

# Planning and Development (Conditional Environmental Significance Opinion – Block 5 and part Block 7 Section 47, Franklin – Budjan Galindji Nature Reserve) Notice 2023

Notifiable instrument NI2023–410

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 and part Block 7 Section 47, Franklin – Budjan Galindji Nature Reserve) Notice 2023*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 14 June 2023, 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 proposed landscape remediation and enhancement works at the Budjan Galindji Nature Reserve, Block 5 and part Block 7 Section 47, Franklin.

- (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.

Craig Weller  
Delegate of the planning and land authority  
12 July 2023

## **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**

Redbox Design Group, as represented by Karin Kemp, 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 landscaping remediation and enhancement works within Budjan Galindji Nature Reserve as described in the submission.

#### **LOCATION**

Blocks 5 and 7, Section 47 Franklin.  
Budjan Galindji Nature Reserve.

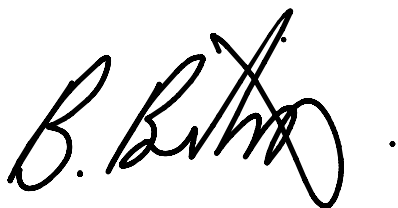
#### **MATTERS TO WHICH THIS OPINION APPLIES**

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 mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Bren Burkevics  
Conservator of Flora and Fauna

14 June 2023

## 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;*

Budjan Galindji Nature Reserve protects:

- critically endangered Natural Temperate Grassland (around 20% of the reserve) plus ACT Endangered Box Gum Woodland
- a population of vulnerable Golden Sun Moth (*Synemon plana*)
- one of only 3 known populations of the vulnerable Ginninderra Peppercress (*Lepidium Ginninderrense*), endemic to the ACT
- a population of vulnerable Striped Legless Lizard (*Delma impar*)
- a population of the vulnerable Perunga Grasshopper (*Perunga ochracea*)
- habitat for the migratory and near threatened Latham's Snipe (*Gallinago hardwickii*)
- foraging sites for the vulnerable Superb Parrot (*Polytelis swainsonii*)

*Part 4.3, item 3 proposal for development in a reserve;*

The proposed works are within Budjan Galindji 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**

Budjan Galindji Nature Reserve, also previously known as Franklin Nature Reserve, or the North Mitchell Grasslands, is an environmental offset area of approximately 20 hectares located on the corner of Well Station Drive and Flemington Road in the suburb of Franklin.

Due to its size, location, proximity to key transport infrastructure, and community interest, the ACT Parks and Conservation Service propose to enhance the site and encourage public visitation in an effort to promote grassland ecosystems.

Remediation and enhancement works are proposed, including increasing habitat for threatened species and providing visitor infrastructure to promote learning and engagement opportunities.

The key works will involve:

- Spoil site remediation, including the removal of all stockpiles and regrading of those areas to provide a flatter surface for regeneration and alleviate existing deep swales.
- Hard surface pedestrian paths are proposed to facilitate access to the reserve. These paths will generally follow existing grades with minor cut/fill proposed to ensure level surfaces.
- An upgrade to the existing overflow pipe that links the wetland and creek line in the southwest, to enable more robust pedestrian and vehicle access.
- Modification to the existing asphalt access road at the TCCS managed gross pollutant trap to make this into a secure (non-public) carpark.
- Three interpretative nodes are proposed (Golden Sun Moth, Superb Parrot and Striped Legless Lizard) which will be located near the pathways.
- Four new pedestrian entrances
- A range of fencing repairs and new fencing panels, including rusted post and rail fencing, pedestrian entrances and kangaroo fencing

- Other associated works including interpretive signage and motifs, softworks reinstatement and upgraded fencing in the nursery area.

#### **Documentation Submitted**

- Demolition plans
- Elevation plans for proposed fencing
- Construction Environmental Management Plan
- Map of civil works
- ESO report – Remediation, enhancement and visitor infrastructure construction at Budjan Galindji Nature Reserve – report prepared by ACT Government and Redbox design group – dated April 2023
- Tree assessment plan and notes
- Existing condition vegetation habitat and constraints
- Vegetation and site management plan
- General arrangement plans (including details on fencing, carpark, upgraded crossing, Golden Sun Moth areas, Striped Legless Lizard area and Superb Parrot habitat, grading plan, perspective views and general materials)
- Letter of Authorisation
- Form 1M.

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

The north-east corner of the site contains woodland which does not meet the criteria for EPBC listed Box Gum Woodland and to the north-west is an ephemeral wetland. Moving south, the site is dominated by a mix of exotic and native grasses. The centre of the site contains high-quality Natural Temperate Grassland. An ephemeral creek flows into a dam to the south-east of the site which flows out of the site passing a gross pollutant trap and pipe system which eventually feeds into Sullivans Creek.

Significant flora and fauna species recorded within Budjan Galindji Nature Reserve include:

- Endangered Ginninderra Peppercress (*Lepidium ginninderrense*). This is one of only four known populations within the ACT.
- Vulnerable Golden Sun Moth (*Synemon plana*)
- Vulnerable Perunga Grasshopper (*Perunga ochracea*)
- Vulnerable Striped Legless Lizard (*Delma impar*) – Budjan Galindji hosts one of the densest populations of Striped Legless Lizard in Canberra.
- Vulnerable Superb Parrot (*Polytelis swainsonii*)
- Migratory Latham's Snipe (*Gallinago hardwickii*)

The Canberra Raspy Cricket (*Cooraboorama canberrae*) has also been recorded in Budjan Galindji. This cricket is endemic to the ACT and generally found in higher quality native grassland. Although not listed as a threatened species, the cricket

generally occurs as small, isolated populations restricted by highly fragmented habitat.

### **Impact on the Reserve**

The proposed works are all located in areas of lower quality habitat areas and avoid the areas of significant or high-quality habitat. Weed hygiene measures have been included in the application.

There will be construction of paths and pavements within low quality Striped Legless Lizard habitat, however this will not occur until pre-clearance surveys are undertaken, and this habitat has been avoided wherever possible.

Trenching will be required within the site. The ESO application specifies that any trenches will be inspected by qualified ecologist prior to backfilling to ensure no animals are trapped, and native grass seeds will be used to restore any trenched areas, with species approved by Parks and Conservation Service.

### **Potentially Significant Environmental Impacts**

Construction will be timed to avoid any key breeding seasons or migratory times, to reduce impacts on threatened species. Construction will avoid species' active periods.

No Box Gum Woodland, Natural Temperate Grassland, Golden Sun Moth or Ginninderra Peppercress values will be impacted. While some areas of Striped Legless Lizard habitat will be impacted, it is unlikely to result in a significant impact due to the small area and low condition of the habitat being impacted.

The supporting information and Construction Environmental Management Plan outlines a range of mitigation measures and strategies to ensure there will be no significant environmental impacts pre, during or post construction.

The proposed works have the potential to increase the quality of the endangered ecosystems, particularly Natural Temperate Grassland, by removing the spoil sites and revegetating and regenerating those areas with appropriate grassland species.

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