

# Planning and Development (Conditional Environmental Significance Opinion – Block 66, Kowen and Blocks 680, 681 and 699, Majura – Upper Molonglo River Erosion Control Project) Notice 2018

Notifiable instrument NI2018–606

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 66, Kowen and Blocks 680, 681 and 699, Majura – Upper Molonglo River Erosion Control Project) Notice 2018*.

## 2 Conditional Environmental Significance Opinion

(1) On 23 October 2018, 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 construction, on Block 66, Kowen and Blocks 680, 681 and 699, Majura, of gully stabilisation works and riparian revegetation on the upper Molonglo 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 the notice is notified.

Ben Ponton  
Chief Planning Executive  
29 October 2018

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* (the Act), I provide the following environmental significance opinion:

### **APPLICANT**

Alluvium Consulting Australia, as represented by David Barratt, ACT Regional Manager.

### **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 gully stabilisation works and riparian revegetation on the upper Molonglo River between the Molonglo Gorge and Oaks Estate as described in the submission.

### **LOCATION**

Block 66 District of Kowen and Blocks 680, 681 and 699 District of Majura.

### **MATTERS TO WHICH THIS OPINION APPLIES**

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

### **OPINION**

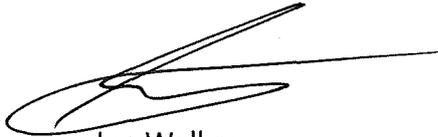
Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

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

- That the contractor undertaking the works obtains a licence under the provisions of the *Nature Conservation Act 2014* prior to commencement of works.

- That the revegetation species and densities are to the satisfaction of the Parks and Conservation Service.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

23 October 2018

## 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 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 are within special purpose reserve and nature 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 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 construction of a series of engineered rock chutes to stabilise two actively eroding gullies within the Molonglo Gorge Nature Reserve and a further two actively eroding gullies downstream between Yass Road and the confluence of the Molonglo River and the Queanbeyan River. The rock chutes are designed to reduce the bed grade to reduce the water velocity to minimise the risk of further erosion of the gullies.

These stabilisation works will be supplemented with revegetation in the four gullies as well as along the Molonglo River to reduce sediment loss, improve water quality and improve ecological values. A riparian strip, minimum 10.0m wide, is to be planted on both left and right banks of the Molonglo River. Eroded areas within the gullies will also be planted plus a small buffer (around 10 m width in total).

The works will be supported by the construction of stock exclusion fencing and weed removal.

## **Documentation Submitted**

- Environmental Significance Opinion report: Gully erosion control and riparian revegetation works on the upper Molonglo River (alluvium July 2018);
- Form 1M.

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

The upper Molonglo River runs through predominantly agricultural land that has been heavily modified. The values present in the distinct work areas are:

### *Molonglo Gorge Nature Reserve – East of Pialligo Ave*

The area in the reserve contains native grassland of moderate quality with some areas across the reserve having been subject to previous revegetation works. There are two gullies within the reserve that will be stabilised.

Gully 1 is located to the north and extends from Sutton Road east to the river. The native grassland around the gully has a dominant grass cover of Red-leg Grass (*Bothriochloa macra*) with a diminished native ground cover. There are some Daisies (Asteraceae), *Lomandra sp* and other native herbs present. There are scattered mature Yellow Box (*Eucalyptus melliodora*) with some recruitment occurring and a shrub layer comprised of Sweet Bursaria (*Bursaria spinosa*).

Weed species present include Soldier Thistle (*Picnomon acarna*), Aaron's rod (*Verbascum thapsus subsp Thapsus*), Serrated Tussock (*Nassella trichotoma*),

Boxthorn (*Lycium ferocissimum*), Briar Rose (*Rosa rubiginosa*), Blackberry (*Rubus fruticosus* spp. agg.).

Gully 2 is located south of the river and extends to the railway line. This gully picks up the stormwater discharge from the industrial area of Queanbeyan and has dense stands of Blackberry and Willow with 100% coverage in areas. Mature Radiata Pine (*Pinus radiata*), Hawthorn (*Crataegus monogyna*) and Box Elder (*Acer negundo*) are also present. . Areas not dominated by weeds has Common Reed (*Phragmites Australis*).

There are areas of high quality native grasslands with some surface rock either side of the gully, past the area of weed infestation.

A secondary drainage channel runs from north along the toe of the railway embankment connecting to a pipe under the railway. This has a dense Blackberry infestation amongst native shrubs including Red-stemmed Wattle (*Acacia rubida*), Native Blackthorn (*Bursaria spinose*) and Tea-tree (*Kunzea ericoides*). Previous Willow control has left large standing dead wood and blackberry is growing over fallen timber that is in varying stages of decomposition.

*Molonglo River from Pialligo Avenue to confluence with Queanbeyan River*

This area is mainly exotic pasture with weed infestations. There are two gullies (Gullies 3 and 4) that require stabilisation

Gully 3 is located within the special purpose reserve on the northern side of Molonglo River and runs from Pialligo Ave to the river. This gully is developing in an area of exotic pasture approximately 100m below an existing farm dam. There are scattered Yellow Box trees within the larger paddock and small patches of Blackberry occur along the gully with a large stand on the dam wall.

Gully 4 is located on the southern side of river with the associated drainage line extending to the rail corridor. This gully is developing in an area of exotic pasture approximately 50m below an existing farm dam. Native sedge, *Carex appressa*, and exotic grasses occur in the base of the gully with scattered Yellow Box trees within the larger paddock. The trees closer to the gully have Boxthorn at 50% coverage growing beneath them. Blackberry occurs in small patches in the gully with a large stand on the dam wall.

*Queanbeyan River from ACT border to confluence with Molonglo River*

The riparian zone of the Queanbeyan River at this location has had significant weed control and some revegetation work in the past. However, herbaceous and woody weeds are re-establishing and further restoration work needs to occur.

**Impact on the Reserve**

The works will have a positive impact on both the special purpose reserve and the nature reserve by stabilising the drainage lines, reducing sediment export, and improving ecological values and connectivity through the landscape. The works will also enhance the visual aesthetics of the area.

Access to works within the reserve is to be by existing access tracks and no new tracks are required.

**Potentially Significant Environmental Impacts**

The Parks and Conservation Service has expressed some concern regarding the density of plantings proposed in a non-urban setting. To ensure that the plantings are at a density to ensure ongoing survival of the plants, it is a condition of approval that species and densities are to the satisfaction of the Parks and Conservation Service. As there is a legal requirement for the Contractor undertaking the works to obtain a licence prior to entering the reserve, the species and density requirements can be determined as part of that process.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.