

# Planning and Development (Conditional Environmental Significance Opinion – Scout Rock Access Management, Block 1 Stromlo) Notice 2020

Notifiable instrument NI2020–254

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 – Scout Rock Access Management, Block 1 Stromlo) Notice 2020*.

## 2 Conditional Environmental Significance Opinion

- (1) On 22 April 2020, 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 formalisation and maintenance of walking tracks, including the construction of steps, erosion control and other associated works.

- (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 the notice is notified.

Brett Phillips  
Delegate of the planning and land authority  
29 April 2020

## **Schedule**

**See section 2(2)**

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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**

ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by James Overall, Ranger in Charge – Lower Cotter and Murrumbidgee Corridor.

#### **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 erosion control, minor earth works, step construction and track maintenance as described in the submission.

#### **LOCATION**

The proposed works are located at Block 1, Stromlo within the Bullen Range Nature Reserve.

#### **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 following condition in addition to the mitigation measures contained in the supporting application for an ESO, 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:

- Works will include actions to prevent further denuding of vegetation above Scout Rock under and around the briefing tree. This may involve provision of a bench or other passive means of restricting the area of disturbance.
- Land users will need to be advised that their use of the site will be reviewed if any further vegetation clearance within the reserve or denuding of vegetation under the briefing tree continues.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

22 April 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 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 location of the proposed works has a Pc: Nature Reserve and Pd: Special Purpose Reserve overlay.

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 proposal is for:

1. Erosion control, minor earthworks and step construction along about 300m of existing tracks;
2. Closure and rehabilitation of a 90m track from the base of Scout Rock around its northern flank;
3. Closure of about 20m of track from Scout Rock to Cub Rock;

4. Closure through branch placement and some minor hardening of preferred route of braided and alternate tracks; and
5. Construction of narrow (500-700mm) steps down a steep 30m section from the top to the bottom of Scout Rock.

#### **Documentation Submitted**

- Documentation to support an application for an Environmental Significance Opinion – Scout Rock Erosion and Access Management;
- Form 1M.

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

The Special Purpose Reserve and Nature Reserve at Block 1, Stromlo hosts native vegetation including grassland and woodlands. The proposal includes track maintenance on a section of Scribbly Gum Open Forest with a shrubby understory. Shrubs include *Acacia rubida*, *Bursaria spinosa*, *Pomaderris angustifolia*, *Grevillea juniperina* and *Correa reflexa*. A few weeds such as St Johns Wort, Blackberry and Vipers Bugloss are present.

#### **Impact on the Reserve**

Impacts on the natural values of the area will be minimal as the physical ground disturbance is minimal and will improve accessibility and limit impacts from use.

The works also include the closure of about 20m of track used as a short-cut from Scout Rock to Cub Rock that is currently dissecting and damaging a patch of 10 Pale Pomaderris (*Pomaderris pallida*) plants.

The construction and track work will improve access for land users and reduce impacts in the Nature Reserve and Special Purpose Reserve. It will also improve management capabilities of the ACT Parks and Conservation Service for the conservation of the ecological values of the park.

#### **Potentially Significant Environmental Impacts**

The site requires access improvement and restoration of already disturbed vegetation. Ongoing impacts to flora and fauna are unlikely.

Conditions have been included to ensure that ongoing use of the site will not continue to degrade the vegetation in the reserve:

- Works will include actions to prevent further denuding of vegetation above Scout Rock under and around the briefing tree. This may involve provision of a bench or other passive means of restricting the area of disturbance.
- Land users will need to be advised that their use of the site will be reviewed if any further vegetation clearance within the reserve or denuding of vegetation under the briefing tree continues.

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