

# Planning and Development (Conditional Environmental Significance Opinion – Block 8 Section 3, Bruce – Removal of Vegetation and Construction of Shared Pathway) Notice 2019

Notifiable instrument NI2019–763

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 8 Section 3, Bruce – Removal of Vegetation and Construction of Shared Pathway) Notice 2019*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional Environmental Significance Opinion

- (1) On 4 November 2019, 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 removal of vegetation and construction of a shared pathway within Block 8 Section 3, Bruce, and within the College Street and Aikman Drive road reserves.

- (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.

Brett Phillips  
Delegate of the planning and land authority  
29 November 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

NGH Environmental represented by Johanna Duck.

#### 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 removal of vegetation and construction of a shared pathway within Block 8 Section 3, Bruce as described in the submission.

#### LOCATION

The works are located partly on Block 8 Section 3, Suburb Bruce, Belconnen District and partly within the road reserve for College Street and Aikman Drive, Bruce.

#### 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. The development is required to be undertaken in accordance with the plans included in the submission including:
  - a. Belconnen Bikeway Stage 2, Construction Plans 19 to 27 of 40, Drawing No. RG 18062, dated 4 October 2019;

- b. Environmental Significance Opinion Submission Report, Shared Pathway, Bruce ACT, October 2019 by NGH Environmental; and
  - c. Table 4-1 Management Measure to limit impact on conservation values, page 21, ESO Submission Report, Shared Pathway, Bruce, ACT, October 2019.
2. The development is required to be undertaken in accordance with the following conditions in addition to the plans and ESO report submitted by the proponent:
- a. The work footprint (including any storage of material, parking of machinery or soil or vegetation disturbance) must be confined to the green dapple shaded area in the plans submitted as part of the approval being:  
  
Belconnen Bikeway Stage 2, Drawing Title Construction Plan 19 – 27 of 40, Drawing No. RG 18062, Dated 4 October 2019
  - b. Vehicles and machinery may be parked in existing nearby parking areas and roadsides but must not be parked or stored on native vegetation.
  - c. A revegetation plan, including a species list and numbers of tubestock, or weight of seed to be used, will be submitted to the Conservator or Flora and Fauna for approval prior to works commencing. Only species indigenous to the Canberra area, and sterile or non-invasive short-term cover species will be utilised in the rehabilitation west of Coindra Street.
  - d. A weed management plan will be submitted to the Conservator of Flora and Fauna for approval prior to works commencing showing how weeds within and adjacent to the rehabilitation area will be controlled up until at least 18 months after construction.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

4<sup>th</sup> November 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:

*Schedule 4 Part 4.3, item 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area*

The proposal will impact on up to 2.0ha of native vegetation.

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 for the construction of a Shared Pathway located within Block 8 Section 3 Bruce providing public access adjacent to College Street between Haydon Drive and Aikman Drive.

The work subject to the ESO (within Block 8 Section 3 Bruce and associated road reserve) is part of a larger project. The larger development identified as 'Belconnen

Bikeway Stage 2' involves the construction of a bikeway including pedestrian shared and separated paths from Coulter Drive in Florey through the Belconnen Town Centre to Haydon Drive in Bruce

#### **Documentation Submitted**

- Environmental Significance Opinion Submission Report by NGH Environmental, October 2019;
- Revised Construction Plans by RD Group Ptd Ltd for Belconnen Bikeway Stage 2, dated 4 October 2019;
- Land Custodian Authorisation; and
- Form 1M.

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

The western part of the route contains a large patch of the endangered ecological community White Box, Yellow Box, Blakely's Red Gum Grassy Woodland (Box - Gum Woodland) with an understorey dominated by native grasses, particularly *Themeda australis* and *Poa sieberiana*.

The area is important for connectivity and fauna movements in the region, particularly birds.

Two plants of the Pale Flax Lily (*Dianella longifolia*) have been observed within the development footprint

#### **Potentially Significant Environmental Impacts**

There is evidence of Blakely's Red Gum regeneration and a native herb diversity can be observed so that a third of the route passes through ACT listed Box - Gum woodland and adjacent to EPBC listed Box - Gum woodland. Within the area mapped as ACT listed Box - Gum woodland, the path has been diverted to weedy areas to avoid impact to quality habitat.

The area containing Pale Flax Lily will be cordoned off to prevent accidental damage.

Conditions have been included to ensure that works, as much as possible, avoid impacts on Box – Gum Woodland and other protected matters. The conditions required are:

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  - b. Environmental Significance Opinion Submission Report, Shared Pathway, Bruce ACT, October 2019 by NGH Environmental; and
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Belconnen Bikeway Stage 2, Drawing Title Construction Plan 19 – 27 of 40,  
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- d. A weed management plan will be submitted to the Conservator of Flora and Fauna for approval prior to works commencing showing how weeds within and adjacent to the rehabilitation area will be controlled up until at least 18 months after construction.

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.