

Planning and Development (Environmental Significance Opinion – Block 393 Gungahlin) Notice 2012 (No 1)

Notifiable instrument NI2012 – 484

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 (Environmental Significance Opinion - Block 393 Gungahlin) Notice 2012 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_significance_opinions

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps
Environment and Sustainable Development Directorate

10 September 2012



ACT

Government

Environment and
Sustainable Development

Mr David Papps
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Papps

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion for the proposed construction of a new radio broadcasting station on Block 393 District of Gungahlin.

The proposal is not likely to have a significant adverse environmental impact on a species that is vulnerable, provided works are in accordance with the conditions contained within the opinion.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Penny Farnsworth
Conservator of Flora and Fauna

30 August 2012



ACT
Government

Environment and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Mr Ivan Pasalich, Principal, Dabyne Planning Pty Ltd

LOCATION

Block 393 District of Gungahlin.

DEVELOPMENT PROPOSAL

Construction of a new radio broadcasting station, comprising a single storey rectangular building of approximately 700m²; a staff car park at the rear with 22 parking spaces; 3 visitors car parks at the front of the building; a 30m monopole; and a small ground based satellite with a diameter of 1.8m adjacent to the new building.

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 for an environmental significance opinion to that effect.

OPINION

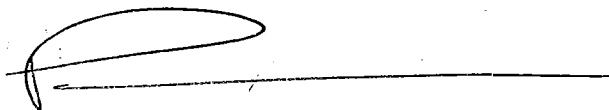
The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

1. Clearance for the proposed development to be limited to the development footprint.
2. The silt fence as shown on the Erosion and Sediment Control Plan by David Law dated 10/7/2012, to be erected prior to commencement of construction and must remain in place until all works are completed.

3. Machinery and stockpiling of construction materials to be contained within the area bounded by the silt fence. Machinery and/or materials are not permitted to be operated or stored beyond this area at any point.
4. If mowing or slashing is required within the leased area, this is to be done so as to maintain the habitat characteristics required by the Striped Legless Lizard. That is, mowing/slashing to always be conducted to maintain a minimum grass height of 15cm, allowing tussock-structure to persist and lizards sheltering within to remain unharmed. Mowing/slashing of the leased area to be done in stages, with no more than a third of the study area mown at any given time and at least a month between mowing events.
5. The level of grazing to be managed so as to maintain a moderate to high biomass of tussock grass throughout the retained habitat, so that grass height across the site is not less than 15cm.
6. That no removal or disturbance of the three hollow-bearing trees is to occur and that some regeneration of the overstorey trees should be permitted where it will not interfere with the operation of the facility to ensure eventual replacement/renewal of this habitat resource.
7. Any fallen timber/logs are to remain on site and are not to be removed without the previous approval of the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.



Penny Farnsworth
Conservator of Flora and Fauna

3d August 2012

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 areas and processes. The proposal triggers the following Schedule 4 item:

Part 4.3, item 1 (b), being a proposal that is likely to have a significant adverse environmental impact on a species that is vulnerable.

The site is known to contain Striped Legless Lizard *Delmar impar*, a species listed as vulnerable under the *Nature Conservation Act 1980*.

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 for an environmental significance opinion (ESO) 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 and known values of the sites.

Project description

Block 393 Gungahlin is a 10.43 ha block located on Morisset Road in Mitchell, and contains two radio broadcasting towers used to broadcast for Radio Canberra Pty Ltd. The towers are positioned roughly in the centre of the block with an underground earth mat comprising of radial wires extending from the base of the towers outwards for approximately 125m. The site also contains a maintenance building near the northern boundary.

Radio Canberra Pty Ltd has determined that their existing radio broadcasting facilities on Hoskins St Mitchell are out of date and insufficient in size and layout and they intend to construct a purpose built radio broadcasting station for '2CC' and '2CA', as well as other digital radio programs, adjacent to the existing AM radio towers on Block 393 District of Gungahlin.

The proposal is to construct a rectangular single storey building of approximately 700m² that is purposefully designed for radio broadcasting, in the south western corner of Block 393 Gungahlin. The new development is to include the building, a staff car park at the rear with 22 parking spaces, 3 visitors car parks at the front and a small ground based satellite with a diameter of 1.8m. In addition, to provide radio linkage with their other broadcasting facility on Bellenden Street Gungahlin, a 30m monopole is to be erected adjacent to the new building.

Access to the proposed development is proposed to be from a shared access on the unleased Territory Land on the western boundary to be constructed as part of the Morisset Street extension works.

Documentation Submitted

Reports titled:

- Block 393 Gungahlin Ecological Assessment Report July 2012, Biosis Research;
- 'Striped Legless Lizard Management Strategy' for Proposed Radio Canberra Broadcasting Station and 30m Monopole DA 201221537 Block 393, Gungahlin 14 August 2012, Dabyne Planning
- Statement of Environmental Effects including Statement Against the Criteria, April 2012; and
- Numerous plans of the proposal.

Natural conservation values present

The block is relatively flat, with no distinct hills or gullies. Sullivans Creek crosses the site near the eastern boundary, flowing in a north to south direction and there is a

small drainage line in the south western corner of the block. Runoff from within the block flows to these two drainage lines.

The ecological study submitted with the ESO application describes the site as mainly dominated by the exotic pasture grass *Phalaris*, and that this exotic species encroachment, likely in conjunction with prolonged past grazing, has removed and prevented the reestablishment of all but the most disturbance-tolerant native grasses (i.e. Redgrass (*Bothriochloa macra*), Wallaby Grasses (*Astrodanthonia* spp.), Speargrasses (*Austrostipa* spp.), etc). The resulting exotic pasture is a highly modified and floristically non-diverse vegetation type. There are some small (<5 square metres) patches of native-dominated pasture but these are generally isolated.

There are three mature Candlebark trees on the block. The ecological study notes that the three trees were examined during the field survey and all three contain hollows, a valuable resource for native fauna for shelter and reproduction. These trees will not be impacted by the development.

Weed Occurrence

Numerous weeds occur at varying levels of infestation throughout the block. The site was surveyed during winter and the species noted by Biosis at the time of survey include Serrated Tussock (*Nasella trichotoma*), Flatweed (*Hypochaeris radicata*), African Love Grass (*Eragrostis curvula*), and St Johns Wort (*Hypericum perforatum*).

Striped Legless Lizard (*Delmar impar*)

The site is known to contain Striped Legless Lizard *Delmar impar*, a species listed as vulnerable under the *Nature Conservation Act 1980*, being recorded during targeted surveys using roof tiles carried out as part of a larger survey of the adjacent future suburb of Kenny (Biosis Research 2012). This survey assessed the study area as containing habitat of 'Moderate to High' quality for this species.

The Striped Legless Lizard primarily inhabits lowland native grasslands dominated by perennial, tussock forming native grasses such as Kangaroo Grass (*Themeda triandra*), Spear-grasses (*Austrostipa* spp.) and Wallaby-grasses (*Astrodanthonia* spp.) (Coulson 1990), though the species has also been widely recorded in areas dominated by exotic tussock forming grasses, notably *Phalaris* (*Phalaris aquatica*) and Cocksfoot (*Dactylis glomerata*) (Coulson 1995; Rauhala *et al* 1995). The ecological study notes that while the ability of such vegetation to support the species in the long term has in the past been the subject of uncertainty (Rauhala *et al* 1995), the results of previous Biosis surveys (Biosis Research 2012a, Biosis Research 2012b)) strongly support the hypothesis that exotic pasture occurring in isolation from native grassland can also be of high value as habitat for the species. A defined tussock

structure appears to be a primary habitat feature of the grasslands where the Striped Legless Lizard occurs. The density and continuous nature of a grassland appears to be more important to the persistence of the Striped Legless Lizard than floristic composition (Robertson & Smith 2010 R. Speirs pers. obs.).

The site supports high biomass exotic pasture dominated by the tussock-forming species *Phalaris*, interspersed with native tussock-forming grasses. Given this and that the species' presence has been confirmed, it is likely that the Striped Legless Lizard occurs at least at a low density throughout most the study area, particularly in its northern extent.

Potentially Significant Environmental Impacts

It is considered that the proposal is not likely to have a significant environmental impact and that it is appropriate for an ESO to be issued. The rationale for this advice is:

- The development footprint (including fire asset protection zones) is small and largely occurs in exotic pasture;
- The development site is likely to be habitat of the threatened striped legless lizard, but provided that the "Striped Legless Lizard Management Strategy" (dated 14 August 2012) is adhered to, significant adverse impact on the lizard is unlikely. In Condition 3 of the Management Strategy it should be clarified that maintaining a moderate to high biomass of tussock grass, means that grazing or slashing of the site will be managed in away so that at least a 15cm grass height is maintained across the site, outside of the development footprint.

The potential for a significant environmental impact is low provided works are in accordance with the conditions as imposed.