

Planning and Development (Conditional Environmental Significance Opinion – Block 511, Stromlo – Stromlo District Playing Fields) Notice 2024

Notifiable instrument NI2024-202

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 511, Stromlo – Stromlo District Playing Fields) Notice 2024*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

(1) On 28 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2024, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (repealed), gave the Applicant a conditional environmental significance opinion in relation to the delivery of a new sportsground on Block 511, Stromlo. The proposed works consist of designing and construction of the new Stromlo District Playing Fields at Stromlo Forest Park.

(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
23 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

Chief Minister, Treasury and Economic Development Directorate (CMTEDD), as represented by Nathan Grieg, 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 Stromlo district playing fields as described in the submission.

LOCATION

Block 511 / Division of Stromlo
Stromlo Forest Park

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:

Fauna Management

1. A Construction Environment Management Plan (CEMP) must detail a plan of management for burrows located on the development site.
2. A nature conservation license (under the [Nature Conservation Act 2014](#)) must be obtained prior to decommissioning any burrows.

Fire Management

3. Block 511 Stromlo is identified as an IAPZ requiring the strictest fuel standards. A development application should include plantings in keeping with ACT Bushfire Management Standards and a Bushfire Management Plan.

Fencing and Signage

4. Temporary fencing must be erected around the mapped Box Gum Woodland and along the boundary of the riparian corridor, prior to vegetation clearing.
5. Signage must be erected on the temporary fencing at a spacing of no more than 100m indicating that no construction activities are to occur within the fences and that the areas are environmentally sensitive.

Trees and Plantings

6. A CEMP must be developed by the proponent and agreed to by the Conservator prior to clearing of any vegetation.
7. Where changed surface levels will result in run off flowing onto patches mapped as Box-Gum Woodland, a 5m to 10m buffer is to be planted with native species groundcover species to intercept this water flow. The buffer areas should be planted prior to project completion. The following species are suitable for use in the buffer area;
 - *Lomandra longifolia*
 - *Lomandra filiformis*
 - *Lomandra mutiflora*
 - *Lomandra bracteata*
 - *Dianella longifolia*
 - *Dianella revoluta*
 - *Rytidosperma pallidum*
 - *Poa sieberiana*
 - *Chrysocephalum semipapposum*
8. Native trees should be retained and incorporated into the landscape design of the development as much as possible. Justification for the removal of native trees must be provided demonstrating why they cannot be retained.
9. The replacement planting ratios as required by the “Conservator Guidelines for the Preparation of a Construction Environmental Management Plan” must be used, unless otherwise agreed to in consultation with the Conservator of Flora and Fauna.
10. Proposed locations for replacement plantings must be provided in the Landscape Plan and occur within a Nature Reserve, offset area or urban open space to the satisfaction of the Conservator and Tree Protection Unit.

Other

11. Rock (habitat rock or bedrock) removed during the development works that is not used during site rehabilitation must be crushed to an appropriate size (15-30cm) and

transported to an adjacent suitable Nature Reserve or offset area to the satisfaction of the Conservator.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', written in a cursive style.

Bren Burkevics
Conservator of Flora and Fauna

28 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.

Stromlo Forest Park supports:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT;
- White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland (EPBC Act Box-Gum Woodland, BGW).

Three animal species listed as threatened under the *Nature Conservation Act 2014*:

- White bellied Sea Eagle – *Haliaeetus leucogaster*
- White-winged Triller – *Lalage tricolor*
- Scarlet Robin – *Petroica boodang*

Part 4.3, item 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area

The proposal will impact on 12.57ha of native vegetation.

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

The area of the proposed 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 conditions attached to this ESO.

Project description

The project will involve the construction of new playing fields in the Stromlo District of Stromlo Forest Park. The development is to include 5 playing fields including construction of access roads and facilities such as toilet blocks, car parking, lighting and change rooms.

Documentation Submitted

- Stromlo District Playing Fields (Stromlo DPF) Ecological Values and Aboriginal and Cultural Heritage Assessment and Statement of Heritage Effect;
- Stromlo DPF– Landscape Master Draft Plan;
- Stromlo DPF Salvage Letter;
- Stromlo DPF – Custodian Authorisation Email for ESO
- Stromlo DPF – Preliminary Plans
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

The block identified for the proposed development of playing fields has been entirely cleared in the past as it was formerly used as part of the of ACT Commercial Pine Plantation Estates and burnt out in the 2003 Canberra Bushfires.

The current vegetation on the block is now characterised by a planted canopy of Brittle Gums *Eucalyptus mannifera* and other planted local and non-local eucalypts. The ground storey is dominated by a low to moderate diversity of disturbance tolerant native grasses, forbs and shrubs. The southwest corner of the block is dominated by exotic pasture species such as *Phalaris aquatica*, *Paspalum dilatatum*, and Clover *Trifolium sp.*, with very low diversity. There are many exotic plant species present, including a substantial cover of Blackberry (*Rubus fruticosus*) infestation.

At least 3 species of mammals, 1 species of reptiles, and over 85 species of birds have been recorded in Stromlo Forest Park within a 1km radius of the development site. There are 6 animal species listed as threatened under the *Nature Conservation Act 2014*:

- White bellied Cuckooshrike (*Coracina Papuensis*)
- Stubble Quail (*Coturnix pectoralis*)
- White Bellied Sea Eagle (*Haliaeetus leucogaster*)
- White Winged Triller (*Lalage tricolor*)

- Scarlet Robin (*Petroica boodang*)
- Koala (*Phascolarctos cinereus*)

Potentially Significant Environmental Impacts

The vegetation and habitat of the proposed site have been highly degraded by the land use history and associated vegetation modification. Holdens Creek located on the block is important habitat from a connectivity perspective however, the development as proposed avoids any direct impacts to the creek and the proponent has committed to the inclusion of a riparian corridor to be planted with native groundcover species.

The works will result in the removal of 12.57 ha of native vegetation and removal of mature native trees. The removal of the highly modified vegetation is unlikely to have a significant impact and any mature trees removed as part of the development must be incorporated into the landscaping. Survey of the proposed site showed 3 small areas of BGW that meet the criteria for EPBC listed BGW however, the design of the playing fields avoids any impact to this area and the works will include a planting a 5-10 metre buffer around the BGW to provide filtration of any runoff.

Overall, given the sites land use history and current ecological values, development of the area proposed is considered unlikely to have a significant impact to the limited remaining ecological values. Conditions have been included to minimise impacts and ensure the protection of Box Gum Woodland and Riparian areas.

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12. The replacement planting ratios as required by the “Conservator Guidelines for the Preparation of a Construction Environmental Management Plan” must be used, unless otherwise agreed to in consultation with the Conservator of Flora and Fauna.
13. Proposed locations for replacement plantings must be provided in the Landscape Plan and occur within a Nature Reserve, offset area or urban open space to the satisfaction of the Conservator and Tree Protection Unit.

Other

8. Rock (habitat rock or bedrock) removed during the development works that is not used during site rehabilitation must be crushed to an appropriate size (15-30cm) and transported to an adjacent suitable Nature Reserve or offset area to the satisfaction of the Conservator.

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.