

Planning and Development (Conditional Environmental Significance Opinion – Block 6 Section 9, Block 5 Section 12 and Block 7 Section 12 Pialligo – Road Extension) Notice 2016

Notifiable Instrument NI2016–629

Made under the

Planning and Development Act 2007 s 138AD(4) (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 6 Section 9, Block 5 Section 12 and Block 7 Section 12 Pialligo – Road Extension) Notice 2016*.

2 Conditional Environmental Significance Opinion

- (1) On 26 October 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 a road on Block 6 Section 9, Block 5 Section 12 and Block 7 Section 12 Pialligo.
- (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
14 November 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

Procurement and Capital Works, Chief Minister, Treasury and Economic Development Directorate, as represented by Joanne Makela, Senior Project Officer.

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 an access road to the northern side of the existing IKEA site as described in the submission.

LOCATION

Block 6 Section 9 Pialligo and Blocks 5 and 7 Section 12 Pialligo.

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 mitigation works as documented in the application are implemented i.e.:

- appropriate vehicle hygiene – all vehicles and machinery (including tools for vegetation removal) will be cleaned of all weed seed or propagules prior to entry to the work site;
- only low fertility soils used to fill excavations. No top-soil or other potentially weed seed laden organic material will be imported;
- - only sterile materials such as hessian/jute or rice straw to be used for soil stabilisation or similar purposes;
- - following conclusion of the works and landscaping, significant weeds will be controlled within and adjacent to the site by a qualified and experienced weed control contractor; and
- - landscaping will incorporate only local native species or infertile introduced species.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

25 October 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;

The site contains habitat for the Golden Sun Moth (*Synemon plana*) and Striped Legless Lizard (*Delmar impar*).

Golden Sun Moth is listed as critically endangered under the provisions of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) and Endangered under the *Nature Conservation Act 2014* (NCA).

Striped Legless Lizard is listed as Vulnerable under both the provisions of the EPBC and the NCA.

The wider grassland area is also known habitat of the Perunga Grasshopper, listed as vulnerable in the ACT and of the Raspy Cricket (a species confined to the Canberra Region and of conservation importance). Both these species may utilize habitat within the development area, though their actual presence within the development footprint is a low probability.

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 and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

Construction of a two way access road 90.0 m long to provide access into the north of the IKEA site, located on Block 7 Section 12 Pialligo. The access road is intended to be the primary access for deliveries to IKEA and will move heavy vehicles away from the main customer access which is to the south of the site.

The works will include:

- installation of a permanent site boundary fence;
- mowing / clearance of vegetation as required prior to earthworks commencing;
- levelling, filling, and other works required to construct the road and associated batters;
- construction of the road, culverts, kerbs and street lighting; and
- placement of topsoil and landscaping of disturbed areas.

Documentation Submitted

- IKEA Canberra Northern Access Road – Environmental Significance Opinion Supporting Document (Capital Ecology 19 Sep 2016);
- IKEA Canberra Northern Access Road – Ecological Impact Assessment (Capital Ecology 3 June 2016);
- Notification of Referral Decision – Not a Controlled Action (EPBC 2016/7742);
- Form 1M.

Natural conservation values present

The site is located in the southeast corner of a paddock with a history of stock grazing. Grazing and pasture improvement have reduced the quality of native grassland with only the hardiest grazing tolerant native grasses and forbs remaining, and the remaining vegetation does not meet the requirements of natural temperate grassland.

The Report notes “The proposed development site (the ‘site’) encompasses 0.6 hectares, of which 0.1919 hectares (or 1,919 m²) supports Native Pasture and 0.1396 hectares (or 1,396 m²) supports Exotic Pasture. The Native Pasture within the site comprises a small part (i.e. approx. 0.32%) of the large and densely populated confirmed Golden Sun Moth *Synemon plana* habitat extending to the north and west of the site. The Native Pasture and Exotic Pasture combined comprise a small part (i.e. approx. 0.58%) of the large but sparsely populated confirmed Striped Legless Lizard *Delma impar* habitat extending to the north and west of the site.”

Mitigation

It is noted that the road was redesigned to substantially reduce the area that will be disturbed by the development, and that the landscaping proposed was amended to remove trees from the planting list to reduce the risk of shading habitat.

The applicant has also proposed the following mitigation measures:

- All disturbed areas will be reseeded with suitable native grasses.
- Installation of a permanent boundary fence prior to commencement of construction to ensure that disturbance will be contained, and will delineate the maximum allowable disturbance. It will also ensure no inadvertent disturbance occurs in error by the manoeuvring of machinery during works.
- All vehicles and machinery (including tools for vegetation removal) will be cleaned of all weed seed or propagules prior to entry to the work site.
- Low fertility soils will be used to fill excavations. No top-soil or other potentially weed seed laden organic material will be imported;
- Only sterile materials such as hessian/jute or rice straw will be used for soil stabilisation or similar purposes;
- Following the conclusion of the works and landscaping, significant weeds will be controlled within and adjacent to the site by a qualified and experienced weed control contractor; and
- Landscaping will incorporate only local native species or infertile introduced species.

Potentially Significant Environmental Impacts

This ESO has been provided on the condition that all mitigation works as documented in the application are implemented.

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.