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**ENVIRONMENTAL SIGNIFICANCE OPINION - COOMBS TO WESTON SHARED PATH AND BRIDGE ESO202400019**

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

**APPLICANT**

JPS Engineering Consultants, as represented by John Samoty, 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 (ESO) 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 development of a trunk path and bridge linking Coombs and Weston. Parts of the proposed works are within the Molonglo River Reserve as described in the submission.

**LOCATION**

DISTRICT	SECTION	BLOCK	
Coombs	52	3,12	Within Molonglo River Reserve
Weston	120	3	
Weston	123	1	
Weston	124	1, 5	Within Molonglo River Reserve
Weston	124	3,4	

**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. A Construction Environment Management Plan (CEMP) must be developed and endorsed by the Conservator of Flora and Fauna (Conservator) prior to the commencement of works.
2. The CEMP must contain a burrow management plan for any burrows located within the development footprint.
3. The CEMP must contain a sediment and erosion control plan.
4. All exotic tree and exotic shrub species inside the project area must be removed and replaced with suitable native tree and shrub species to the satisfaction of PCS.
5. The Project must incorporate plantings that sufficiently screen waterbird nesting sites (i.e. the river). These plantings must be undertaken both within the project area and between the project area and the riparian zone in consultation and to the satisfaction of the Parks and Conservation Service (PCS). Suitable species may include:
  - *Eucalyptus bridgesiana*,
  - *Casuarina cunninghamiana*,
  - *Eucalyptus pauciflora*, *Eucalyptus rubida*,
  - *Eucalyptus camaldulensis*,
  - *Eucalyptus melliodora*,
  - *Eucalyptus blakelyi*,
  - *Acacia mearnsii*
  - *Acacia dealbata*
  - *Acacia rubida*.
6. All native trees (including regeneration) and shrubs must be retained. Where this is not possible, sufficient justification must be provided for why impacts cannot be avoided. Where the retention of a native tree or shrub is not possible replacement ratios must be agreed with the Conservator.
7. Vehicle access to the pedestrian bridge must be incorporated into the design to allow access of emergency vehicles and personnel over the bridge.
8. Weed control must be undertaken across the entire project area and access routes to the satisfaction of PCS during pre- construction and construction stages.

9. Post-construction weed control must be undertaken across the entire project area and access routes for a minimum of 24 months.
10. The proponent must work with PCS to address illegal access into the Reserve along the temporary bike path alignment.
11. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by the Conservator.

Attached is a Statement of Reasons for the decision.

Bren Burkevics  
Conservator of Flora and Fauna

3 June 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 proposed works will traverse through the Molonglo River Reserve.

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 (Conservator) 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 Environmental Significance Opinion (ESO).

### **Project description**

The proposed development involves the construction of a trunk path and bridge linking Coombs and Weston. The path will traverse several blocks across Coombs, Weston and the Molonglo River reserve.

The proposed development is focussed on the outer extent of the Molonglo River Reserve boundary, in an area that is highly disturbed historic plantation forestry, agriculture and recent urban development.

The detailed design and construction methodology of the project will be addressed via the Development Application and Construction Environmental Management Plan (CEMP) processes.

### **Documentation Submitted**

- Capital Ecology Report
- List of blocks for tank locations
- Letter(s) of Authorisation
- Form 1M.

### **Natural conservation values present**

The Molonglo River Reserve has been included as part of the Canberra open space system since the 1970s and was gazetted as a nature reserve in 2000. The Molonglo River Reserve occupies 581 ha and includes the Molonglo River, the riverbanks, and the associated slopes from Scrivener Dam to the south-western edge of Kama Nature Reserve.

The proposed footprint for the trunk path and bridge development is located within the Canberra suburbs of Coombs and Weston Creek and parts of the path will traverse through the Molonglo River Reserve. The area has largely been historically cleared for agriculture and plantation forestry, and more recently, development of urban open space and infrastructure. As such, the study area is dominated by a variety of naturalised and planted exotic and native species and does not support any EPBC Act listed threatened communities but does support 0.25 ha of NC Act native vegetation.

The broader surrounding Molonglo River Reserve supports several rare and threatened species of local and migratory birds including;

- Daphoenositta chrysoptera (*Varied Sittella*)
- White Winged Triller – (*Lalage Tricolor*)
- Scarlet Robin – (*Petroica Boodang*)

And rare plants such as;

- Pale Pomaderris – (*Pommderris pallida*)

- Button Wrinklewort – (*Rutidosia Leptorhynchoides*)

### **Potentially Significant Environmental Impacts**

The proposed development will result in the clearance of a very small 0.05 ha area of NC Act native vegetation as well as planted and exotic trees and shrubs. The remaining potential risks of the project are sediment and erosion into the Molonglo River and the risk of weed spread into the reserve, however, these risks have been well mitigated in the proposal. Provided the works are carried out in accordance with these measures and the additional conditions as described below the proposed development is not expected to have a significant impact.

Additional conditions have been included to ensure impacts are minimised and vehicle management is incorporated into the design to allow Parks and Conservation Service (PCS) vehicles access to the Reserve.

1. A CEMP must be developed and endorsed by the Conservator prior to the commencement of works.
2. The CEMP must contain a burrow management plan for any burrows located within the development footprint.
3. The CEMP must contain a sediment and erosion control plan.
4. All exotic tree and exotic shrub species inside the project area must be removed and replaced with suitable native tree and shrub species to the satisfaction of PCS.
5. The Project must incorporate plantings that sufficiently screen waterbird nesting sites (i.e. the river). These plantings must be undertaken both within the project area and between the project area and the riparian zone in consultation and to the satisfaction of PCS. Suitable species may include:
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6. All native trees (including regeneration) and shrubs must be retained. Where this is not possible, sufficient justification must be provided for why impacts cannot be avoided. Where the retention of a native tree or shrub is not possible replacement ratios must be agreed with the Conservator.
7. Vehicle access to the pedestrian bridge must be incorporated into the design to allow access of emergency vehicles and personnel over the bridge.
8. Weed control must be undertaken across the entire project area and access routes to the satisfaction of PCS during pre- construction and construction stages.
9. Post-construction weed control must be undertaken across the entire project area and access routes for a minimum of 24 months.

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.