

Planning and Development (Environmental Significance Opinion – Block 6 Section 52 Coombs – Holden’s Hill and West Coombs infrastructure) Notice 2014 (No 1)

Notifiable Instrument NI2014–376

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 6 Section 52 Coombs – Holden’s Hill and West Coombs infrastructure) Notice 2014 (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.

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

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

4 Expiry

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

Dorte Ekelund
Chief Planning Executive

6 August 2014

Annexure A
Text of environmental significance opinion
Block 6 Section 52 Coombs – Holden’s Hill and
West Coombs infrastructure



ACT
Government

Environment and
Sustainable Development

Ms Dorte Ekelund
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Ms Ekelund

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 construction of an elevated boardwalk and lookout, picnic shelter, prefabricated interpretative lookout, and associated trails, at Holden's Hill within Molonglo River Park.

The proposal is not likely to have a significant adverse environmental impact provided the works are completed in accordance with the conditions as imposed.

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

Yours sincerely

Alan Traves
Conservator of Flora and Fauna

23 July 2014



ACT
Government

Environment and Planning

ENVIRONMENTAL SIGNIFICANCE OPINION

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

PROPONENT

Ros Ransome, Senior Environmental Planner, Parks Conservation and Lands, Territory and Municipal Services Directorate.

LOCATION

Block 6 Section 52 Coombs within Molonglo River Park.

DEVELOPMENT PROPOSAL

The proposal is for the construction of an elevated boardwalk and lookout, picnic shelter, prefabricated interpretative lookout, and associated trails, at Holden's Hill within Molonglo River Park.

The development proposal is mentioned in Schedule 4, part 4.3, item 1 (b) being development that may impact on a species that is listed as vulnerable; and Schedule 4, part 4.3, item 3 being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

Block 6 Section 52 Coombs contains Pink-tailed Worm-lizard (*Aprasia parapulchella*), listed as vulnerable under the provisions of the *Nature Conservation Act 1980* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), and is within Molonglo River Park being an area of Special Purpose 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 for an environmental significance opinion (ESO) to that effect.

OPINION

The proposal is not likely to have a significant adverse environmental impact provided works are in accordance with the following conditions:

- that all mitigation measures described in section 7 and appendices 2 and 3 of the ESO Application and under the Environmental Management and General Site Controls sections attached to the submitted Plans are implemented; and
- that works are designed so that water runoff from the track and / or viewing pads does not flow over mapped Pink-tailed Worm-lizard habitat.

Attached is a Statement of Reasons for the decision.



Alan Traves
Conservator of Flora and Fauna

23 July 2014

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Schedule 4 Part 4.3 -Development proposal for an activity requiring an EIS,

Item 1

Proposal that is likely to have a significant adverse environmental impact on one or more of the following unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact:

b. A species that is vulnerable

Block 6 Section 52 Coombs contains Pink-tailed Worm-lizard (*Aprasia parapulchella*) listed as vulnerable under the provisions of the *Nature Conservation Act 1980* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

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**, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.*

The proposed works are located within an area of special purpose reserve within the Molonglo River Park.

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.

Project description

The proposal is for the:

- construction of an elevated boardwalk (average 800mm height above ground level) and lookout (Lookout 1) made from a fibreglass composite with an open pattern (35mm) supported by steel posts at Holden's Hill;
- installation of a small prefabricated picnic shelter (Lookout 2) near the location of a potential new access track to the river. The shelter is supported by four steel columns above a compacted fill platform with a stone battered fill slope;
- installation of a large prefabricated interpretative lookout (Lookout 3) adjacent to the existing access trail around the edge of the Coombs Peninsula. The shelter will be constructed with six supporting steel columns of 200mm bolted to a concrete footing grid connecting all posts, with a hand rail enclosing the structure;
- construction of a 1200mm wide walking trail between lookouts made from compacted site soils;
- construction of an elevated walkway made from untreated steel with an open fibreglass composite decking over the drainage line near Holden's Creek

The works are required to manage public use of the area to help protect the site's ecological values.

Documentation Submitted

- Application for an ESO (Form 1M);

- Document titled: Documentation to Support an Application for an Environmental Significance Opinion Holden's Creek Hill & West Coombs Infrastructure (27/06/2014);
- Numerous plans

Natural conservation values present

Block 2 Section 56 Coombs contains areas of high and medium quality Pink-tailed Worm-lizard habitat. Holden's Hill is mapped as high quality habitat though, after an on-site inspection, the specialist ecologists advise that it is unlikely to be habitat due to the extent of the bedrock which is at the surface at the location of Lookout 1.

The elevated boardwalk to Lookout 1 is to be installed following an existing 'goat-track' that is heavily weed infested and contains minimal or no habitat rocks.

The small picnic shelter (Lookout 2) and Large Interpretative Lookout (Lookout 3) are located outside PTWL habitat. These areas are not identified as having high conservation value and parts of these areas are heavily disturbed.

The study undertaken by NGH Environmental did not find uncommon, rare or endangered flora, fauna, communities, natural landscapes or phenomena in the areas where the various elements of the package of works are to be installed.

Impact of development on these values (including offsite impacts)

The fibreglass composite open pattern (35mm) of the boardwalk was selected to maximise light penetration maintaining existing habitat characteristics and allow the existing plants to receive sunlight and rain so the grasses and forbs will continue to grow below the platform. As the boardwalk is elevated 800mm (on average) above the natural ground level it will allow maximum sunlight, rain and air circulation below the boardwalk. It will also allow macropods and other fauna to move underneath the boardwalk, thereby ensuring that the boardwalk is not a barrier to habitat connectivity.

The locations of the small picnic shelter and large interpretative shelter have been chosen to ensure that no disturbance to any areas of ecological sensitivity will occur. The walking trails have also been located outside ecologically sensitive areas, and their buffer zones, and are to be constructed of compacted site soils. Soil disturbance will be minimised by appropriate construction methods.

Has the proponent demonstrated that all reasonable measures have been taken to avoid, minimise and as a last resort offset impact?

The elevated walkway and lookout will control pedestrian movement in the area by providing a preferred destination and, being fully enclosed with a wire hand rail, will prevent adhoc pedestrian access to the surrounding PTWL habitat. This is likely to provide greater protection for the PTWL habitat than by trying to prevent access to the area entirely.

The elevated walkway has been positioned to prevent disturbance of PTWL habitat rocks during construction. A staged construction method is proposed whereby construction will commence at the viewing platform and the boardwalk will then be assembled backwards within a narrow construction envelope. The proposed use of a temporary elevated board walk within the construction corridor to avoid compaction of the soil will also help mitigate damage.

The location of the proposed walking trail avoids steep areas of land minimising excavation and negates the requirement for any retaining walls. Temporary soil erosion measures will be installed to prevent deposition of silt down slope in the PTWL habitat.

The elevated walkway over drainage line is to be constructed in untreated steel with an open fibreglass composite decking system supported on steel frame and posts which will elevate the walkway up to 550mm above the ground level. The fibreglass decking detail has been chosen to maximise the penetration of the sun and the rain to enable the vegetation to continue to grow. The installation of an elevated walkway in this location will ensure that the natural surface water movement is not impeded and will allow for the movement of fauna underneath.

The walkway system will be prefabricated off-site, which will minimise disturbance to the site by reducing construction activity and construction time on site

There is a threat of the spread of weeds from the proposed works. The threat of weed spread is lessened by the mitigation measures and the future rehabilitation of the grassland in the area.

Potentially Significant Environmental Impacts

There is the potential for accidental damage during construction however this risk will be reduced by the proposed construction methods and the use of a temporary elevated board walk. In addition, all works will be supervised by an ecologist employed by Parks and Conservation as well as the Ranger for Molonglo River Park.

As these works are within Molonglo Valley, there is a requirement for the Contractor to construct all works in accordance with an approved Construction Environment Management Plan that will detail the work methodology as proposed.