

Planning and Development (Environmental Significance Opinion – Tidbinbilla Land Management Facility Block 107 District of Paddy’s River) Notice 2011 (No 1)

Notifiable instrument NI2011–777

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 (Environmental Significance Opinion – Tidbinbilla Land Management Facility Block 107 District of Paddy’s River) Notice 2011 (No 1)*.*

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator
The text of the opinion is shown at Annexure A.

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps
Planning and Land Authority

9 December 2011

*Name amended under Legislation Act, s 60



ACT
Government

Environment and
Sustainable Development

Mr Neil Savery
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Savery *Neil*

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion for the proposed construction of a land management facility at Tidbinbilla / Birragai (Block 107 Paddys River District).

The proposal is not likely to have a significant adverse environmental impact on the clearing of more than 0.5 ha of native vegetation or on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

David Papps
Conservator of Flora and Fauna

20 May 2011



ACT
Government

Environment and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion for the proposed **Tidbinbilla Land Management Facility**.

PROPONENT

Mr Angelo Damiano, Capezio and Company Pty Ltd on behalf of the Rural Fire Service, ACT Department of Justice and Community Safety.

LOCATION

Block 107 District of Paddys River

DEVELOPMENT PROPOSAL

Construction of a land management facility and access road from Tidbinbilla Road requiring disturbance of more than 0.5 ha native vegetation within the Tidbinbilla Nature Reserve on land which is Public Land, National Park and Special Purpose Reserve under the *Territory Plan*.

The proponent has sought an Environmental Significance Opinion from the Conservator of Flora and Fauna that the proposal is not likely to have a significant adverse environmental impact.

LEGISLATIVE CONTEXT

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an environmental significance opinion that, if successful would enable a proposal to be assessed in the merit track. Schedule 4 of the Planning and Development Act lists items that trigger the requirement for an EIS. The relevant Schedule 4 items for seeking an environmental significance opinion on this proposal are:

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 under the Territory Plan unless the Conservator of flora and fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact

Part 4.3 Item 3

Proposal for development on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve, unless

the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

OPINION

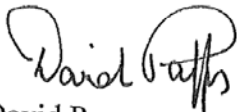
The site of the proposed facility contains native vegetation and clearing of more than 0.5 ha is required to construct the facility.

The site of the proposed facility is on Block 107 Paddys River which is Public Land reserved as National Park within Tidbinbilla Nature Reserve. Block 107 also contains a small area of Public Land reserved as Special Purpose Reserve.

The site does not contain threatened species or ecological communities. The Commonwealth Department of Sustainability, Environment, Water, Population and Communities has made a decision under Section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) that the proposed action is not a controlled action under the EPBC Act as it does not impact on matters of National Environmental Significance.

The proposal is not likely to have a significant adverse environmental impact on the clearing of more than 0.5 ha of native vegetation or on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve.

Attached is a Statement of Reasons for the decision.



David Papps
Conservator of Flora and Fauna

20 May 2011

STATEMENT OF REASONS FOR THE DECISION
Tidbinbilla Land Management Facility.
Block 107 Paddys River

The proposed development is a proposal listed in Schedule 4 Part 4.3 of the *Planning and Development Act 2007* – Development proposals requiring an EIS – areas and processes. The proposal triggers the following two Schedule 4 items:

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 under the Territory Plan unless the Conservator of flora and fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact

Item 3

Proposal for development on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

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.

CONDITIONS FOR ASSESSMENT IN THE MERIT TRACK – ISSUES CONSIDERED BY THE CONSERVATOR

- **Item 2(a) The clearing of more than 0.5ha of native vegetation.**

The proponent's documents state that the extent of clearing of native vegetation includes 4,000 m² within the fenced site and 1,300 m² for the access roads.

These calculations have been reviewed by the Conservator and appear not to have taken into consideration the clearing that may be required to meet the requirements of the proponent's bushfire management plan to construct an Inner Asset Protection Zone (IAPZ) to a distance of 40 metres radius to the North, South and West facades of the proposed facility and to the road reserve boundary to the East. In addition, the bushfire management plan recommends that "the APZ outside of the fenced compound should be grass managed under 100mm" which indicates that removal of the woodland vegetation to the West of the proposed facility is required. The proponent's plans also indicate that some clearing is required along Tidbinbilla Road for safe intersection sight distance.

It is estimated that the additional clearing for the APZ outside the fenced site and safe intersection sight distance is approximately 1.0 ha. The total clearing requirement for the proposal is therefore calculated to be approximately 1.5 ha rather than the approximated 0.5 ha stated in the proponent's documents.

The proponent has provided a preliminary risk assessment for the clearing of native vegetation as follows:

Potential Impacts	Likelihood	Consequence	Risk
<i>Clearing of native vegetation adversely impacts on natural conservation values</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>

Supporting information was provided by the proponent on the likely impacts of clearing native vegetation on the natural conservation values of the site. The proponent's considerations included a desk top analysis of the area surrounding the proposal for flora and fauna species listed under the EPBC Act, a review of the species lists in the Tidbinbilla Draft Plan of Management 2010, a search using the ACT Integrated Nature Conservation Plan (INCP) mapping tool and field investigations. The report concluded that no threatened flora or fauna species were observed.

The ACT Planning and Land Authority's guidelines for the preparation of an application for an Environmental Significance Opinion include considerations for assessing the natural conservation value of a development location. The proponent has provided the following information on each of the required considerations:

- Is the location important in maintaining existing processes or natural systems of the ACT?

The site, although located within the Tidbinbilla Nature Reserve, is not of high importance in maintaining existing processes or natural systems in the ACT. The site is adjacent to Tidbinbilla Road, has experienced a history of disturbance and is currently comprised of a mixture of native and introduced species.

- Is the location important in exhibiting unusual richness of diversity of flora, fauna or landscapes?

The site contains both native and exotic vegetation species, which are also known to occur adjacent to the site, and in other areas of the ACT. No important fauna habitat for threatened species was located on site, and any possible habitat that is present for non-threatened species would also occur adjacent to the site, and in other areas of the ACT. The landscape of the site appears to not hold any particular importance from an aesthetic view, and is similar in appearance to the landscapes adjacent to the site.

- Is the location important in its possession of uncommon, rare or endangered flora, fauna, communities, natural landscapes or phenomena?

No threatened flora species were identified onsite during the field investigation process (Section 3.2.1). Also, no preferred habitat was identified for any threatened fauna identified as possibly occurring in the area (Section 3.2.2). The natural landscape of the site is similar in visual appearance and species composition to areas adjacent to the site. No unique phenomena were observed on the site. As such the location is not considered important for possession of uncommon, rare or endangered flora, fauna, communities, natural landscapes or phenomena.

- Is the location important in demonstrating the principal characteristics of the range of landscapes, environments or ecosystems, the attributes of which identify them as being characteristic of their class?

- Is the place one of the best examples of a type of landform, vegetation community or other natural feature?

The site is largely comprised of disturbed grassland, which is not uncommon in the ACT environment following modification of the environment by fire management, grazing of domestic herbivores and vegetation clearing for farming by pastoral people and aboriginal people (Hodgkinson, 2005). As such the location is not considered important in demonstrating the principal characteristics of the landscape environments or ecosystems.

- Is the location important for information contributing to a wider understanding of ACT's natural history, by virtue of its use as a research site, teaching site, type locality, reference or benchmark site?

The site does not possess any important information to contribute to a wider understanding of the ACT's natural history due to the reasons detailed above.

The proponent concluded that potentially significant environmental impacts were nil.

The Conservator has undertaken an independent review of native flora and fauna in the area and concurs with the proponent's conclusion that no threatened or endangered species or communities have been identified on Block 107 or the surrounding blocks.

The Conservator's review of vegetation in the area has found that the woodland communities identified in the report as occurring on the neighbouring blocks, occur across a large area of the Tidbinbilla Nature Reserve. The *E. dives*/*E. bridgesiana*/*E. nortonii* association occurs across approximately 62 ha while the *E. bridgesiana*/*E. dives* association occurs across more than 737 ha. The removal of nominated trees within Block 107 and the adjacent Block 10 would have minimal ecological impact on these communities.

Microseris lanceolata, or Yam Daisy was identified from the report as possibly being a species of interest on the site. Yam Daisy played an important role in the diet of Aboriginal people across many parts of Australia. Survey data from the ACT lowlands show 57 records of *M. lanceolata*. In the lowlands it has always been recorded in low numbers. However, *M. lanceolata* was identified by Helman and Gilmore (1985) as a component of both Montane/Sub-alpine dry Heath and Montane/Sub-alpine Herb-fields during their survey of treeless vegetation over 1000m ASL. They did not regard it as a rare species during their surveys. The destruction of *M. lanceolata* within Block 107 is not likely to have a significant adverse ecological impact on the species within the uplands of the ACT.

References

Helman, C.E and Gilmore, P.M (1985) *Treeless Vegetation Above 1000 Metres Altitude in The ACT*.
A Report to The Conservation Council of the Southeast Region and Canberra.

Conservator's opinion regarding clearing more than 0.5 ha of native vegetation

From the information provided by the proponent and the Conservator's independent review, it is the Conservator's opinion that the clearing of more than 0.5 ha of native vegetation on and surrounding the site is not likely to have a significant adverse environmental impact.

- **Item 3 Proposal for development on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve,**

The site of the proposed facility is Block 107 Paddys River which is Public Land reserved as National Park within Tidbinbilla Nature Reserve. Block 107 also contains

a small area of Public Land reserved as Special Purpose Reserve on which it is proposed to construct a car park. In addition, the access road to the proposed facility is on Block 10 Paddys River which is Public Land reserved as Special Purpose Reserve.

The *Planning and Development Act 2007* prescribes management objectives for public land. The management objectives applicable to this proposal are:

National Park (the majority of Block 107)

1. To conserve the natural environment
2. To provide for public use of the area for recreation, education and research.

Special Purpose Reserve (part Block 107 and Block 10)

3. To provide for public and community use of the area for recreation and education.

In support of the application for an Environmental Significance Opinion the proponent submitted preliminary drawings for the proposal and a report prepared by AECOM Australia Pty Ltd titled *Tidbinbilla Land Management Facility Application for an Environmental Significance Opinion* prepared for the Department of Justice and Community Safety, 20 April 2011.

The report included a preliminary risk assessment that determined the following risk rating for potential environmental impacts:

Potential Impacts	Likelihood	Consequence	Risk
<i>Potential impacts to the values and management objectives of the Tidbinbilla Nature Reserve</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>

Further analysis was provided in the proponent's report (Section 4.3 Tidbinbilla Draft Plan of Management 2010) in relation to potential impacts on the values of Tidbinbilla and consistency with management objectives for the Tidbinbilla Nature Reserve.

The Tidbinbilla Draft Plan of Management has zoned the proposed management facility site area as Zone 3, Developed Recreation and Education for which the key values are ; recreation, education, scientific use and cultural heritage. The key natural values of Zone 3 have been identified as; landscape, scenic, aesthetic and biodiversity values. The DPoM prescribes management objectives for these values and policies and actions to achieve them. The management policies in the DPoM permit management structures in Zone 3.

The relevant values have been considered in the proponent's report as follows:

Objective - Climate and Climate Change (Section 6.3 Tidbinbilla DPoM)

The implications of climate change for the natural values of Tidbinbilla are integrated into all aspects of management and the detrimental impacts on reserve values are minimised.

The Tidbinbilla DPoM highlights that the management and response to climate change is difficult, but the focus for management response to this objective is to manage the change to minimise the loss. One of the appropriate responses identified as part of this, and the only one likely related to the Proposal, is maintaining, improving and contributing to habitat connectivity both in the reserve and in the regional landscape. The Proposal, while involving the removal of some marginal habitat, would not result in the reduction of substantial habitat connectivity, and as such is not inconsistent with this management objective.

Objective – Landscape (Section 6.4 Tidbinbilla DPoM)

The scenic quality of the Tidbinbilla landscape is maintained and, where feasible and desirable, enhanced.

The policies under this objective as outlined in the Tidbinbilla DPoM, which relate to the Proposal are:

- Management activities, works and structures that have potential to interrupt or modify significant landscape elements such as skylines, ridgelines and major view-fields will be assessed for visual impact and adverse impacts mitigated. Modification, relocation, screening and removal are options to be considered in mitigating or avoiding impact; and*
- The design and siting of buildings, infrastructure and park furniture will pay particular attention to maximising compatibility with the natural settings of the area.*

The Proposal would not impact on skylines or ridgelines, however it would be visible to users of the Tidbinbilla Nature Reserve as they travel north on Tidbinbilla Road, past the proposal site. This is one of the main access roads to Tidbinbilla. The Proposal lies, at its closest point, within approximately 25 m of Tidbinbilla Rd.

The design of the Proposal has considered in detail visual impacts, and has sought to avoid substantial impacts by ensuring the land management facility is low profile, being sunken slightly into the hillside, and finished with neutral colours and finishes specifically designed to be sympathetic to the surrounding landscape. In addition, the effect on aesthetics would be mitigated by the use of

native shrubs, which would provide a level of screening to help the Proposal be compatible with the natural setting of the area. The Proposal as such is not inconsistent with this management objective.

*The Proposal would also involve minor trimming of native vegetation, dominated by Silver wattle (*Acacia dealbata*), along Tidbinbilla Rd for appropriate Safe Intersection Sight Distance (SISD). This would alter the aesthetic posed to the road user in the area, but this impact is expected to be negligible, especially when considered against the important safety benefits (in the form of improved sight lines) for road users.*

Objective – Geodiversity (Section 6.5 Tidbinbilla DPoM)

The rocks, landforms and geological processes of Tidbinbilla are protected from unnecessary disturbance.

Geodiversity and the associated biodiversity, cultural, scenic and educational values of the area are identified, conserved and interpreted.

The Proposal would have minimal disturbance on the geodiversity located at Tidbinbilla. Some earthworks would be required; however there would be no unnecessary disturbance, and no sites of major geodiversity importance would be modified. The Proposal as such is consistent with this management objective.

Objective – Hydrology and Water Management (Section 6.6 Tidbinbilla DPoM)

The aquatic and riparian condition of all watercourses and waterbodies is maintained or improved.

Water abstraction, storage, treatment and discharge are within sustainable limits, take account of ecological needs and seasonal variations, and comply with statutory requirements.

The Proposal would have no adverse effects on the condition of any watercourses or waterbodies. There is a stormwater culvert identified within the central portion of the site which, based on a review of local topography is expected to be part of a drainage channel which would link to Paddy's River and subsequently to the Murrumbidgee River. There is an ephemeral artificial dam/pond is located approximately 100 m to the south of the Proposal, however there would be no disturbance or negative impact to this dam from the Proposal.

During construction works it would be necessary to ensure that all surface runoff is adequately managed to ensure that any transportation of sediments or gross contaminants via overland flows is mitigated through appropriate erosion

and sediment control measures. Proposed measures have been included in Section 5.

During the operational phase of the development an increase in surface water runoff could be expected due to increase in impermeable surfaces within the site. The Proposal has been designed so that all surface runoff during ongoing operation of the site is managed appropriately, including through the provision of water sensitive urban design features, including soft landscaping, permeable surfaces, and rainwater tanks. These measures would ensure that the proposal maintains water quality leaving the site, and is therefore consistent with this management objective.

Objective – Native Vegetation (Section 6.7 Tidbinbilla DPoM)

Native plant species and communities are maintained and/or rehabilitated and include a representative range of successional stages and age classes.

The Tidbinbilla DPoM outlines three broad vegetation categories within Tidbinbilla:

- - The relatively intact forest and woodland cover at medium and higher elevations including ecologically important areas of wet sclerophyll forest; and*
- - The highly disturbed valley floors and footslopes with a secondary vegetation cover of grassland, shrubland and tree regeneration following clearing, thinning and coppicing of the former tree cover following European settlement; and*
- - The former pine plantation of Jedbinbilla (now in varying stages of natural regeneration involving mainly native tree species, some pine wildings, and weeds).*

The vegetation within the site is most closely aligned with the second of these categories, the highly disturbed valley floors and footslopes.

The Tidbinbilla DPoM also specifies from a nature conservation perspective, vegetation may have particular management significance because of its representativeness, conservation status, ecological role, vulnerability to certain environmental variables, or its cultural heritage or educational value. A number of examples of vegetation which can be considered significant from a management perspective are then mentioned in the Tidbinbilla DPoM. The vegetation on site as found during the field investigation did not meet any of the vegetation types deemed as significant management perspective in the Tidbinbilla DPoM.

As the vegetation found on the site of the Proposal, meets the category of highly disturbed valley floors and footslopes, and no vegetation meeting the definition of significant was observed, the Proposal which involves the removal of a small area of disturbed grassland, is not inconsistent with this management objective.

Objective – Native Animals (Section 6.8 Tidbinbilla DPoM)

Populations of native animal species are maintained in secure habitat.

The Tidbinbilla DPoM highlights that the protection of the fauna was an important rationale for the establishment of Tidbinbilla Nature Reserve and remains a central aspect of the biodiversity conservation role of the area. The threatened species of significance at Tidbinbilla which are known to occur, are specified in the Tidbinbilla DPoM and reproduced in Table 3.

The fauna and fauna habitat observed during the field investigation on site are detailed in Section 3.2. No threatened species were observed, and no adverse impacts on the fauna of significance in the Tidbinbilla DPoM are expected. Management considerations and issues are also described in the Tidbinbilla DPoM, and the Proposal is not inconsistent with these or the overall management objective.

Objective – Pest Plants (Section 6.9.1 Tidbinbilla DPoM)

The damaging impacts of pest plants on the values of Tidbinbilla are minimised through strategic and effective management programs.

*The Tidbinbilla DPoM defines pest plants as species that are having undesirable ecological, physical, economic or aesthetic impacts due to their characteristics and location. Tidbinbilla has an ongoing program for pest plant management and pests of longstanding concern include blackberry (*Rubus fruticosus*), St John's wort (*Hypericum perforatum*), Paterson's curse (*Echium plantagineum*), serrated tussock (*Nassella trichotoma*) and verbascum (*Verbascum* spp). During site investigations four of these species were identified to occur within the site.*

*Also found within the site was the native shrub Burgan (*Kunzea ericoides*), which began to establish in the Tidbinbilla Valley from the 1970s and has become a dominant element in the secondary grasslands. The species 'locks' the vegetation into a stable phase (possibly 70 years or more) that will not proceed to eucalypt woodland (Doherty 1998). This is a known management issue within Tidbinbilla and management programs for dealing with this species are being developed. Mitigation measures identified in Section 5, outline measures to address management of pest plants, for a period during*

construction and operation of the Proposal. As such the Proposal is considered to be consistent with this management objective.

Objective – Pest Animals (Section 6.9.2 Tidbinbilla DPoM)

The damaging impacts of pest animals on the values of Tidbinbilla are minimised through strategic and effective management programs.

The Tidbinbilla DPoM notes that, historically, the main species of concern have been pigs, rabbits, foxes and wild dogs. More recently, the European wasp has emerged as a significant environmental and social threat. The focus of management of pest animals is on reducing damage caused by pest animals rather than reduction in pest numbers as an objective in itself.

During field investigations on site, it was noted that there was a rabbit burrow within the area, which appeared unused at the time. The Tidbinbilla DPoM notes that rabbits are present in large numbers within the park, and a number of control measures have been implemented. The Proposal is not likely to have any impact in pest animal numbers or damage within Tidbinbilla. As such the Proposal is not inconsistent with this management objective.

Objective – Fire Ecology (Section 6.10 Tidbinbilla DPoM)

Fire regimes that maintain biodiversity, catchment and ecological processes and include the fire sensitivities of significant ecological communities and species are incorporated into fire management strategies for Tidbinbilla consistent with broader fire management planning across the parks and reserves system.

Prescribed burning for specific conservation purposes has generally not been undertaken at Tidbinbilla (Frawley 2010). There would be a small reduction in vegetation as a result of clearing for the Proposal, however this would have little effect on fire regimes which maintain biodiversity, catchment and ecological processes.

The Proposal, as it involves the development of a new Land Management Facility, would have a positive effect on fire management within Tidbinbilla and the local area. The continued viability of the current site in Tidbinbilla is not feasible for the following reasons:

- - Access to and egress from the site are unsafe;*
- - Current storage is inadequate and there is no room for expansion; and*
- - The land management facility is located on private property.*

Accordingly a new site was needed to maintain the current service coverage. In selecting a new location, the need to locate the land management facility in a

suitable position within a primary area of responsibility represents a critical factor in timely response and attendance to an incident. The location of the Proposal, as indicated previously in Figure 1, meets these relevant requirements, and also addresses the current shortcomings of the existing land management facility in Tidbinbilla. As such the Proposal is not inconsistent with this management objective.

Objective – Ecological Rehabilitation (Section 6.11 Tidbinbilla DPoM)

Disturbed environments are rehabilitated to a stable condition that is in accordance with other management objectives for particular areas.

The Tidbinbilla DPoM notes that returning disturbed, degraded or modified ecosystems to a condition where natural attributes and processes are present and operating is an increasingly important conservation discipline. Regeneration, restoration and reinstatement describe increasing levels of intervention that are grouped under the term 'rehabilitation'. The Proposal would involve the disturbance of small area of vegetation, containing both native and exotic species. Where possible these disturbed sections will be revegetated with native vegetation to minimise the amount of disturbed environment. The provision on going weed management within the site, following construction would contribute to rehabilitation of the area, and as such the Proposal is consistent with this management objective.

Conservator's opinion regarding development on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve

The proponent has provided sufficient information to accurately describe the values of the site and potential impacts of the proposal and to demonstrate that avoidance and mitigation strategies have been addressed.

It is the Conservator's opinion that the proposal will not have a significant adverse environmental impact on the natural values and management objectives of the land zoned National Park and Special Purpose Reserve.