

# Planning and Development (Environmental Significance Opinion – Block 851, Gungahlin – Throsby North Walking Track) Notice 2017

Notifiable Instrument NI2017–379

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 851, Gungahlin – Throsby North Walking Track) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

(1) On 06 July 2017, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 851, District of Gungahlin, of a board walk to service the three northern entrances from Throsby, a mown track through the Box-Gum Woodland and installation of directional signage.

(2) In this section:

***Environmental significance opinion*** means the opinion in the schedule.

*Note 1:* Under section 138AD(6) of the Act, the environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton  
Chief Planning Executive  
07 July 2017

**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**

ACT Parks and Conservation Service, Environment and Sustainable Development Directorate, as represented by Simon Tozer, Environmental Offsets Implementation Manager.

**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 a boardwalk in the Throsby North Offset area as described in the submission.

**LOCATION**

Block 851 District of Gungahlin – Mulligans Flat Nature Reserve

**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 documentation submitted, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Daniel Iglesias  
Conservator of Flora and Fauna

6 July 2017

## 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;*

One community listed as endangered will be impacted by the proposed works:

- Yellow Box – Blakely’s Red Gum Grassy Woodland (Box-Gum Woodland), listed as critically endangered pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered pursuant to the Nature Conservation Act 2014 (NC Act)

Two nationally listed species are found in the vicinity of the works:

- Golden Sun Moth (*Synemon plana*), listed as critically endangered pursuant to the EPBC Act and endangered pursuant to the NC Act
- Superb Parrot (*Polytelis swainsonii*), listed as vulnerable pursuant to both the EPBC Act and the NC Act, are known to breed in the trees immediately adjacent to the suburb of Throsby.

Species listed under the provisions of the NC Act (but not listed nationally) found in the vicinity of the works are:

- A pair of Little Eagles (*Hieraaetus morphnoides*), listed as vulnerable, is likely to include the study area within a large territory;
- Several NC Act listed woodland birds including Scarlet Robin (*Petroica boodang*), Hooded Robin (*Melanodryas cucullata cucullata*), Varied Sitella (*Daphoenositta chrysoptera*), and White-winged Triller (*Lalage sueurii*); and
- Perunga Grasshopper (*Perunga ochracea*), listed as vulnerable.

*Part 4.3, 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.*

The works are within the Mulligans Flat 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**

Construction of a boardwalk through Golden Sun Moth habitat, to service all access gates from the new urban development of Throsby, plus the establishment of a mown track through areas of Box Gum Grassy Woodland. The works are designed to encourage visitors to walk in specific areas and therefore minimise trail braiding and adhoc path creation.

### **Documentation Submitted**

- ESO Report for Throsby North Boardwalk;
- Statement of Requirement;
- Golden Sun Moth Habitat Improvement Plan (March 2015);
- Gungahlin Strategic Assessment Biodiversity Plan (June 2013);
- Gungahlin Strategic Assessment Biodiversity Plan Endorsement Notice;
- Gungahlin Strategic Assessment Commonwealth Approval Notice;
- Work Plan Risk Assessment;
- Parks and Conservation Service Works Plan;
- Plans showing route;
- Form 1M.

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

The boardwalk is to be constructed in an area of known habitat for the Golden Sun Moth, a species listed as critically endangered pursuant to the EPBC Act and endangered pursuant to the NC Act.

The mown path is to be located within Box-Gum Woodland ecological community. This community is listed as critically endangered pursuant to the EPBC Act and endangered pursuant to the NC Act.

### **Impact on the Reserve**

The boardwalk through Golden Sun Moth habitat will guide visitors to walk in specific areas, minimising trail braiding and adhoc path creation. The boardwalk will also prevent compaction of the soil and keep visitors off the ground during Golden Sun Moth breeding times.

The boardwalk is to be constructed in such a way that the structure will sit on top of the ground with only the weight of the structure keeping it in place. As no digging is required, no Golden Sun Moth grubs or pupae in the roots of the grasses will be disturbed. The boardwalk will be raised 200-300mm off the ground which will allow movement of female Golden Sun Moths which cannot fly. Male Golden Sun Moths tend to fly about 1m above the ground, and the boardwalk is not likely to interfere with their movement. It is therefore determined that the works will not cause fragmentation of the habitat.

The work in areas of Box Gum Woodland will only be a mown track with directional signage. The chosen path will avoid any current regeneration. Neither the boardwalk nor mown paths are located near Superb Parrot nesting trees.

A pair of Little Eagles (*Hieraaetus morphnoides*) is likely to include the area within their foraging territory. The proposed development is unlikely to significantly impact upon this species as it will remove only a very small portion of potential foraging habitat. The species is not known to nest near the proposed works.

The works are unlikely to impact on any woodland birds or the Perunga Grasshopper.

Any disturbance of the groundcover will be rehabilitated using relevant native species and a sterile rye corn mix as a nurse species

### **Potentially Significant Environmental Impacts**

As the works will not cause fragmentation of habitat and will provide visitors with a favoured desire line reducing the likelihood of inadvertent impacts of compaction and adhoc trails, then the potential of the works causing a significant environmental impact is low.

It has been determined that the works are unlikely to cause a significant adverse environmental impact.