

Planning and Development (Conditional Environmental Significance Opinion – Blocks 17 and 18, Section 46, Greenway – Ice Sports Centre Site Investigation) Notice 2021

Notifiable instrument NI2021–308

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 – Blocks 17 and 18, Section 46, Greenway – Ice Sports Centre Site Investigation) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 14 May 2021, 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 an investigation into the suitability of the site for the potential future development of an Ice Sports Centre, on Blocks 17 and 18, Section 46, Greenway.

- (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
21 May 2021

Schedule

See section 3(2)

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

Indesco Pty Ltd, as represented by Elizabeth Last, Assistant Project Director.

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 site investigation for the potential future development of Blocks 17 and 18, Section 46 Greenway as described in the submission.

LOCATION

Blocks 17 and 18 Section 46, Greenway, District of Tuggeranong

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. All stormwater is required to be treated on site.

2. No untreated stormwater is to be released into the Murrumbidgee River.
3. Asset Protection Zones are wholly contained within the development site.
4. Weed management for pest plants must be undertaken to ensure the introduction and spread of pest plants from the site is controlled.

Attached is a Statement of Reasons for the decision.

A handwritten signature in dark ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker
Conservator of Flora and Fauna

14 May 2021

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 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 1.72ha 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 study area encompasses approximately 4.08 ha and is zoned 'CZ6: Leisure and Accommodation' under the Territory Plan.

The study area is bordered by:

- Roland Rees Crescent and further urban development to the east
- the Alpha Hotel to the north
- grassland/pasture and Eucalyptus plantings extending to the Murrumbidgee River Corridor, approximately 380m to the west; and
- the Tuggeranong Hockey Park to the south.

The study area has been previously grazed and pasture improved. In 1978 the Government began large scale restoration plantings comprising a mix of local and non-local Eucalyptus and Acacia species through parts of the study area and the adjacent land down to the Murrumbidgee River Corridor.

Documentation Submitted

- Ecological Impact Assessment and Environmental Significance opinion Supporting Document, Capital Ecology project no. 3014
- Form 1M.

Natural conservation values present

Vegetation types

The study area contains Dry Tussock Grassland. Dry Tussock Grassland generally occurs in valley floors where tree growth is inhibited by frost and cold air drainage. It may occur on slopes at slightly higher elevations at the interface of grassy woodland, where tree cover is less than 10%. PCT-ACT01 is characterised by a dominance or co-dominance of the native grasses:

- Wallaby Grass *Rytidosperma* spp.,
- Red-leg Grass *Bothriochloa macra*,
- Tall Speargrass *Austrostipa bigeniculata* and
- Kangaroo Grass *Themeda triandra*,

together with a moderate to high diversity of native forbs.

Threatened Flora

The study area is located within 500 m of the Murrumbidgee River Corridor. This area is a significant area for rare and threatened plant species such as

- Tuggeranong Lignum *Muehlenbeckia tuggeranong*,
- Pale Pomaderris *Pomaderris pallida*,
- Hoary Sunray *Leucochrysum albicans* var. *tricolor*, and
- Murrumbidgee Bossiaea *Bossiaea grayi*.

No Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and/or *ACT Nature Conservation Act 2017* (NC Act) listed threatened flora species were recorded in the study area during the field surveys, nor have any been

previously recorded in the study area (as indicated on ACTmapi and Canberra Nature Map).

Given the study area's grazing history and invasion by African Lovegrass, none of the threatened flora species with the potential to occur in the locality are considered to have a moderate or higher likelihood of occurrence in the study area.

Threatened woodland bird habitat.

The planted woody vegetation in the study area is identified as high quality woodland bird habitat, and is connected to an important wildlife corridor (ACTmapi 2021). The vulnerable Scarlet Robin (*Petroica boodang*), White-winged Triller (*Lalage tricolor*) and other regionally declining woodland birds have been recorded in West Greenway near to the development site. A search of the Atlas of Living Australia found records for the threatened Regent Honeyeater (*Anthochaera phrygia*) and rare Gang-Gang Cockatoo (*Callocephalon fimbriatum*) in the north-east corner of the study area.

Several other EPBC Act and/or NC Act listed birds may also forage in the planted vegetation, however, given the peri-urban location and the extensive area of high-quality habitat to the west of the study area, the highly modified vegetation zones in the study area are likely to be of limited habitat value for these species.

Habitat Connectivity

The study area constitutes a component of an important wildlife movement corridor along the Murrumbidgee River. The study area is on the edge of this corridor, so the clearing of this vegetation is unlikely to have an impact on its functionality.

Perunga Grasshopper habitat

There is a single record (from 2005) for the threatened Perunga Grasshopper *Perunga ochracea* in the southern portion of the study area. This species was not recorded during the field surveys undertaken in the preparation of the ESO supporting documents, and it is unlikely that the study area continues to provide suitable habitat for the species given the invasion of African Lovegrass and dense eucalypt plantations since 2005.

Impacts from the development

Approximately 1.72 ha of the development area contains revegetation/plantings that are approximately 40 years in age and comprising a mix of Eucalyptus and Acacia species of local and non-local origin. The ground storey is largely exotic, with widespread dominance of African Lovegrass (*Eragrostis curvula*) across most of the study area.

Notwithstanding this, the area supports vegetation that has the potential to provide limited habitat value for a number of threatened fauna species. The planted woody vegetation in the study area is identified as high-quality woodland bird habitat, and is

connected to an important wildlife corridor (ACTmap1 2021). Clearing of the eucalypt plantings within the study area would reduce the width of the north-south connection, but would not significantly degrade its functionality.

Potentially Significant Environmental Impacts

The development is occurring on the edge of the existing built up urban area near to Greenway and the Tuggeranong Town Centre. There is a risk that untreated stormwater entering the Murrumbidgee River will have a detrimental impact on protected aquatic species, the Murrumbidgee River riparian habitat and the water quality of the river system.

The development site is up-slope and immediately east of the Murrumbidgee River Corridor. Asset protection and bushfire management will be an important design factor in the future development due to the landscape setting.

The site contains numerous weeds and pest plants that require management. The incursion and spread of weeds into the nearby Nature Reserve and River Corridor is likely to have a detrimental impact on the riparian values.

Conditions have been included to ensure that works, and future development will consider the management of stormwater and weeds to protect the natural environment from the impacts of the development:

1. All stormwater is required to be treated on site.
2. No untreated stormwater is to be released into the Murrumbidgee River.
3. Asset Protection Zones are wholly contained within the development site.
4. Weed management for pest plants must be undertaken to ensure the introduction and spread of pest plants from the site is controlled.

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.