

Planning and Development (Conditional Environmental Significance Opinion – Block 7 Section 72 Watson – Justice Robert Hope Park Walking Track) Notice 2018

Notifiable Instrument NI2018–379

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 7 Section 72 Watson – Justice Robert Hope Park Walking Track) Notice 2018*.

2 Conditional Environmental Significance Opinion

(1) On 26 June 2018, 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 7, Section 72, Watson, for the construction of a hardened gravel walking track within Justice Robert Hope Park.

(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 the notice is notified.

Ben Ponton
Chief Planning Executive
12 July 2018

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

Parks and Conservation Service, as represented by Simon Tozer, Offsets Implementation 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 a hardened gravel walking track within Justice Robert Hope Park as described in the submission.

LOCATION

Block 7 Section 72 Watson – Justice Robert Hope Park

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.

- Micro alignment of the route is to be undertaken during construction to avoid any forbs or understorey of significance;
- all machinery, equipment and vehicles is to be washed down prior to entering the reserve,

- the existing small outbreak of African Love Grass is to be treated prior to work commencing,
- A follow-up weed program of a minimum of two years is to be undertaken.
- Only clean gravel is to be imported. No other earth or fill is to be imported into the reserve.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

26th June 2018

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;

Justice Robert Hope Park contains White Box – Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland, a community listed as critically endangered under the provisions of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and endangered under the *Nature Conservation Act 2014* (NC Act).

Four listed species have been recorded within the park:

- Hoary Sunray (*Leucochrysum albicans*). This species is listed as endangered under the EPBC Act;
- Swift Parrot (*Lathamus discolor*). This species is listed as endangered under the EPBC Act and vulnerable under the NC Act;
- Regent Honeyeater (*Anthochaera Phrygia*), listed as critically endangered under the EPBC Act and endangered under the NC Act; and
- Superb Parrot (*Polytelis swainsonii*), listed as vulnerable under both the EPBC Act and the 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.

Justice Robert Hope Park is an area of public land nature 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 construction of a cement hardened decomposed red granite gravel walking track approximately 1035.0 m long and 1.2m wide to improve accessibility to the park. Additional works include the construction of 4 small foot bridges across small seasonally wet patches, the installation of a park bench and some interpretative signage.

Documentation Submitted

- ESO Application – Justice Robert Hope Park Walking Track;
- Prescribed Entity Meeting Minute (Conservation Research);
- Form 1M.

Natural conservation values present

A majority of the reserve supports low quality box-gum woodland. The over-storey is comprised of Yellow Box (*Eucalyptus melliodora*) (80 per cent) and Blakely's Red Gum (*Eucalyptus blakelyi*) (20 per cent), with a few Apple Box (*Eucalyptus bridgesiana*). One very old Scribbly Gum (*Eucalyptus rossii*) also occurs within the reserve.

The trees have large-crowns and a range of hollow sizes which are important for bird breeding. The trees also provide an important seasonal nectar source and foraging habitat for canopy-dwelling birds and arboreal fauna.

The areas of grassland and grassy understorey are dominated by Tall Spear Grass (*Austrostipa bigeniculata*), with other native grasses include Wallaby Grasses (*Rytidosperma spp.*). Small patches and scattered individuals of various other native forb and grass species remain in some parts of the reserve.

Eighty-one native bird species have been recorded in Justice Robert Hope Park, including the threatened migratory woodland birds the Regent Honeyeater and Swift Parrot.

Impact on the Reserve

The proposed path network will have a positive impact on the reserve by providing a clearly defined, all weather, accessible, network through the reserve and improve the visitor experience by providing interpretive signage where appropriate and a park bench for visitor use near an existing small dam. The proposed track will also direct pedestrian access away from the more sensitive areas giving a positive conservation outcome.

Potentially Significant Environmental Impacts

The proposed gravel path follows existing slashed trails between existing access points. Much of the route is dominated by either an exotic understorey or low diversity box gum woodland. The proposal avoids the central or core part of the reserve which is likely to become increasingly important for woodland birds as regeneration/restoration works mature.

The alignment has been chosen to avoid the more dense patches of native forbs, including of Yellow buttons (*Chrysocephalum apiculatum*), Scrambled Eggs (*Goodenia pinatida*), and Sweet Hounds Tongue (*Hackelia suaveolens*). It is a condition of approval that micro alignment of the route is to be undertaken during construction to ensure the patches of native forbs are avoided.

Bridging the existing drainage lines reduces any potential damage from visitor access during and after wet weather in areas that are subject to bogging.

Strict weed hygiene measures are to be employed with all machinery, equipment and vehicles to be washed down prior to entering the reserve, and the requirement for an existing small outbreak of African Love Grass to be treated prior to work commencing.

A follow-up weed program of a minimum of two years is to be undertaken.

Only clean gravel is to be imported. No other earth or fill is to be imported into the reserve.

Conditions have been included to ensure that the works will not increase the likelihood weed spread within the reserve.

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.