
ENVIRONMENTAL SIGNIFICANCE OPINION - Lanyon Dog Park (ESO 202400037)

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

APPLICANT

Transport Canberra and City Services (TCCS), as represented by Brooke Toovey, Project Manager.

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 the creation of a fenced dog park in Tuggeranong, as described in the submission.

LOCATION

Jim Pike Avenue, Gordon. Lanyon Dog Park site comprises of two blocks:

1. Block 1411, Section 0; and
2. Block 1, Section 455.

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. The Territory Plan must be amended to remove the special purpose reserve overlay prior to dogs being permitted within the proposal site.

2. All areas where dogs will be permitted must be securely fenced to ensure dogs do not enter the surrounding reserve.
3. No groundworks are to be undertaken within tree protection zones of retained trees, as described in the ESO application.
4. No trees additional to those identified for removal are to be removed without prior authorization from the Conservator.
5. Any trees or shrubs removed must be relocated as course woody debris and replaced as per following replacement ratio:
 - <5cm DBH: 1:1
 - 5-20cm DBH: 1:3
 - 21-30cm DBH: 1:8
 - 31-40cm DBH: 1:13
 - 41-50cm DBH: 1:40
 - 50+cm DBH: at Conservator's discretion
6. Materials must not be stored within the surrounding reserve without prior authorisation from ACT Parks and Conservation Service.
7. Noting that the work is within a fire prone area:
 - No construction work is permitted on site when a Total Fire Ban is declared.
 - On days of High fire danger rating (FBI 25 or greater) any works that could emit a spark must cease and defer the activities to be undertaken under less risky conditions and what mitigations measures such as fire suppression equipment can be implemented. Hot works includes welding, cutting, grinding, or other works involving open flames, or which emit a spark such as excavating hard rock, slashing and brush-cutting.
8. The proposed works may be subject to random compliance inspection by Conservation Officers 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

23 August 2024

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 18 - proposal for development in a reserve, unless the proposal is for minor public works to be carried out by or for the Territory in accordance with a minor public works code approved by the conservator of flora and fauna under the Nature Conservation Act 2014, section 318A;

The proposal is within a Special Purpose Reserve. The proposal is currently inconsistent with the allowable activities within a Special Purpose Reserve, however Transport Canberra and City Services (TCCS) are currently in discussions with ACT Parks and Conservation Service (PCS) and the Office of the Conservator of Flora and Fauna to remove the reserve overlay from the proposal area.

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 proposal site and surrounds are currently used as an unofficial dog park, with the public accessing the reserve from Woodcock Drive. This is inconsistent with the Territory Plan special purpose reserve overlay, which does not permit dogs on site. The proposal aims to formalise a fenced dog park and thereby limit dogs accessing the higher ecological value areas of the reserve to the south and west. The Lanyon Dog Park is intended to be managed by TCCS, pending transfer from PCS (currently being investigated). TCCS are also working with OCFF and PCS to amend the Territory Plan by removing the special purpose reserve overlay.

The proposed Lanyon Dog Park covers approximately 0.5 ha, which will be entirely fenced and will comprise:

- A dryland grass open area (~0.188 ha);
- A dryland grass internally fenced dog park (~0.04 ha);
- A mulched internally fenced dog agility training area; and
- A gravel car park with 2 concrete parking bays (~700m²) and concrete paths connecting the car park with the dog park.

Documentation Submitted

- Request for Environmental Significance Opinion Report – July 2024
- Letter of Authorisation - PCS
- Form 1M.

Natural conservation values present

The proposed Lanyon Dog Park is within a Special Purpose Reserve which runs along the eastern side of the Murrumbidgee River and Bicentennial Trail, which is also an equestrian route. The reserve provides connectivity value and linkages for areas of core habitat, particularly for small woodland birds, riparian reptiles and frogs. The reserve is within the mapped Ecological Network, being an area prioritised for supporting ecological connectivity value in the broader landscape. Threatened species have been recorded south and west of the proposal site, specifically Pink-tailed Worm Lizard, Austral Toadflax, and Scarlet Robin.

The proposal site is comprised of a mix of native planted trees. None of the trees recorded onsite are considered mature native trees, with all being less than 50cm diameter at breast height. The site is heavily disturbed, with the understorey dominated by exotic African Lovegrass and the mid-storey largely absent. The site provides some foraging habitat value in the form of grass seed and nectar from the larger flowering Eucalyptus trees. However, the site does not provide unique or important habitat value for threatened species, with the values onsite being widely represented in the broader landscape.

Potentially Significant Environmental Impacts

The proposal will result in the loss of 16 planted native trees, all of which are under 10 cm diameter at breast height. In the context of the broader landscape, the loss of these trees is not likely to substantially reduce the availability of habitat for threatened species. All mature trees, and most juvenile trees, will be retained. 45 trees are proposed to be replanted, being a tree replacement ratio of approximately 3:1. This ratio is consistent with the Conservator's current best practice advice and the species proposed for planting are predominantly local species.

The Murrumbidgee River corridor is approximately 500 m east of the proposal site and is not likely to directly impacted by the proposal. The proposal aims to reduce impacts from off-lead dogs within the Murrumbidgee River corridor by establishing a designated fenced area in an area with fewer ecological values.

Several mitigation measures are proposed to limit disturbance to existing environmental values. Tree protection zones and fencing are to be used throughout the construction phase to limit disturbance to existing trees. African Lovegrass, which is dominant within the site, will be treated for removal, followed by planting of shrubs and native grasses to promote biodiversity and contribute to an increased canopy coverage.

Conditions have been included to ensure that works, and ongoing management of the Lanyon Dog Park, will not impact the surrounding nature reserve.

1. The Territory Plan must be amended to remove the special purpose reserve overlay prior to dogs being permitted within the proposal site.
2. All areas where dogs will be permitted must be securely fenced to ensure dogs do not enter the surrounding reserve.
3. No groundworks are to be undertaken within tree protection zones of retained trees, as described in the ESO application.
4. No trees additional to those identified for removal are to be removed without prior authorization from the Conservator.
5. Any trees or shrubs removed must be relocated as coarse woody debris and replaced as per following replacement ratio:
 - <5cm DBH: 1:1
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 - 41-50cm DBH: 1:40
 - 50+cm DBH: at Conservator's discretion
6. Materials must not be stored within the surrounding reserve without prior authorisation from Parks and Conservation Service.

7. Noting that the work is within a fire prone area:
 - No construction work is permitted on site when a Total Fire Ban is declared.
 - On days of High fire danger rating (FBI 25 or greater) any works that could emit a spark must cease and defer the activities to be undertaken under less risky conditions and what mitigations measures such as fire suppression equipment can be implemented. Hot works includes welding, cutting, grinding, or other works involving open flames, or which emit a spark such as excavating hard rock, slashing and brush-cutting.
8. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by 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.