

Australian Capital Territory

Planning and Development (Environmental Significance Opinion – Block 1669, Tuggeranong – Lanyon Homestead Bore Holes) Notice 2023

Notifiable instrument NI2023–42

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 1669, Tuggeranong – Lanyon Homestead Bore Holes) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Environmental significance opinion

- (1) On 26 October 2022, the Conservator of Flora and Fauna, pursuant to section 138AB (4) of the *Planning and Development Act 2007*, gave the applicant an environmental significance opinion in relation to construction, on block 1669, Tuggeranong, of groundwater bore holes.
- (2) In this section:

environmental significance opinion means the opinion in the schedule.

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

Craig Weller
Delegate of the planning and land authority
27 January 2023

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

ACT Historic Places, as represented by Ms Amy Jarvis, 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 installation of bore pits for groundwater extraction to improve the overall water supply infrastructure at Lanyon Homestead, Tharwa as described in the submission.

LOCATION

Block 1669 District of Tuggeranong, otherwise known as 754 Tharwa Drive, Tuggeranong, ACT, 2900.

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.

A handwritten signature in black ink, appearing to read "Bren Burkevics". A large, diagonal black mark or slash is drawn across the signature.

Bren Burkevics
Conservator of Flora and Fauna

26 October 2022

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 subject site contains comprises a mosaic of disturbed areas of critically endangered *Box Gum Woodland and Derived Native Grassland* across parts of the northern margins of the site. These areas did not meet the criteria for EPBC listed *White Box – Yellow Box – Blakely’s Redgum Grassy Woodlands and Derived Native Grasslands*, as fewer than 12 native forbs were recorded within each patch. However, these areas do meet the criteria for ACT listed Yellow Box – Blakely’s Red Gum Woodland.

The block also supports potential habitat for the Pink-tailed Worm Lizard (*Aprasia parapulchella*).

Part 4.3, item 3 proposal for development in a reserve;

The block being proposed for the works has a 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 mitigation measures contained in the supporting application.

Project description

The proposed development is the installation of a groundwater bore to improve water security on the property at Rural Block 1669 Tuggeranong. Three possible bore site options have been proposed, although it is intended that only one of these will be developed. It is, however, possible that one or more of the approved bore sites proves to be unsuitable during the construction period, requiring one of the other sites to be pursued. Therefore, it is also possible that all three sites may be impacted by development, although ultimately, only one site will be used for bore water extraction on an ongoing basis.

The development of each bore site will require the establishment of a perimeter security fence of varying size/dimensions, and the impacts of the development including clearing will be restricted to within these fences for each of the three bore site options:

- Western bore site A: 0.08 ha.
- Central bore site B: 0.04 ha.
- Eastern bore site C: 0.07 ha.

Documentation Submitted

- Environmental Significance Opinion – Lanyon Homestead – Bore holes (report by NGH, dated August 2022).
- Letter of Authorisation
- Form 1M

Natural conservation values present

The northern section of the site contains an area of high biodiversity value and contains ACT listed Yellow Box – Blakey's Red Gum Grassy Woodland and Derived Native Grasslands. Pink-tailed Worm Lizard habitat is considered present on the site based on the occurrence of rocky outcrops in the far northern margins of the site, as well as the existence of previous records of the species nearby to the site.

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 Blakely'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 proposed impact area of the bore pits in the locations identified will avoid impacts to all of the significant biodiversity features and values of the site with the exception of up to seven trees of which only three are native.

The impacts of the removal of these trees are regarded as being generally minor. None of these trees were observed to support hollows or nests.

Additionally, given these trees are situated within a highly modified woodland area of at least 100 other similar native and non-native mixed plantings of various age/size classes, the removal of the seven trees would not impact on any broader ecosystem values such as foraging or movement habitats, including for the Gang-gang Cockatoo or other native fauna generally, and also would not notably impact on any landscape values. Tree protection fencing will be used to ensure that damage to the root systems of surrounding trees does not occur during the works.

No development will occur within the northern part of the site which supports areas of Box Gum Woodland and Derived Native Grasslands, as well as Pink-tailed Worm Lizard habitat.

Weed management measures have been included in the application, to ensure that further spread of weeds, both on and off site, does not occur during works.

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.