

Planning and Development (Conditional Environmental Significance Opinion – Blocks 655 and 850 Gungahlin – Temporary Bicycle Lane Realignment) Notice 2016

Notifiable Instrument NI2016–680

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 655 and 850 Gungahlin – Temporary Bicycle Lane Realignment) Notice 2016*.

2 Conditional Environmental Significance Opinion

- (1) On 8 December 2016, 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 the construction of a temporary bicycle path and clearance zone on Blocks 655 and 850 Gungahlin.
- (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 this notice is notified.

Dorte Ekelund
Chief Planning Executive
10 December 2016

Schedule

See section 2(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

Transport Canberra, Transport Canberra and City Services Directorate, as represented by Marcus Sainsbury, Senior Manager, Planning Environment and Sustainability.

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 the construction of an off road temporary bicycle lane on the eastern side of Flemington Road between the Mitchell Resource Management Centre and Morisset Road Mitchell as described in the submission.

LOCATION

Blocks 655 and 850 District of Gungahlin.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in the manner consistent with the following conditions, 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.

- That any Cootamundra Wattle specimens within a minimum of 20m of the proposed bike path are to be removed; and

- That weed control of African Lovegrass and Serrated Tussock is to occur prior to commencement of construction and after the works are finalised to minimise the likelihood of this exotic grass flourishing along the disturbed edge of the bike path, noting that the species may also spread where the Cootamundra Wattle has been removed.

Attached is a Statement of Reasons for the decision.



Dr Annie Lane
Conservator of Flora and Fauna

AL December 2016

**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 proposed bicycle path extends outside the existing approved footprint for the Canberra Light Rail and enters into an adjacent area identified in the Canberra Light Rail Environmental Impact Statement (CLR EIS; Parsons Brinkerhoff 2015) as box – gum woodland, an endangered ecological community.

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 construction of Stage 1 the Light Rail Network requires the closure of the on-road cycle lane along Flemington Road Mitchell, between the Mitchell Resource Management Centre and Morisset Road Mitchell for safety reasons. As the area will be subject to construction, and there restrictions on space in this location, an off road cycle path needs to be constructed.

The off-road cycle path is to be a 2.5 m wide temporary cycle track constructed using geotextile matting, gravel and a spray seal bitumen. Construction will require slashing the existing grassy vegetation and clearing of shrubs and small trees to provide a 3.5 m to 4.0 m wide clearance zone to facilitate construction and provide the required clearances from the path. A new boundary fence on the eastern side will also be installed.

Documentation Submitted

- Report titled Proposed Temporary Bicycle Lane Realignment Preliminary Environmental Assessment, Gungahlin (SMEC 18/11/2016)
- Form 1M.

Natural conservation values present

Vegetation along the proposed temporary bicycle lane alignment is highly disturbed, and dominated by exotic perennial grasses and noxious weeds. The alignment passes through areas of planted native grasses, areas of non woodland tree plantings and non-local native shrub plantings of low conservation value.

The report notes "Scattered mature woodland trees are present in the box-gum woodland adjacent to the proposed alignment, some of which support moderate to large hollows, which may provide habitat for hollow-nesting bird species tolerant of peri-urban environments. Outside the box – gum woodland area, trees present are immature or young planted non-woodland trees, which are unlikely to contain any hollows suitable for hollow-nesting species.

Woodland areas and plantings of non-woodland trees adjacent to and along the alignment provide potential foraging and dispersal habitat for superb parrot (*Polytelis swainsonii*), which are known to move through the region.

Regularly mown exotic grassland, dominated by Chilean needlegrass at the southern end of the alignment, has the potential to provide low quality habitat for golden sun moth (*Synemon plana*)."

Potentially Significant Environmental Impacts

A site visit by an ACT Government ecologist has confirmed that the SMEC report accurately maps the extent of the vegetation communities in the vicinity of the proposed bicycle track.

The alignment of the path was adjusted to avoid the box-gum woodland adjacent to the site and will only impact areas of predominately exotic vegetation, revegetated native grasses and planted tree and shrubs.

No threatened flora or fauna was observed during the site survey. Due to the disturbance of the ground surface along the alignment, the potential for threatened flora to occur was assessed to be very low.

Due to the disturbance of the ground surface along the alignment, the potential for threatened flora to occur was assessed to be very low.

The probability of the Golden Sun Moth being present is low due to the absence of adjacent areas of remnant natural temperate grassland.

Weed control of African Lovegrass, Serrated Tussock and Cootamundra Wattle should occur prior and after the works to minimise the likelihood of these species spreading as a result of the works.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.