

# Planning and Development (Conditional Environmental Significance Opinion – Block 2 Section 74 Lyneham, Block 2 Section 76 Lyneham, Blocks 4 and 5 Section 42 Mitchell – Gross Pollutant Trap Access Track) Notice 2017

Notifiable Instrument NI2017–237

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 (Conditional Environmental Significance Opinion – Block 2 Section 74 Lyneham, Block 2 Section 76 Lyneham, Blocks 4 and 5 Section 42 Mitchell – Gross Pollutant Trap Access Track) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

(1) On 5 May 2017, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 2 Section 74 Lyneham, Block 2 Section 76 Lyneham, Blocks 4 and 5 Section 42 Mitchell, of a new access track to an existing Gross Pollutant Trap.

(2) In this section:

***Conditional environmental significance opinion*** means the opinion in the schedule.

*Note 1:* Under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton  
Chief Planning Executive  
12 May 2017

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## **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**

Transport Canberra Light Rail, Transport Canberra and City Services Directorate, as represented by Tom Percival, Environmental and Sustainability Manager.

### **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 an existing Gross Pollutant Trap (GPT) located on the western side of Flemington Road, Mitchell as described in the submission.

### **LOCATION**

Lyneham Block 2 Section 74, Lyneham Block 2 Section 76, Mitchell Block 4 Section 42 and Mitchell Block 5 Section 42.

### **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.

- All works are undertaken in a manner consistent with the approved Canberra Light Rail Construction Environmental Management Plan and associated sub-plans;

- An exclusion fence is to be erected at the extent of the proposed disturbance footprint prior to commencement of construction to restrict inadvertent vehicle movement outside the agreed disturbance area;
- A reptile proof sediment fence or similar structure is erected between the worksite and Crace Grassland Nature Reserve to prevent egress into the site by striped legless lizards.
- A qualified ecologist is on call to relocate any unexpected finds of striped legless lizard within the site.

Attached is a Statement of Reasons for the decision.



Dr A. Lane  
Conservator of Flora and Fauna

5 May 2017

## 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 alignment of the access track encroaches into an area identified as being potential habitat for the Striped Legless Lizard (*Aprasia parapulchella*), a species listed as vulnerable pursuant to the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Nature Conservation Act 2014* (NC 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 will encroach onto an area of nature reserve, being Crace Grasslands 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 and ongoing management are carried out in accordance with the conditions attached to this ESO.

### **Project description**

The project is to construct a new access road to an existing gross pollutant trap (GPT) located on the western side of Flemington Road, Mitchell. The existing vehicular access to the GPT is provided via Flemington Road and is to be removed due to the construction of the light rail for safety reasons.

The new access road will be approximately 5m wide and have a flexible pavement with a thin asphalt surface. The road will extend north from Randwick Road, utilising the edge of the overflow car park for the Racecourse, and then traverse approximately 240m north-east encroaching into the adjacent Crace Grasslands Nature Reserve. The access road will impact on an existing equestrian trail located to the west of the proposed access road. This trail is a fenced, mown pathway and the adjoining fence will be realigned around the batter of the access track.

The construction works will impact the footprint of the road and associated batters plus a 5m construction work area on both sides.

The road will drain to the east to the existing drainage infrastructure (i.e. to the existing Flemington Road ponds), to avoid additional runoff being directed into the Crace Grasslands Nature Reserve.

### **Documentation Submitted**

- Gross Pollutant Trap Access Track Relocation, Gungahlin, Preliminary Environmental Assessment, Prepared for: Canberra Metro Construction, 7/03/2017;
- Plan titles GPT access vegetation assessment, 22/02/2017;
- Form 1M.

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

The majority of the proposed alignment supports exotic pasture which was subject to extensive disturbance in 2009 for the construction of the adjoining Flemington Road Ponds, and is subject to regular mowing.

The dominant exotic perennial grasses are Phalaris (*Phalaris aquatica*), Tall Fescue (*Festuca elatior*) and Paspalum (*Paspalum dilatatum*). Noxious weeds found within

the area include African Love Grass (*Eragrostis curvula*), Serrated Tussock (*Nassella trichotoma*), St John's Wort (*Hypericum perforatum*), Blackberry (*Rubus fruticosus*), and Chilean Needle Grass (*Nassella neesiana*). Exotic annual grasses such as Rat's Tail Fescue (*Vulpia sp.*), Wild Oats (*Avena sp.*) and Prairie Grass (*Bromus catharticus*) are common.

Exotic forbs such as Tall Plantain (*Plantago lanceolata*), Clover (*Trifolium arvense* and *T. angustifolium*) and Flatweed (*Hypochaeris radiata*) can also be found.

There are scattered native grasses (i.e. Tall Spear Grass (*Austrostipa bigeniculata*), Wallaby Grass (*Rytidosperma sp.*) and Red Leg (*Bothriochloa macra*) along the equestrian trail and the edge of Crace Nature Reserve but there is an absence of native forbs.

A spoil dump west of the equestrian trail in Crace Nature Reserve is vegetated predominantly by exotic grasses such as Tall Fescue and Phalaris.

There is a small patch of Eucalyptus tree plantings of both local and non-local species immediately north of the existing pond that will be impacted by the works. The mix of trees includes Brittle Gum (*Eucalyptus mannifera*), Red Box (*E. polyanthemos*), Apple Box (*E. bridgesiana*), Yellow-Box (*E. Melliodora*) and Argyle Apple (*Eucalyptus cinerea*). These trees are all young, with a DBH of less than 50 cm, and not hollow bearing.

This area also includes some Silver Wattle (*Acacia dealbata*), and Planted spiny-head mat-rush (*Lomandra longifolia*). The understorey consists of exotic annual grasses such as Rat's Tail Fescue and Wild Oats (*Avena fatua*), and shrubby weeds such as Hawthorn (*Crataegus sp.*)

The report notes that the majority of the site supports predominantly exotic grassland, which may provide habitat for disturbance tolerant native grassland fauna but no habitat suitable for disturbance sensitive fauna is present.

The disturbed riparian vegetation fringing the Flemington Pond provides habitat for disturbance tolerant native wetland birds.

No NC Act or EPBC Act listed flora species were recorded during the field assessment undertaken by the proponent.

### **Impact on the Reserve**

Approximately 2283 m<sup>2</sup> of the disturbance footprint of the proposed GPT access road is located within the Crace Grasslands Nature Reserve. This area contains disturbed vegetation that is predominantly exotic pasture, planted trees and shrubs and disturbed riparian vegetation. The works will not result in the removal of any native

vegetation, including natural temperate grassland, or habitat for the Golden Sun Moth or Button Wrinklewort.

The alignment of the proposed access road will disturb low quality habitat for striped legless lizard, which has been confirmed present in adjacent areas. Less than 2283 square metres of potential striped legless lizard habitat is to be removed, though as the habitat is disturbed, exotic and located at the south-eastern extent of the existing patch of habitat, it has been determined that the area is consequently of very low conservation significance.

The access road has been located to minimise its visual intrusiveness on the Crace Grasslands Nature Reserve as has been located on the very edge of the reserve and co-located with existing storm water infrastructure.

Rehabilitation of disturbed areas will be undertaken using 50% Red grass (*Bothriochloa macra*) and 50% Microlaena (*Microlaena stipoides*) giving a net improvement to the reserve.

The works will impact on the fence that defines the existing equestrian trail that traverses the reserve. This fence will be realigned around the batter of the new track but will not impact on the alignment of the equestrian trail.

### **Potentially Significant Environmental Impacts**

The likelihood of a significant environmental impact is low provided:

- All works are undertaken in a manner consistent with the approved Canberra Light Rail Construction Environmental Management Plan and associated sub-plans;
- An exclusion fence is erected at the extent of the proposed disturbance footprint prior to commencement of construction to restrict inadvertent vehicle movement outside the agreed disturbance area;
- A reptile proof sediment fence or similar structure is erected between the worksite and Crace Grassland Nature Reserve to prevent egress into the site by striped legless lizards.
- A qualified ecologist is on call to relocate any unexpected finds of striped legless lizard within the site.

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.