

Planning and Development (Conditional Environmental Significance Opinion – Block 217 and Block 218, Paddys River – Beginner ski slope) Notice 2016 (No 1)

Notifiable Instrument NI2016–175

Made under the

Planning and Development Act 2007 s 138AD(4) (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 217 and Block 218, Paddys River – Beginner ski slope) Notice 2016 (No 1)*.

2 Conditional Environmental Significance Opinion

- (1) On 18 March 2016, the Conservator of Flora and Fauna, pursuant to section 138AB(4)(b) of the *Planning and Development Act 2007* (the Act), gave the Applicant a conditional environmental significance opinion in relation to the construction of a beginner ski slope and associated works on Block 217 and Block 218, Paddys River.
- (2) In this section:
Conditional environmental significance opinion means the opinion in the schedule.

Note : under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day this notice is notified.

Dorte Ekelund
Chief Planning Executive
06 April 2016

Schedule

See section 2(2)

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (the Act), I provide the following environmental significance opinion:

APPLICANT

Dane Liepins, Corin Forest Pty Ltd.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA 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 construction of a beginners ski slope and associated infrastructure within the Corin Forest lease as described in the submission.

LOCATION

Blocks 217 and 218 District of Paddys River, 1268 Corin Dam Road

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

That all mitigation measures as outlined in the report submitted are implemented. These are:

1. Undertake required vegetation clearance using minimal impact techniques including:

- a. All disturbance should be kept to the minimum required to achieve the proposal. In particular, the proposal should be undertaken so as to minimise damage to the vegetation surrounding the footprint of the proposed works.
 - b. No use of plant within any area containing Alpine Bog EEC. Shrub layer is to be removed by hand tools only to minimise disturbance to ground layer vegetation. No grubbing of stumps is to occur.
 - c. Any trees to be removed should be felled in a manner which minimises impacts to areas of surrounding vegetation.
2. Ensure that the natural conditions of the site are maintained including:
- a. No alteration to the hydrology affecting the land supporting Alpine Bog. Any sediment and erosion control measures implemented during construction shall be removed prior to snowfall.
 - b. No storage of plant, equipment or other items within the ski slope area outside of the ski season.
 - c. No sowing of exotic grass species within areas supporting Alpine Bog.
3. Implement appropriate snow management measures to ensure that any impact to ground layer vegetation within the proposed ski slope is kept to the minimum possible including:
- a. No snow grooming activities to occur when the snow cover is estimated to be less than 30 cm, or in any instance where the snow grooming may result in a substantial impact to the Alpine Bog EEC.
4. Develop and implement an Environmental Management Plan for the subject land which includes:
- a. Survey of the ecological values of the subject land including a targeted survey for threatened, rare and uncommon flora species within the subject land to provide information to inform any future proposed works.
 - b. Development and implementation of a monitoring program to assess and monitor the ecological condition of native vegetation communities within the subject land including specific monitoring of the condition of the Alpine Bog within the proposed ski slope area and adjacent areas, including downstream of the proposed works area.
 - c. Development and implementation of measures to monitor and control feral animals within the subject land.
 - d. Development and implementation of measures to monitor and control invasive plant species (including exotic perennial grasses) within the subject land.
 - e. Development of a list of suitable species which can be used where required for rehabilitation purposes.
 - f. Monitoring and management as required to minimise, repair and prevent erosion occurring along access tracks, carpark areas and areas of disturbed soil within the subject land.


In addition:

- if Kerosene Bush (*Ozathamus cupressoides*) is found within the disturbance area, any specimens are to be left in situ and not cut or damaged in any way;
- that the proponent must submit the environment management plan to the Conservator of Flora and Fauna for approval.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

 March 2016

**STATEMENT OF REASONS
REASONS FOR THE DECISION**

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

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

The proposal will impact on 0.5ha of native vegetation.

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 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

Construction of a beginners ski slope and associated infrastructure on the south facing slope within the Corin Forest lease located on Corin Road, including:

- installation of a 'magic carpet' lift to take skiers to the top of the run;
- construction of ramps and footpaths at the top and bottom of the magic carpet to provide access;
- construction of a temporary building for the storage and hire of ski equipment;
- installation of additional snow making infrastructure including piping to service the increased snow area; and
- construction of additional informal parking.

The proposal will also increase the area subject to artificial snow.

Documentation Submitted

- Report titled Flora and Fauna Assessment Proposed Beginners Ski Slope, Corin Forest, ACT (ecological Australia March 2016);
- Form 1M.

Natural conservation values present

The ecological report submitted notes "The subject land is situated within an area dominated by tall montane forest communities with naturally treeless frost hollows. Frost hollows occur in areas of cold air drainage and are present along Gibraltar creek which bisects the subject land. The subject land is situated upstream of Woods Reserve and the Gibraltar Falls, and is within 5 km of Ginini Flats wetland, which is considered to be a wetland of international importance (RAMSAR).

The field survey recorded 51 species within the study area and immediate surrounds of which 47 were considered native. The vegetation within the study area and surrounds is typically in excellent condition with small areas dominated by exotic species such as *Holcus lanatus* and *Trifolium repens* where previous disturbance has occurred. The weed *Cirsium vulgare* was present in small numbers, also in areas of previous disturbance."

Four species considered uncommon in the ACT are recorded in the ecological report. These are Bog Carraway (*Oreomyrrhis cilitia*), Hill Fireweed (*Senecio hispidulus*), Kerosene Bush (*Ozathamus cupressoides*) and Large Bird Orchid (*Chiloglottis valida*). The Large Bird Orchid record is to the west of the area of activity. It is unclear whether the other plants are found within the area of disturbance or the wider lease area. It may be that Bog Carraway (*Oreomyrrhis cilitia*) is the only uncommon species within the area of disturbance. As a ground layer wet conditions plant it is unlikely to

be impacted by the development. There are 37 other records of this species from twenty separate locations in the ACT, so the Corin Forest population is not crucial to the survival of the species in the ACT. Hill Fireweed is also a fairly widespread species, favoured by a level of disturbance and unlikely to be adversely impacted by the proposal. Kerosene Bush is at its northern and eastern distribution limit within the ACT. There are only seven other records of this plant from four locations within the ACT. It is quite widespread and common in Alpine areas of NSW and Victoria, but should be considered as of conservation significance in the ACT

No hollow bearing trees are within or close to the area of proposed works.

Potentially Significant Environmental Impacts

Part of the area over which artificial snow will be sprayed appears to meet the definition of the Alpine Sphagnum Bogs and Associated Fens vegetation community, which is listed as endangered under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*, but not under ACT legislation. Given the small size of the area affected, that it does not contain sphagnum pools (a significant habitat element), and that direct clearance of this community (apart from taller shrubs) will be avoided, it is not considered that potential impacts are of a significant extent.

It is considered that the proposal will not have a significant adverse environmental impact as:

- The proposed development has been located in and adjoining an area of existing disturbance;
- Including clearance for extra car park spaces and the overloading area at the top of the ski lift, no more than ten mature trees and 15 saplings (<20cmDBH) will be cleared;
- The water collecting and major pipeline are already in place as a result of earlier approvals and development;
- The additional piping required is minor in nature involving surface laying of small diameter pipe for a few tens of metres.
- The only clearance of the practice ski area will be of taller shrubs, mainly Mountain Baecka (*Baecka utilis*) and Small-fruited Hakea (*Hakea microcarpa*);
- The sedge and grass cover will be maintained. While this vegetation will be covered with artificial snow it is unlikely to greatly exceed historic occurrence;
- The proposal area does not contain habitat suitable for any threatened fauna, other than woodland birds that may pass through and make minor use of the area;
- The possible Aboriginal scar tree near the route of the ski lift is to be protected;
- The proposed hut is located in an area currently devoid of native vegetation;

- The degree of clearing is minor in nature and mainly involves hand cutting of shrubs.

If Kerosene Bush occurs within the proposed development area then it should not be cut or damaged, with all plants protected.

The development of an Environmental Management plan is supported and the plan should be submitted for approval by the Conservator of Flora and Fauna.

It has been determined that if the works are undertaken in a manner consistent with the mitigation measures outlined in the report submitted, and that any Kerosene Bush shrubs are protected, then they are unlikely to cause a significant adverse environmental impact.