

# Planning and Development (Conditional Environmental Significance Opinion – Block 29, Section 36, Mawson – Public Housing Units) Notice 2017

Notifiable Instrument NI2017–573

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 29, Section 36, Mawson – Public Housing Units) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

(1) On 25 October 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 Block 29, Section 36, District of Mawson, for the construction of eight public housing units.

(2) In this section:

***Conditional environmental significance opinion*** means the opinion in the schedule.

*Note 1:* 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.

Ben Ponton  
Chief Planning Executive  
02 November 2017

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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**

Public Housing Renewal Taskforce, Environment, Planning and Sustainable Development Directorate, as represented by Paul Lewis, 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 the construction of eight single storey, two bedroom adaptable public housing units and associated services as described in the submission.

### **LOCATION**

Block 29 Section 36 Mawson.

### **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 all works are in accordance with the undertakings as described in the submission including:

- Exclusion of the southern portion of the site from development to protect 1200m<sup>2</sup> of the higher value Box-Gum Woodland;
- Retention of all remnant trees;
- Best practice weed management including appropriate vehicle hygiene, the use sterile materials such as hessian/jute or rice straw for soil stabilisation or similar purposes; and ongoing weed control by a qualified and experienced weed control contractor for 24 months following conclusion of the works;
- Implementation of a rehabilitation program for the patch of Box-Gum Woodland to be retained; and
- Landscaping of the development area to use species characteristic of Box-Gum Woodland.

Attached is a Statement of Reasons for the decision.



Dr A. Lane  
Conservator of Flora and Fauna

25 October 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;*

The site contains 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)

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 eight single storey, two bedroom adaptable public housing units and associated services on a vacant community facility site at Block 29 Section 36 Mawson to support the public housing renewal program.

### **Documentation Submitted**

- Ecological Impact Assessment and Environmental Significance Opinion Supporting Document (Capital Ecology 22 September 2017);
- Australian Government Referral Decision under the provisions of the EPBC Act (not controlled action); and
- Form 1M.

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

The site has a total area of 7,913 m<sup>2</sup> ha of which 4,172 m<sup>2</sup> contains native groundstorey. There are 9 remnant trees that meet the size criteria as a regulated tree under the provisions of the *Tree Protection Act 2005* on the site. These trees are noted as being of high ecological value, with two of the trees containing small hollows.

The vegetation within the site is consistent with the EPBC Act critically endangered ecological community: 'White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland, and Yellow Box – Red Gum Grassy Woodland as listed in the ACT. The Box-Gum Woodland that has been modified to varying degrees by urban edge effects including mowing, weed spread and exotic plantings on the edge of the site.

The above edge effects have resulted in the contraction of the extent of the site supporting a 'native dominant' groundstorey (i.e. ≥ 50% of the perennial groundstorey composition is native) to a ridge running generally along the centre of the site. The patch of native groundstorey primarily comprises native grasses, notably Kangaroo Grass *Themeda triandra*, Poa Tussock *Poa sieberiana* and Wild Sorghum *Sorghum leiocladum*. The patch also supports a moderate diversity of native forbs with 17 species recorded during the site inspection undertaken in Autumn. The report notes that 20% to 50% more species would have been identified if the survey was undertaken in Spring.

The remainder of the site has a clear dominance of exotic grasses and herbaceous weeds.

The report notes that "no EPBC Act and/or NC Act listed threatened flora species were recorded within the site during the site survey, nor have any been previously

recorded within the site or nearby several threatened and/or migratory listed bird species may visit the site on transient basis, it is unlikely that the site provides important breeding or foraging habitat for any threatened or migratory fauna species. The site is, however, likely to provide habitat for the various common and urban-adapted native and exotic fauna species which occur in the locality”.

### **Potentially Significant Environmental Impacts**

The proposal will result in the loss of a small area (0.33ha) of medium quality woodland of low connectivity value. It is intended that the remainder of the site will be excluded from development which will permit the retention of the most intact part of the Box-Gum Woodland patch (1200 m<sup>2</sup>). This area will be designated an ‘Environmental Protection Zone’ which will be demarcated during development to prevent access and other impacts. In addition, the development has been designed in a manner that will permit the retention of all remnant eucalypt trees within the site, including two large Blakely’s Red Gum trees in the northern part of the site.

It has been determined that if the works are undertaken in a manner consistent with the undertakings within the application for the ESO, they are unlikely to cause a significant adverse environmental impact. These undertakings include:

- Exclusion of the southern portion of the site from development to protect 1200m<sup>2</sup> of the higher value Box-Gum Woodland;
- Retention of all remnant trees;
- Best practice weed management including appropriate vehicle hygiene, the use sterile materials such as hessian/jute or rice straw for soil stabilisation or similar purposes; and ongoing weed control by a qualified and experienced weed control contractor for 24 months following conclusion of the works;
- Implementation of a rehabilitation program for the patch of Box-Gum Woodland to be retained; and
- Landscaping of the development area to use species characteristic of Box-Gum Woodland.