

Planning and Development (Environmental Significance Opinion – Block 6 Section 10, Greenway – Recreation Path and Boardwalk) Notice 2020

Notifiable instrument NI2020–205

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 10, Greenway – Recreation Path and Boardwalk) Notice 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Environmental Significance Opinion

- (1) On 24 March 2020, the Conservator of Flora and Fauna, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant an environmental significance opinion in relation to construction, on Block 6, Section 10, Greenway of a recreation path and boardwalk.

- (2) In this section:

Environmental significance opinion means the opinion in the schedule.

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

Brett Phillips
Delegate of the Planning and Land Authority
1 April 2020

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

Canberra Town Planning, as represented by Kip Tanner, 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 formalisation of a recreation path network and construction of a boardwalk as described in the submission.

LOCATION

The proposed works are within Block 6 Section 10 Greenway.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in a manner consistent with the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker

Conservator of Flora and Fauna

24 March 2020

**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;

Block 6 Section 10 Greenway contains Natural Temperate Grassland, a critically endangered ecological community listed under Commonwealth and ACT legislation.

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 supporting application for this ESO.

Project description

The proposal is to formalise an unauthorised access track within the patch of Natural Temperate Grassland which will connect to the surrounding recreation path network.

A raised grated boardwalk leading to a bench seat on a rocky outcrop is also proposed over an undisturbed area.

Documentation Submitted

- Application for an Environmental Significance Opinion;
- Letter of Authorisation;
- Form 1M.

Natural conservation values present

The patch of Natural Temperate Grassland has been highly disturbed by weed invasion and recreational use. Informal paths have developed over time which have degraded the patch.

Native grasses occur over some of the track area, but they are common species and cover only a very small extent (only a few square metres).

Potentially Significant Environmental Impacts

The project will formalise existing unauthorised access tracks, thus avoiding new impacts to the ecological community. The presence of a formal path is likely to prevent new unauthorised paths from being created and has the potential to result in the local community utilising, adopting and caring for the grassland.

The proposed boardwalk over undisturbed Natural Temperate Grassland will be grated, which will protect the community while allowing sunlight to penetrate. The proposed lookout and seat site utilises an existing rocky outcrop and can be sited to avoid impact on less than a dozen native plants which are all common species.

The application contains several mitigation measures which are particularly important, including:

- The transplant of native grasses within the construction zones;
- Removal of a *Pinus radiata* and other woody weeds;
- Spot spraying of African Love Grass within the grassland area; and
- Removal of rubbish.

Overall, the proposed works should result in a positive outcome for both the ecological community and the public.

It has been determined that if the works are undertaken in a manner consistent with the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.