

# Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 85, Calwell – Stormwater upgrade within Tuggeranong Hill Nature Reserve) Notice 2019

Notifiable instrument NI2019–452

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 1, Section 85, Calwell – Stormwater upgrade within Tuggeranong Hill Nature Reserve) Notice 2019*.

## 2 Conditional Environmental Significance Opinion

- (1) On 25 June 2019, 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 stormwater management activities on Block 1 Section 85, Calwell.
- (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.

George Cilliers  
Delegate of the planning and land authority  
8 July 2019

## Schedule

See section 2(2)

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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**

Infrastructure Finance and Capital Works, Chief Minister, Treasury and Economic Development Directorate, as represented by Leon Mayers, Infrastructure 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 stormwater management works as described in the submission.

#### **LOCATION**

The proposed works are within Tuggeranong Hill Nature Reserve at three locations in Block 1, Section 85 Calwell. The three work locations are:

- Site A, near Purnell Place;
- Site B, near Minehan Place; and
- Site C, near Tuthill Place.

#### **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:

1. All vehicles and construction equipment must be cleaned prior to entering the reserve and be free of weed and soil material;
2. The works on the south or upper side of the fire trail on the edge of Tuggeranong Hill Reserve will not exceed a width of disturbance more than 3m from the existing fire trail edge;
3. No trees will be removed;
4. Silt and debris removed from channels and traps will be taken off reserve, and not spread within it;
5. Disturbed areas will be rehabilitated to the satisfaction of the Parks and Conservation Service, utilising understorey species native to Tuggeranong Hill reserve (this could include a mix of native grass and herb species);
6. The works area will be subject to spot spraying of weeds (rather than physical removal), including African Lovegrass. Weed management will continue until rehabilitated areas have a vegetation cover of 80%, less than 20% of that cover is of exotic species and African Lovegrass is not present within the areas rehabilitated;
7. Sedimentation and erosion control will be such that no major erosion or channelling of disturbed areas has resulted from the work and all work is to the satisfaction of the Parks and Conservation service;
8. All vehicles and equipment must remain on existing tracks; and
9. Material must be either stored off reserve or on the existing fire trail if this is agreed to by the Parks and Conservation service.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

25th June 2019

## 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 1, Section 85 Calwell contains:

- Yellow Box-Red gum Grassy Woodland – listed as endangered under the *Nature Conservation Act 2014*; and

Records of two plant species listed as threatened:

- Pale Pomaderris (*Pomaderris pallida*); and
- Hoary Sunray (*Leucochrysum albicans*).

*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 proposed within Tuggeranong Hill 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 proposed works aim to address poor drainage and the risk of flooding to a nearby property. Specific works include:

#### Site A (near Purnell Place):

- Construction of 45m of reinforced concrete cutoff drain,
- Construction of 62 m of earth cut of drain,
- Removal of existing head wall,
- Construction of new 375Ø endwall; and
- Regrading of existing adjacent fire trail.

#### Site B (near Minehan Place):

- Construction of 80 m of reinforced concrete cut-off drain; and
- 150 m<sup>2</sup> of pavement sealing works.

#### Site C (near Tuthill Place):

- Re-construction of a stormwater inlet pit; and
- 36 m of kerb works.

#### General:

- Fire trail surface reshaping.

The works are proposed to be conducted as follows:

1. Close existing fire trail to prevent unrestricted public access to works area (temporary closure for duration of works). The work areas will be secured with temporary fencing and bunting at the each of each work day;
2. Establish sediment and erosion controls;
3. Clear existing channels of debris and sediment accumulation;
4. Re-profile channel to be suitable for new concrete channel profile;
5. Regrade existing fire trail as required (at identified sections where actively eroding);
6. Install steel reinforcement and pour concrete to line swales;
7. Restore pavement to existing access track from Minehan Place; and
8. Clear up site, remove equipment and stabilise disturbed areas and re-open fire trail to public.

### **Documentation Submitted**

- Calwell Final Design Report and drawings (including ESO submission report);
- Parks and Conservation (Fire Management Unit) correspondence;
- Pre-application meeting notes;
- Calwell – letter of authorisation;
- Form 1M.

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

Tuggeranong Hill Nature Reserve forms part of an extensive open space reserve system and therefore has high connectivity value. The majority of the reserve supports dry woodlands/open forest dominated by Norton's Box (*E. nortonii*), red box (*E. polyanthemos*) and Drooping She-oak (*Allocasuarina verticillata*). Drooping she-oak patches may provide a food source for the threatened Glossy Black Cockatoo (*Calyptorhynchus latham*). There are also several areas of ACT listed Yellow Box-Red gum Grassy Woodland.

At least 7 species of mammals, 2 species of frog, 9 species of reptiles and over 70 species of birds have been recorded in the reserve. There are 3 animal species listed as threatened under the *Nature Conservation Act 2014*:

- Scarlet Robin (*Petroica boodang*);
- White-winged Triller (*Lalage tricolor*); and
- Pink-tailed Worm-lizard (*Aprasia parapulchella*).

The reserve provides habitat for woodland birds, and is important for the annual autumn migration of honeyeaters including the Yellow-faced Honeyeater (*Lichenostomus chrysops*), White-naped Honeyeater (*Melithreptus lunatus*), Fuscous Honeyeater (*L. fuscus*) and White-eared Honeyeater (*L. leucotis*). The reserve is also known to support many species of rare plants.

### **Impact on the Reserve**

The proposed works along the edge of the reserve will involve some loss of native vegetation (< 0.3 ha), however the three sites are already highly disturbed due to the adjacent fire trail and residential areas. It is therefore unlikely that any rare or threatened plants will be impacted.

No trees are to be removed, and vehicle access and materials storage is restricted to either the existing fire trail or off-site. Impacts to trees are therefore also unlikely.

Part of the work will involve cleaning silt out of existing small drainage structures. This silt will be contaminated with weed seed and if spread elsewhere in the reserve would facilitate the spread of high risk species such as African Lovegrass. Ensuring that the silt is taken out of the reserve in conjunction with weed management of rehabilitated areas will mitigate the risk of increased weed invasion.

### **Potentially Significant Environmental Impacts**

The total disturbance footprint is less than 0.3 ha and occurs in previously disturbed areas of the reserve. The presence of rare/threatened plants and animals within the disturbance footprint is unlikely.

To reduce the potential for impact on the reserve, works are to be undertaken in accordance with the mitigation measures contained in the supporting application for an ESO and the following conditions:

1. All vehicles and construction equipment must be cleaned prior to entering the reserve and be free of weed and soil material;
2. The works on the south or upper side of the fire trail on the edge of Tuggeranong Hill Reserve will not exceed a width of disturbance more than 3m from the existing fire trail edge;
3. No trees will be removed;
4. Silt and debris removed from channels and traps will be taken off reserve, and not spread within it;
5. Disturbed areas will be rehabilitated to the satisfaction of the Parks and Conservation Service, utilising understorey species native to Tuggeranong Hill reserve (this could include a mix of native grass and herb species);
6. The works area will be subject to spot spraying of weeds (rather than physical removal), including African Lovegrass. Weed management will continue until rehabilitated areas have a vegetation cover of 80%, less than 20% of that cover is of exotic species and African Lovegrass is not present within the areas rehabilitated;
7. Sedimentation and erosion control will be such that no major erosion or channelling of disturbed areas has resulted from the work and all work is to the satisfaction of the Parks and Conservation service;
8. All vehicles and equipment must remain on existing tracks; and
9. Material must be either stored off reserve or on the existing fire trail if this is agreed to by the Parks and Conservation service.

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.