
ENVIRONMENTAL SIGNIFICANCE OPINION - Sulwood Drive Shared Path upgrade – (ESO202400035)

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

APPLICANT

SMEC Pty Ltd, as represented by Mrs Negar Yazdi, Senior Urban Planner.

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 upgrades to the shared user path (SUP) along Sulwood Drive. The SUP consists of a 3m wide path along the southern side of Sulwood Drive, connecting Athllon Drive in the east and Drakeford Drive to the west, for an approximate distance of 3.8km. The upgrades aim to provide an improved active travel network for the adjoining residential areas.

LOCATION

The site is located along Sulwood Drive in Block 16 Section 418 Kambah.

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 submission.
2. Signage must be installed on the Mount Taylor Nature Reserve boundary fence indicating that it is a sensitive environmental area and that access is not permitted without ACT Parks and Conservation Service agreement. The signs should be placed no more than 100m apart.
3. Compensatory planting of 1,200 trees and/or shrubs is to be undertaken in a suitable offsite location. A short report on this replanting and seedling survival is to be provided to the Conservator of Flora and Fauna no later than 4 years after the commencement of works relating to this ESO.
4. A review of kangaroo collision data over the next 2-4 years period is to be undertaken, to determine if there has been an increase in collisions and whether further engineering solutions are required. A short report on this review is to be provided to the Conservator of flora and Fauna no later than 4 years after the commencement of works relating to this ESO.
5. 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

29 July 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 16 - proposal that is likely to have a significant adverse environmental impact on 1 or more of the following:

- (a) a critically endangered species;*
- (b) an endangered species;*
- (c) a vulnerable species;*
- (d) a conservation dependent species;*
- (e) a regionally threatened species;*
- (f) a regionally conservation dependent species;*
- (g) a provisionally listed threatened species;*
- (h) a listed migratory species;*
- (i) a threatened ecological community;*
- (j) a protected native species;*
- (k) a Ramsar wetland;*
- (l) any other protected matter*

The proposed development will disturb potential habitat that may be used by Superb Parrots (*Polytelis swainsonii*), a vulnerable species listed under the Australian *Environment Protection and Biodiversity Conservation Act 1999* and the *ACT Nature Conservation Act 2014*.

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 33 mature native trees on 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 upgrades to the shared user path (SUP) along Sulwood Drive. The SUP consists of a 3m wide path along the southern side of Sulwood Drive, connecting Athllon Drive in the east and Drakeford Drive to the west, for an approximate distance of 3.8km.

The upgrades aim to provide an improved active travel network for the adjoining residential areas. It connects to existing residential paths while minimising road crossings, particularly on Sulwood Drive. The SUP will connect into a future SUP along Athllon Drive, to be constructed as part of the Athllon Drive duplication works.

Guard fence and pedestrian rails are proposed along sections of the SUP to improve pedestrian safety.

A triple cell box culvert (each cell 1200mm high x 2400mm wide) will be installed to drain Village Creek.

Documentation Submitted

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Response towards Request for Information;
- Letter(s) of Authorisation;
- Form 1M.

Natural conservation values present

Mount Taylor Nature Reserve lies along the north of Sulwood Drive. The reserve has a high-quality complex of critically endangered Yellow Box – Blakely’s Red Gum grassy woodland, and forms part of an extensive remnant woodland landscape with the adjacent Farrer Ridge and Oakley Hill Nature Reserves in southern Canberra.

Over 400 species have been recorded within the nature reserve, with at least 8 species listed as threatened under the *Nature Conservation Act 2014*:

- Silky Swainson-Pea (*Swainsona sericea*)
- Small Purple Pea (*Swainsona recta*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Grey-headed Flying-fox (*Pteropus poliocephalus*)
- White-throated Needletail (*Hirundapus caudacutus*)
- Scarlet Robin (*Petroica boodang*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Superb Parrot (*Polytelis swainsonii*)

All areas directly impacted occur along the Sulwood Drive road reserve and are mapped as “Urban and developed areas” under the ACT GOV Vegetation Classification. Vegetation at site level is limited to the road verge and mostly consists of planted native trees and shrubs with mown native and exotic grasses.

There are 1,342 trees within the Sulwood Drive road reserve, with 300 trees recorded within the project area, of which 90 are mature native trees. The trees are mostly eucalyptus, with the majority being of medium quality.

The project will remove 124 trees out of 300 total trees in the project area. Of these, 33 mature native trees will be removed, and 57 mature native trees will be impacted. 1 hollow bearing tree will be removed.

Superb Parrots have been regularly observed in the nearby ACT Parks and Conservation depot at Athllon Drive, indicating they possibly use Sulwood Drive as a connectivity corridor along east to west.

Potentially Significant Environmental Impacts

This proposal is the second stage of an upgrade to Sulwood Drive. As this stage (stage 2) occurs in the same area and at a similar time as stage 1, this ESO has considered the cumulative impacts of the two proposals.

Proposal that is likely to have a significant adverse environmental impact on 1 or more vulnerable species

The combined impact for stage 1 and 2 works will result in clearing 151 trees, with 1 hollow bearing tree.

The loss of trees is likely to have minor impacts on connectivity for Superb Parrots as a movement pathway along Sulwood Drive, however this is not considered significant because this is mitigated through retention of the majority of trees in the road reserve, as well as the presence of superior connectivity pathways via Mount Taylor Nature Reserve approximately 50m north of the proposed works.

The large number of hollows present in the adjacent Mt Taylor Nature Reserve, will also not result in a significant reduction in this resource in the local area.

As all works will be contained on the southern side of Sulwood Drive in urban open space and will not encroach into Mount Taylor Nature Reserve on the opposite side of Sulwood Drive, it is not anticipated works will impact on other threatened species.

Proposal that is likely to result in a key threatening process (Loss of mature native trees and lack of recruitment)

The combined impact for stage 1 and 2 works will result in clearing 49 mature native trees. Overall this loss is not considered significant for the following reasons;

- The trees are not within an area mapped as part of the ecological network.
- The trees being removed are not critical habitat for any threatened species.
- Almost 90% of all trees in the road reserve will be retained.
- 65 mature native trees, representing 57% of those recorded within the works area will be retained.

Whilst not significant enough to justify an Environmental Impact Statement, the loss of tree will have a negative impact on the ecology of the area, including the adjacent nature reserve. To compensate for this impact the proponent will undertake offsite plantings to a quantity acceptable to the Conservator of Flora and Fauna.

Disturbance of Ecological Network

Approximately 1,800m² of the Ecological Network will be disturbed for the installation of the SUP and associated drainage works. This impact is not considered significant because the area will be partially revegetated with dryland grass mix. The new culvert is taller and wider than the existing structure under Athllon Drive and is not expected to create an additional barrier to fauna movement.

Possible disruption of kangaroo movements across Sulwood Drive due to the installation of guard fence and pedestrian rails

Disrupting the movement of kangaroos between Mount Taylor Nature Reserve and Kambah may result in a rise in the number of vehicle strikes recorded on this section of Athllon Drive. The area is already a known collision hotspot. It is expected that kangaroos should adapt reasonably quickly to the changes. The use of wildlife fencing to reduce kangaroo movements between Mount Taylor and Kambah is not supported. To mitigate this issue the proponent has:

- Shortened the pedestrian fence beside the bike path by 150m, to reduce disruptions to kangaroo movements.
- Committed to undertake a review of kangaroo collision data over the next 2-4 years period to determine if there has been an increase in collisions and whether further engineering solutions are required.

Conditions have been included to ensure that works will minimise impact to habitat values in the proximity.

1. Conditions of approval including mitigation measures as stated in the submission.
2. Signage must be installed on the Mount Taylor Nature Reserve boundary fence indicating that it is a sensitive environmental area and that access is not permitted without ACT Parks and Conservation Service agreement. The signs should be placed no more than 100m apart.
3. Compensatory planting of 1,200 trees and/or shrubs is to be undertaken in a suitable offsite location. A short report on this replanting and seedling survival is to be provided to the Conservator of Flora and Fauna no later than 4 years after the commencement of works relating to this ESO.
4. A review of kangaroo collision data over the next 2-4 years period will be undertaken, to determine if there has been an increase in collisions and whether further engineering solutions are required. A short report on this review is to be provided to the Conservator of flora and Fauna no later than 4 years after the commencement of works relating to this ESO.
5. 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.