

# Planning and Development (Conditional Environmental Significance Opinion – Block 71 Molonglo – Molonglo River Reserve Rehabilitation Works) Notice 2017

Notifiable Instrument NI2017–553

Made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 71 Molonglo – Molonglo River Reserve Rehabilitation Works) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

(1) On 12 October 2017, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to rehabilitation works, on Block 71, District of Molonglo, in the Molonglo River Reserve.

(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 the notice is notified.

Ben Ponton  
Chief Planning Executive  
20 October 2017

## Schedule

See section 2(2)

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### ENVIRONMENTAL SIGNIFICANCE OPINION

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

#### PROPONENT

Mr Darren Le Roux, Environmental Project Officer, Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate.

#### LOCATION

Block 71 District of Molonglo.

#### DEVELOPMENT PROPOSAL

Rehabilitation works within the Molonglo River Reserve. The works include:

- the construction and installation of a habitat sculpture on Barrer Hill that will provide habitat for wildlife as well as a focal point for community engagement, and
- the restoration of an area of exotic grasses and weeds into a diverse range of native grass and forb species by way of scraping the top layer of nutrient rich soil containing the seed bank and direct seed the area with a native grass and forb mix. Works will restore 0.3ha on Barrer Hill and 1.4ha within Box-Gum Park.

The proponent wants the application for the development approval assessed for an environmental significance opinion 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.

#### OPINION

Provided the works are undertaken in the manner described in the documentation as submitted, 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:

- 1) the proponent shall install a silt fence immediately after any soil disturbance;
- 2) works must comply with a construction environment management plan approved by the Environment Protection Authority addressing issues such as biosecurity of the site and sediment erosion control.

Attached is a Statement of Reasons for the decision.

A handwritten signature in cursive script, appearing to read 'A. Lane', written in black ink.

Dr A. Lane  
Conservator of Flora and Fauna

12 October 2017

**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 1(a) development that may impact on*
- (a) a species or ecological community that is endangered;*
  - (b) a species that is vulnerable*

Block 71 District of Molonglo contains Box Gum Grassy Woodland (listed as critically endangered nationally and endangered in the ACT); and Pink-tailed worm lizard (listed as vulnerable both nationally and in the ACT).

*Part 4.3, item 3 proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.*

The area of works is within an area of special purpose reserve.

The proponent wants the application for the development approval assessed for an environmental significance opinion (ESO) 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 and known values of the site.

### **Project description**

Rehabilitation works within the Molonglo River Reserve in accordance with the requirements of the commitments contained in the strategic assessment approved in 2011 under the provisions of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (NES Plan). The rehabilitation works proposed are:

#### *Habitat Sculpture*

The construction and installation of an artificial vertical habitat structure on Barrer Hill. The structure will be approximately 12.0m high and made from a remnant *Eucalyptus melliodora* (Yellow Box) that was previously removed from the urban area. The structure will be supported by circular hollow section steel posts, and enriched with carved log nesting boxes as well as wooden and wire cross beams. The footing for the installation of the structure will be approximately 37m<sup>2</sup>, and require excavation to approximately 0.75m.

#### *Grassland Scalping*

The proposed method of restoration is to scrape off the top 100mm layer of soil to remove the nutrient rich soil and then direct seed the exposed soil with native species. This is designed to not only remove the existing weeds and exotic grasses but to also remove the seed bank in the soil and provide high forb diversity nodes within the Reserve.

The area to be treated is 0.3 ha at Barrer Hill and 1.4ha in Box-Gum Park and will be sown with the ratio of grass to forbs approximately 80:20 by weight.

The spoil from the site will be placed in a highly degraded area, reseeded and have trees and shrubs endemic to the area planted into the spoil.

### **Documentation Submitted**

- Report titled: Molonglo Habitat Restoration Works, Molonglo River Reserve, Molonglo Valley Block 71, 19 September 2017 (Parks and Conservation Service);
- Matters of National Environmental Significance (NES 2014-2018) Molonglo Habitat Restoration Works, Construction Environmental Management Plan (Parks and Conservation Service); and
- ESO Application Form 1M.

### ***Natural conservation values present***

The proposed restoration is to occur in the areas known as Barrer Hill and Box-Gum Park within the Molonglo River Reserve and is in accordance with the commitments contained in NES Plan.

Block 71 District of Molonglo contains Box Gum Grassy Woodland (listed as critically endangered nationally and endangered in the ACT); and Pink-tailed worm lizard (listed as vulnerable both nationally and in the ACT).

Translocated threatened species present at the site are:

- Button Wrinklewort – ((listed as endangered both nationally and in the ACT); and
- Hoary Sunray – (listed nationally as endangered).

The following ACT protected plant species have been recorded on the broader site:

- *Discaria pubescens* (Hairy Anchor Plant)
- *Dianella longifolia* (Blue Flax Lily)
- *Diuris punctata* (Purple Diuris)
- *Desmodium brachypodium* (Large tick-trefoil)

Key restoration works undertaken to date include grassland restoration using the same scalping techniques as proposed, threatened species translocations, PTWL habitat restoration, coarse woody debris enhancement, native tree, shrub and groundcover plantings, establishment of a pink-tailed worm-lizard protection fence, and installation of 10 vertical habitat structures (wildlife poles and trees). This project will augment the previous works.

The site of the works is dominated by *Phalaris aquatic*, *Setaria sp.*, *Paspalum dilatatum*, *Avena sp.* and other introduced weeds.

### **Impact on the Reserve**

The area that is to be the subject of the restoration works is currently within special purpose reserve. The management objectives for a special purpose reserve as provided by the *Planning and Development Act 2007* is to provide for public and community use of the area for recreation and education. The works will not significantly impact on this reserve as all access to the site will be by way of existing access tracks and the site is not a high use recreation area.

Should the area become nature reserve in the future then the restoration of native vegetation is in keeping with the first management objective for a nature reserve, being to conserve the natural environment.

### **Potentially Significant Environmental Impacts**

Works will not impact on the Pink-tailed worm lizard and include restoration works for the areas of Box Gum Grassy Woodland, having a positive impact on the

ecological values of the area. The method being used for the restoration works has been trialled successfully within the Reserve and used in a number of other grassland restoration projects in Australia. Works will be managed by Parks and Conservation staff and undertaken by suitably qualified and experienced contractors. The potential for failure is deemed to be low.

The installation of a silt fence as stated in the documentation submitted, and included as a condition of approval, will reduce the likelihood of adverse impacts occurring.

It has been determined that the potential for a significant adverse environmental impact is low.