

Planning and Development (Conditional Environmental Significance Opinion – Block 1669, Tuggeranong – Lanyon Homestead Water Supply) Notice 2021 (No 1)

Notifiable instrument NI2021–333

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 – Block 1669, Tuggeranong – Lanyon Homestead Water Supply) Notice 2021 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 19 May 2021, 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 construction, on Block 1669 of Tuggeranong, of a water supply upgrade at the Lanyon Homestead.

- (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.

George Cilliers
Delegate of the planning and land authority
3 June 2021

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

NGH, as represented by Jane Mills, Principle Environmental Planner.

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 upgrade of water supply infrastructure at Lanyon Homestead as described in the submission.

LOCATION

Lanyon Homestead, Block 1669 District of Tuggeranong.

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 conditions 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:

1. Prior to entering the site, vehicles and machinery must be cleaned and free of any plant material or soil.

2. Wherever possible, work is to be undertaken from the north to the south to reduce the potential of weed spread.
3. Existing tracks are to be used wherever possible.
4. Areas mapped as Box Gum Woodland and Pink-tailed Worm-lizard habitat are to be marked as no-go zones for construction activities
5. No construction activities, vehicle access, storage of vehicles or machinery, and materials is permitted in areas mapped as Box Gum Woodland and Pink-tailed Worm-lizard habitat
6. No ground disturbance is permitted within the Tree Protection Zone (dripline plus+ 2m) of regulated and remnant trees, and is to be avoided wherever possible for all other native trees
7. Any suitable rock unearthed should be placed adjacent to existing Pink-tailed Worm-lizard habitat to extend their potential habitat.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

19 May 2021

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 1669 contains:

One ecological community listed as endangered:

- Blakely's Red Gum – Yellow box grassy woodland (Box Gum Woodland)

Habitat and/or records for two animal species listed as threatened under the Nature Conservation Act 2014:

- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Scarlet Robin (*Petroica boodang*)

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 proposed development is the upgrade of water supply infrastructure at Lanyon Homestead. The works involve the installation of:

- 417kL tank for irrigation water supply and firefighting
- 100kL water tank for additional stock water supply
- 50kL tank for potable water supply
- Reverse osmosis treatment unit and surrounding security fence
- Groundwater bore 2Ls/head, surrounded by steel mesh cage and boulders
- 180mm combined irrigation and firefighting main
- 180mm firefighting main
- 90mm rising main
- 63mm pipe and water meter
- Booster assembly
- Potable DN75 water main
- Potable DN40 water main
- Inground hydrant.

Installation of the above infrastructure is likely to require the clearing and excavation of narrow linear sections of the site for mains and other pipework. In addition, tanks and bores will require small areas of land to be cleared.

Documentation Submitted

- Environmental Significance Opinion – Lanyon Homestead;
- Letter of Authorisation;
- Form 1M.

Natural conservation values present

The northern section of the site contains area of high biodiversity value and contains ACT listed Yellow Box – Blakey's Red Gum Grassy Woodland and Derived Native Grasslands and Pink-tailed Worm-lizard habitat.

Although not detected on site, Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) and Austral Toadflax (*Thesium australe*) have been recorded in close proximity to the study area and have the potential to occur within the area of Box Gum Woodland.

The southern section of the site is considered open space with areas of native and non-native plantings with minimal remnant native trees. It consists primarily of large remnant Blakey's Red Gum trees and planted exotics with a ground cover dominated

by exotic species. Though heavily disturbed, this section provides foraging habitat for common native birds, as well as water bodies for common native amphibians.

Potentially Significant Environmental Impacts

The works have been designed to mostly avoid impacts to Box Gum Woodland, Pink-tailed Worm-lizard habitat and regulated trees. The proposed river pipe works will encroach slightly onto areas mapped as Pink-tailed Worm-lizard habitat, however all rocky habitat is to be retained.

The proposed DN40 water main in the northern sections runs along a patch of Box Gum Woodland, however has been aligned with an existing track so no impact to Box Gum Woodland is anticipated.

Several important mitigation measures have been recommended in the supporting documentation, including:

- Native trees, Box Gum Woodland and Pink-tailed Worm-lizard habitat are to be protected
- Vehicles should not access or be stored within Box Gum Woodland and are to utilise existing tracks wherever possible
- Works within the drip line of mature native trees are to be avoided wherever possible
- Weed hygiene measures

Conditions have been included to ensure that works will not impact adjacent Box Gum Woodland, Pink-tailed Worm-lizard habitat or increase the spread of weeds:

1. Prior to entering the site, vehicles and machinery must be cleaned and free of any plant material or soil.
2. Wherever possible, work is to be undertaken from the north to the south to reduce the potential of weed spread.
3. Existing tracks are to be used wherever possible.
4. Areas mapped as Box Gum Woodland and Pink-tailed Worm-lizard habitat are to be marked as no-go zones for construction activities
5. No construction activities, vehicle access, storage of vehicles or machinery, and materials is permitted in areas mapped as Box Gum Woodland and Pink-tailed Worm-lizard habitat
6. No ground disturbance is permitted within the Tree Protection Zone (dripline plus 2m) of regulated and remnant trees, and is to be avoided wherever possible for all other native trees
7. Any suitable rock unearthed should be placed adjacent to existing Pink-tailed Worm-lizard habitat to extend their potential habitat.

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.