (PTWL) habitat are to be vehicle exclusion zones;
- All contractors will undertake an induction course on access restrictions;
- Temporary soil erosion measures will be installed to prevent deposition of silt down slope;
- Any excess soils will be distributed on site as directed by Parks and Conservation Service;
- No soils will be removed from site;
- No soils will be re-distributed onto the PTWL habitat;
- No soils will be brought into the site; and
- Disturbed areas will be stabilised and reseeded.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

28 August 2016

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 9 Section 52 Coombs contains Pink-tailed Worm-lizard (*Aprasia parapulchella*) which is listed as vulnerable both nationally and in the ACT.

Block 3 Section 2 Molonglo contains Box Gum Woodland a nationally listed endangered community and Pink-tailed Worm-lizard, listed as vulnerable both nationally and in the ACT.

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.

The works are within the Molonglo River Reserve, a 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 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 are carried out in accordance with the conditions attached to this ESO.

Project description

Construction of two additional creek crossings within the Molonglo River Reserve, the Holdens Creek crossing and the Patch K crossing, to stabilise the area and prevent erosion as well as ensuring continuous access for management purposes, emergency services and recreational users along the trail network.

Construction of the Holdens Creek stormwater retention pond to service the urban development of Coombs has resulted in the overflow below the pond flooding the existing management trail. The discharge causes severe flooding in storm events resulting in erosion of the track and making the area impassable.

The creek crossing at Patch K is also required due to the creek flooding the track in rain events with severe flooding occurring during storm events.

The management tracks are part of the pedestrian trail network required within the Molonglo River Reserve as a means of controlling pedestrian access away from high conservation areas in the Reserve. The construction of the crossings will provide safe access for pedestrians, equestrians, cyclists, management / maintenance vehicles as well as emergency services,

Works to be undertaken are: Grass cover stripped, the creek beds excavated to the required depth (approximately 1.5m for Holdens Creek and 0.5m for Patch K crossing) to allow for the installation of concrete culverts, wire gablon baskets installed along the embankments, and rock armoured rip rap scour protection installed either side of culvert to protect the stream bed from further erosion. Disturbed areas will be stabilised using Geotextile fabric, and batters will be reseeded using a mix of local species and sterile Rye grass. The creek beds will be planted with indigenous riparian species.

Documentation Submitted

- Report titled Creek Crossings - Molonglo River Reserve, 02 August 2016;
- Various plans showing the proposed construction works;
- Form 1M.

Natural conservation values present

Holdens creek crossing

Vegetation within the works area is primarily dominated by *Phalaris aquatica* and other exotic forb and perennial grass species. Aquatic vegetation both upstream (between the crossing and pond outflow) and downstream of the work area are in reasonable condition. These areas are largely dominated by Common Reed (*Phragmites australis*) as well as a number of native *Carex* species (sedges) and exotic *Phalaris aquatica*. This vegetation will not be disturbed during construction.

There are extensive areas of rocky outcrops either side of the creek which are known habitat for Pink Tailed Worm Lizard (PTWL) (surveys by Osborne and Wong). These patches of moderate and high quality PTWL habitat are protected with 20 meter buffer zones and protective fences to restrict pedestrian access. Vegetation in these areas is primarily dominated by *Themeda triandra*, *Poa sieberiana*, *Rytidosperma* species, *Austrostipa* species and a moderate diversity of native forb species. There is also a high cover of exotic species within the PTWL 20m habitat buffer areas, including *Avena sp* and *Phalaris aquatica*.

Patch K creek crossing

Vegetation within the works area is primarily dominated by *Phalaris aquatica*, *Avena spp* and other annual and perennial exotic grass and forb species. There is a small patch (8 sqm) of *Themeda triandra* on the western bank of the creek within the works area and a small patch of moderate quality PTWL habitat directly to the east of the works area. The PTWL habitat has been flagged as a no access area, other than on the formed trail that already dissects the patch of habitat.

Outside the works area there are patches of high and moderate quality PTWL habitat and native grassland. Vegetation within these areas is largely dominated by *Themeda triandra*, *Austrostipa spp*, *Poa sieberiana*, *Rytidosperma spp* and a moderate diversity of native forb species. Outside the PTWL habitat patches there is a high cover of exotic species, including *Avena sp* and *Phalaris aquatica*.

Impact on the Reserve

Works will temporarily disturb the natural creek beds, however the works are designed to reduce the velocity of the water and subsequent erosion of the stream bed and banks to help protect the reserve from further damage.

The crossings will also protect the landscape characteristics into the future through controlling vehicular, pedestrian, cycle and equestrian access in the area.

The works are consistent with the Molonglo Concept Plan and the draft Reserve Management Plan.

Potentially Significant Environmental Impacts

It is considered that the proposed creek crossing works within the Molonglo River Reserve are not likely to have a significant adverse environment impact as:

- the works avoid nearby PTWL habitat and Box Gum woodland;
- the works are located previously disturbed areas, supporting a predominance of exotic species;
- the scale of the proposed disturbance of 1100 and 500 square metres is relatively small and contained;
- areas of disturbance will be stabilised and reseeded with a mix of local native species and sterile Rye Grass;
- the work areas can be accessed by existing tracks without disturbance to native vegetation or mapped PTWL habitat; and
- the ESO application contains comprehensive mitigation measures including weed hygiene, erosion control and fire precautions.

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