
ENVIRONMENTAL SIGNIFICANCE OPINION - The Grove, Heysen Street, Weston Creek (ESO 202600004)

In accordance with section 140 (4) of the *Planning Act 2023* (the Act), I provide the following environmental significance opinion:

APPLICANT

PATH Co Pty Ltd, as represented by Mr Sam Patmore, Director.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 140 (4) 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 a townhouse residential development that involves removal of mature native trees as described in the submission.

LOCATION

Block 7 Section 96 Weston

MATTERS TO WHICH THIS OPINION APPLIES

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

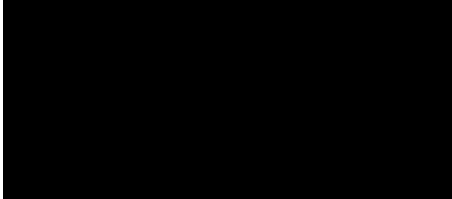
OPINION

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 s140 (4)(b) of the Act:

1. Conditions of approval including mitigation measures as stated in the application.
2. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
3. A tree management plan (TMP) must be endorsed by the Office of the Conservator of Flora and Fauna prior to works. The TMP should include pre-clearance surveys and (where occupied) staged removals for nests.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

6 March 2026

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – requiring environmental impact statement, being:

Part 1.2, item 25 - proposal that is likely to result in a key threatening process under the Nature Conservation Act 2014

The proposed works will result in the removal of 7 (out of 12) mature native trees on the site, and may result in the key threatening process of Loss of mature native trees and lack of recruitment.

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement 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 for an opinion 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 development proposal is for a townhouse residential development ‘The Grove’ that involves removal of several mature native trees.

The block is currently vacant, undeveloped land. The block is zoned RZ4: Medium Density Residential and has an area of approximately 13,000m².

A total of 105 existing trees were surveyed on site, with 64 living native trees and 12 mature native trees. The development will involve the removal of 63 of the total trees, 32 native trees, and 7 mature native trees. Collectively, the development will also result in the total clearing of approximately 3,100m² of native vegetation including approximately 2,600m² of native tree canopy cover and 500m² of native groundcover vegetation.

Documentation Submitted

- Tree detail survey;
- Proposed development site plan and landscape concept;
- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

The subject site is comprised of planted trees along the boundaries with a highly degraded exotic-dominant understorey throughout. The trees are a mix of local and non-local native and exotic species, with several Mature Native Trees (MNTs) being identified. The tree report appears to have some errors and it is noted the method for determining diameter at breast height for multi-trunked trees deviates from The ACT Government's general approach. That said, there is sufficient information to determine the significance of the proposed removals.

Potentially Significant Environmental Impacts

In consideration of the site's landscape position and highly degraded condition, the loss of a maximum of 32 native trees, 7 of which are MNTs, is unlikely to significantly contribute to the loss of MNTs Key Threatening Process. No threatened species are likely to be significantly impacted as a result of the project.

While the ESO can be granted on the basis that the tree removals are unlikely to result in a significant impact to threatened species or contribution to the loss of MNTs as a Key Threatening Process, further consideration is recommended to ensuring the project design is consistent with the principles of the Biodiversity Sensitive Urban Design (BSUD) Guide. As part of their subsequent Development Application, the proponent will be required to submit a response to BSUD in the development outcomes report, where a key component will be identifying and protecting/enhancing ecological values. Noting the primary ecological values (the MNTs) are largely situated on the boundaries of the block, it is recommended the proponent look for options for further retention, with a focus on the northern patch of trees. Further consideration is also recommended for greater inclusion of local native species within the planting schedule to replace the removed trees.

Conditions have been included to ensure that works, will minimise adverse impacts to nesting species in the trees being removed.

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3. A tree management plan (TMP) must be endorsed by the Office of the Conservator of Flora and Fauna prior to works. The TMP should include pre-clearance surveys and (where occupied) staged removals for nests.

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.