Australian Capital Territory

Planning and Development (Conditional Environmental Significance Opinion – John Gorton Drive Geotechnical Investigation – Block 3, Section 3, Denman Prospect) Notice 2020*

Notifiable instrument NI2020–55

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 – John Gorton Drive Geotechnical Investigation – Block 3, Section 3, Denman Prospect) Notice 2020.*

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional Environmental Significance Opinion

(1) On 2 December 2019, 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 John Gorton Drive Geotechnical Investigation within Block 3 Section 3, Denman Prospect.

(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.

*Name amended under Legislation Act, s 60

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

Schedule

See section 3(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

Land Release Infrastructure, Transport Canberra and City Services Directorate, as represented by Gerard Coffey, Senior Project 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 drilling of a borehole as part of geotechnical investigation works for development of the John Gorton Drive Extension and Bridge as described in the submission.

LOCATION

The proposed borehole is located at Block 3 Section 3, Denman Prospect, approximately 80 metres northwest of Coppins Crossing on Coppins Crossing Road.

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 in addition to the mitigation 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:

1. Works are to be consistent with the endorsed Construction Environment Management Plan dated 19 August 2019 submitted with the ESO application;

2. Any heritage objects which are unearthed through the proposed works will need to be addressed through the unanticipated finds protocol;

3. Works will need to comply with PCS Fire Management Unit *Plant Operations Shutdown* conditions. Work must cease if the Fire Danger Index reaches 25; and

4. Native shrubs and tussock grasses are to be planted to remediate and stabilise the disturbed area within the reserve.

Attached is a Statement of Reasons for the decision.

Ian Walker
Conservator of Flora and Fauna

2nd December 2019

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 proposed works are located within the River Corridor Special Purpose 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
The geotechnical investigation works are required to inform the design for the proposed John Gorton Drive Extension and Molonglo River Bridge works, specifically the bridge pier footings.

10 test pits, five boreholes and six pot holes have already been completed, with one remaining borehole to be drilled.

The proposed works involve:

- Installation of sediment fencing on the low side of the works;
- minor vegetation clearing (including 40 m^2 of native grasses and six shrubs);
- Removal and stockpile of existing topsoil for remediation;
- Construction of a track using a localised cut to fill work method (approximately 3 m wide by 30 m in length with cut or fill heights no greater than 1 m);
- Access by a 5 tonne tracked mounted drilling rig and a small support truck to carry water resources and drilling rods;
- Drilling one borehole to a depth of between 10 to 20 m and 100 mm diameter;
- Backfilling borehole with excavated drill material;
- Spreading excess excavated drill material over and around the borehole; and
- Remediation of the track by returning to previous natural surface levels, spreading stockpiled topsoil and grassing.

All works are to be completed within a day.

Documentation Submitted

- John Gorton Drive Extension and Molonglo River Bridge (JGD3C) Geotechnical Investigation work – Application for an Environmental Significance Opinion, Land Release Infrastructure, TCCS 5/11/2019;
- JGD3C Geotechnical Investigation CEMP endorsement;
- JGD3C Geotechnical Investigation revised CEMP;
- JGD3C s211 Exemption Application;
- Form 1M.

Natural conservation values present

The Molonglo River corridor provides important foraging and breeding habitat and movement opportunities for both common and threatened species.

At least eight species of mammals, five species or subspecies of frog, 16 species of reptiles, one native fish species and 122 species of birds have been recorded in the Molonglo River Park reserve.

There are thirteen animal species listed as threatened under the *Nature Conservation Act 2014*:

- Varied Sitella (*Daphoenositta chrysoptera*);
- Brown Treecreeper (*Climacteris picummus*);
- Painted Honeyeater (*Grantiella picta*);
- Regent Honeyeater (*Xanthomyza phrygia*);
- Little Eagle (*Hieraaetus morphnoides*);
- White-Winged Triller (*Lalage sueurii*);

- Hooded Robin (*Malanodryas cucullata*);
- Scarlet Robin (*Petroica boodang*);
- Superb Parrot (*Polytelis swainsonii*);
- Swift Parrot (*Lathamus discolor*);
- Pink-tailed Worm-lizard (*Aprasia parapulchella*);
- Perunga Grasshopper (*Perunga ochracea*); and
- Murray River Crayfish (*Euastacus armatus*).

One plant species is listed as threatened under the *Nature Conservation Act 2014*:

- Pale Pomaderris (*Pomaderris pallida*).

Two vegetation communities in the reserve are listed as threatened and have been identified as requiring special protection and management. These are:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT; and
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland.

Impact on the Reserve

The proposed works are located at a site with limited environmental values and no records of threatened species. There is evidence of wombat burrows at the site therefore the presence of a qualified fauna ecologist is necessary to determine if wombats are present and to ensure works do not cause burrows to collapse.

The works are to be completed in one day and any impact to vegetation would be minor and temporary due to appropriate remediation measures.

Potentially Significant Environmental Impacts

The proposed works have a small footprint and involve clearance of approximately 40 m^2 of native grasses and 6 shrubs. No trees are to be removed. Weed hygiene measures have been included in the endorsed CEMP.

While the presence of rare orchids cannot be entirely dismissed there is a very low likelihood of the proposal impacting on rare plant species.

Conditions have been included to ensure that works will not increase spread of weeds or sediment:

1. Works are to be consistent with the endorsed Construction Environment Management Plan dated 19 August 2019 submitted with the ESO application;
2. Any heritage objects which are unearthed through the proposed works will need to be addressed through the unanticipated finds protocol;

3. Works will need to comply with Parks and Conservation Service Fire Management Unit *Plant Operations Shutdown* conditions. Work must cease if the Fire Danger Index reaches 25;
4. Native shrubs and tussock grasses are to be planted to remediate and stabilise the disturbed area within the reserve.

It has been determined that if the works are undertaken in a manner consistent with the above conditions 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.