

Planning and Development (Conditional Environmental Significance Opinion – Block 2, Section 76, Watson – Future Development) Notice 2024 (No 2)

Notifiable instrument NI2024–188

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 2, Section 76, Watson – Future Development) Notice 2024 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 18 March 2024, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (repealed), gave the Applicant a conditional environmental significance opinion in relation to construction on Block 2, Section 76, Watson. The proposed works consist of creation of an estate, the delivery of a local community neighbourhood park and associated works.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

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

Craig Weller
Delegate of the territory planning authority
15 April 2024

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

Sustainable Land Development, Environment Planning and Sustainable Development Directorate, as represented by Mr Mark Overton, Director, Place Delivery.

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 proposed development of Section 76 Block 2 Watson, including tree removal as described in the submission.

LOCATION

Block 2 Section 76 WATSON

MATTERS TO WHICH THIS OPINION APPLIES

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

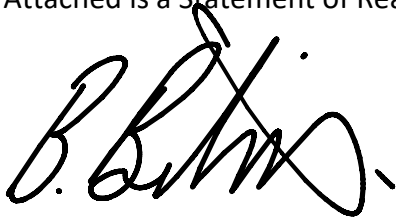
OPINION

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:

- 12 *Eucalyptus globulus subs bicostata* trees are to be planted in a nearby location to the target site, to the satisfaction of the Conservator of Flora and Fauna.
- If any additional Gang-Gang Cockatoo or Superb Parrot foraging trees are proposed to be removed as a result of any design changes in the Development Application process, this ESO may need to be reassessed.
- All works are to be undertaken in accordance with the endorsed Construction Environmental Management Plan.
- The proposed works may be subject to random compliance inspection by Conservation Officers appointed under the *Nature Conservation Act 2014* as requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

18 March 2024

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;

Superb Parrots (*Polytelis swainsonii*), was recorded within the study area. The Superb Parrot was declared a vulnerable species in the ACT in 1997 and also has special protection status.

Gang-gang Cockatoos *Callocephalon fimbriatum* are regularly heard foraging in the planted Tasmanian Blue Gums within the site and surrounds. Gang-gang Cockatoos (*Callocephalon fimbriatum*) are listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999*.

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

Block 2 Section 76 Watson (the Site) was identified as a future land release site and is on the current 2023/24 financial year Indicative Land Release Program.

Approximately 200 dwellings (ranging from two to four storeys) are to be delivered on the site together with a public road or accessway providing access to the development sites and open space, including a local park and playground to the periphery of the Site.

The objective of this ESO application is to secure the ACT Conservator of Flora and Fauna's endorsement for future planning, including issuing of development approvals and construction works to occur on Block 2 Section 76 Watson.

The details of the design and construction on the site will be addressed via the Development Application and Construction Environmental Management Plan processes.

Documentation Submitted

- Site Plan
- Aerial Overlay Plan
- Report on Gossan Contamination
- Tree Removal Plan
- Final Tree Assessment Report
- TCCS Letter of Authorisation for Ecological ESO
- Conservator's advice dated 20 September 2023
- Ecological Assessment Report – November 2023
- Tree Protection Plan
- TCCS, Urban Treescapes, Authorisation
- Form 1M.

Further Information submitted

- Response to Request for Further Information submitted 8 March 2024

Natural conservation values present

Block 2 Section 76 Watson is an urban block which has been used for agriculture since European settlement of Canberra and has been cleared. Trees have since been planted along the edges of the study area and exotic ground storey species have proliferated. The study area is currently vacant and is periodically mown.

Surveys were undertaken for both Golden Sun Moth and Striped Legless Lizards with no individuals, or skin sloughs in the case of the Striped Legless Lizards, were recorded. It is therefore unlikely that these species exist on site.

The vegetation within the study area has value as part of a movement corridor for birds. In particular the Southern Blue Gum (*Eucalyptus globulus subs bicostata*) is a preferred foraging food for the Superb Parrot (*Polytelis swainsonii*) and Gang gang Cockatoos (*Callocephalon fimbriatum*).

One threatened fauna species, the Superb Parrot, was recorded within the study area. A group of 10 birds was observed in planted trees around the study area on 2 December 2016. The species is likely to regularly pass through the study area. Gang-gang Cockatoos were regularly heard foraging in the planted Southern Blue Gums within the site and surrounds.

Potentially Significant Environmental Impacts

The main potentially significant impact is on the foraging trees currently utilised by the Superb Parrots and Gang-gang cockatoos. Six *E. globulus subs bicostata* trees are proposed for removal. Alternative designs and road access options were discussed however were found to be unviable. A commitment has been made, and a condition of this ESO, is that 12 *E. globulus subs bicostata* trees will be planted in a nearby location, to the satisfaction of the Conservator of Flora and Fauna.

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.