

# Planning and Development (Conditional Environmental Significance Opinion – Block 5 Section 37, Strathnairn – Strathnairn Residents Trail) Notice 2020 (No 2)

Notifiable instrument NI2020–742

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 5 Section 37, Strathnairn – Strathnairn Residents Trail) Notice 2020 (No 2)*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 27 October 2020, 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 of a walking trail in the Woodstock Nature Reserve and the Ginninderry Conservation Corridor, on Block 5 Section 37, Strathnairn.

(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  
19 November 2020

## Schedule

See section 3(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

Canberra Town Planning, as represented by Bradley Yates, Town Planner.

#### 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 (ESO) 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 residents' trail at Strathnairn as described in the submission.

#### LOCATION

Block 5 Section 37, Division of Strathnairn and Block 1642 District of Belconnen.

#### MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application.

#### OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, 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 track will have a maximum width of no more than 1.2m and a construction depth of no more than 30cm;

2. No trees with a stem diameter of 7.5cm or more at Diameter at Breast Height (DBH) will be felled as part of the works;
3. The works will involve no clearance or trimming of any Callitris branches supporting mistletoe (*Muellerina bidwillii*);
4. The Construction Environment Management Plan (CEMP) will include details on the location and structure of boardwalks (detailed design) at least two key locations along the route to the satisfaction of the Conservator of Flora and Fauna;
5. The CEMP is subject to the approval of the Conservator of Flora and Fauna;
6. Work within Woodstock Nature Reserve will comply with any direction from the Parks and Conservation Service (PCS); and
7. If weed management is required as a result of disturbance created by the works on or use of the track, this control will include the section of the track within Woodstock Nature Reserve, subject to the direction of the PCS.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

27th October 2020

## 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 project area contains:

- Two communities listed as endangered:
  - White Box-Yellow Box=Blakely's Red Gum Grassy Woodland and Derived Native Grassland
  - Natural Temperate Grassland of the South Eastern Highlands;
- Habitat and records of six animal species listed as threatened under the *Nature Conservation Act 2014*:
  - Pink-tailed Worm-lizard (*Aprasia parapulchella*)
  - Superb Parrot (*Polytelis swainsonii*)
  - Scarlet Robin (*Petroica boodang*)
  - Varied Sitella (*Daphoenositta chrysoptera*)
  - Little Eagle (*Hieraaetus morphnoides*)
  - White-Winged Triller (*Lalage sueurii*); and
- One plant species listed as threatened under the *Nature Conservation Act 2014*:
  - Pale Pomaderris (*Pomaderris pallida*).

*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 within Woodstock Nature Reserve which has a Pc: Nature Reserve overlay.

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 proposal is for the establishment of a formal recreational path network from the future urban edge of Strathnairn through to the Riverside Park/River Corridor reserve. The trail is to be shared by pedestrians and cyclists and will provide recreational opportunities to residents while protecting the river corridor from ad-hoc explorations.

The section of the trail within the Ginninderry Conservation Corridor (GCC) is 2,585m long and the section within Woodstock Nature Reserve is 267m long. The trail is to be 1.2m in width and a combination of natural mineral surface and Fibre Reinforced Plastic boardwalk. Construction will involve excavation of soils to a maximum depth of 30cm with a small excavator. The proposed development is expected to disturb a width of 2.2m (1.2m trail width plus 0.5m either side for cut and fill retention).

### **Documentation Submitted**

- Aboriginal Cultural Heritage Assessment report (July 2020);
- Ecological Impact Assessment and Defined Process Strategy Report by Capital Ecology (September 2020);
- Letter of Authorisation;
- Plans for Physical Structures proposed;
- Site Audit Report and Statement from the EAP (July 2020)

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Form 1M.

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

The project area contains significant ecological values and contains important corridors for regional connectivity.

The project area contains:

- Two communities listed as endangered:
  - White Box-Yellow Box=Blakely's Red Gum Grassy Woodland and Derived Native Grassland
  - Natural Temperate Grassland of the South Eastern Highlands;
- Habitat and records of six animal species listed as threatened under the *Nature Conservation Act 2014*:
  - Pink-tailed Worm-lizard (*Aprasia parapulchella*)
  - Superb Parrot (*Polytelis swainsonii*)
  - Scarlet Robin (*Petroica boodang*)
  - Varied Sitella (*Daphoenositta chrysoptera*)
  - Little Eagle (*Hieraaetus morphnoides*)
  - White-Winged Triller (*Lalage sueurii*); and
- One plant species listed as threated under the *Nature Conservation Act 2014*:
  - Pale Pomaderris (*Pomjaderris pallida*).
- Several rare and uncommon plant species have been recorded in the project area, including the only known living plants of *Muellerina bidwillii* (a mistletoe on Black Cypress) within the ACT.

### **Impact on the Reserve**

The works will have unavoidable direct impacts, including the clearance of 0.24ha of Box Gum Woodland (BGW) and 0.18ha of Pink-tailed Worm-lizard (PTWL) habitat within the GCC, and 0.06ha of BGW within Woodstock Nature Reserve.

There have been three recent records of PTWL close to the proposed pathway route, while there are a further two records from 1995 in the close vicinity (see Attachment A). The earth/gravel pathway is unlikely to create a barrier to PTWL habitat and the route has been micro-aligned to avoid most rocky outcrops. The ESO documents also commit to a pre-works check and movement of any lizards found off the route as well as relocation of habitat rocks into the adjacent area.

The ESO documents also mention the construction of boardwalks at critical areas which will maintain habitat connectivity, however, the documents do not contain a map or drawing as to the location or length and height of these boardwalks.

The trail will reduce the likelihood of residents creating informal tracks and line of sight short cuts across habitat and woodland areas, thereby protecting ecological values in the area.

### **Potentially Significant Environmental Impacts**

The route alignment has been carefully designed to minimise impact on PTWL habitat and BGW and avoids areas of high woodland condition. The part of the track that passes within Woodstock Nature Reserve is outside of PTWL habitat and is in a low diversity, currently exotic dominated area of BGW.

Conditions have been included to ensure that impacts to significant ecological values are minimised:

1. The track will have a maximum width of no more than 1.2m and a construction depth of no more than 30cm;
2. No trees with a stem diameter of 7.5cm or more at Diameter at Breast Height (DBH) will be felled as part of the works;
3. The works will involve no clearance or trimming of any Callitris branches supporting mistletoe (*Muellerina bidwillii*);
4. The Construction Environment Management Plan (CEMP) will include details on the location and structure of boardwalks (detailed design) at least two key locations along the route to the satisfaction of the Conservator of Flora and Fauna
5. The CEMP is subject to the approval of the Conservator of Flora and Fauna
6. Work within Woodstock Nature Reserve will comply with any direction from the Parks and Conservation Service (PCS)
7. If weed management is required as a result of disturbance created by the works on or use of the track, this control will include the section of the track within Woodstock Nature Reserve, subject to the direction of the PCS.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.