

Planning and Development (Conditional Environmental Significance Opinion – Blocks 6 & 7, Molonglo Valley – Arboretum Woodlands Restoration Work) Notice 2019

Notifiable instrument NI2019–191

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 (Conditional Environmental Significance Opinion – Blocks 6 & 7, Molonglo Valley – Arboretum Woodlands Restoration Work) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 22 March 2019, 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 works on Blocks 6 & 7, Molonglo Valley, for the enhancement of the Arboretum Woodland Conservation Area via establishment of high forb diversity nodes.

- (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
9 April 2019

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

Projects, Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Richard Milner, Ecologist.

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 enhancement of the Arboretum Woodland Conservation Area via establishment of high forb diversity nodes (approximately 0.5ha) at sites currently dominated by exotic pasture species. This is to be achieved by way of scraping the top layer of nutrient rich soil containing the seed bank and direct seeding the area with a native grass and forb mix as described in the submission.

LOCATION

Arboretum Woodland Conservation Area (Molonglo Valley Blocks 6 and 7).

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 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.

- all works are to be undertaken in accordance with the mitigation measures contained in the application for an ESO;
- all vehicles and equipment must be cleaned of weeds, soil and mud prior to entering the site;
- the trees and shrubs to be planted on the scraped mounds must be indigenous to the Molonglo Valley;
- the weed management program must be vigilant and destroy any occurrence of weedy native species such as Winged Everlasting (*Ammobium alatum*) that may spread from the adjacent STEP Plantings;
- the proponent shall install a silt barrier where necessary immediately after the sowing of the grasses; and
- 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.



Ian Walker
Conservator of Flora and Fauna

22 March 2019

**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 species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Blocks 6 and 7 District of Molonglo Valley contain Box Gum Woodland (listed as critically endangered nationally and endangered in the ACT); and Pink-tailed Worm-lizard (*Aprasia parapulchella*), 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 zoned as NNUZ3: Hills, Ridges and Buffer Areas.

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 proposed works are for the forb enhancement of the Arboretum Woodland Conservation Area via establishment of high forb diversity nodes (approximately 0.5ha) at four sites currently dominated by exotic pasture species.

The proposed method of restoration is to remove 10-20 cm of nutrient rich topsoil containing the seed bank followed by direct seeding the area with a native grass and forb mix. This is designed to not only remove the existing weeds and exotic grasses but to also remove the seed bank in the soil. Seeding rate will be 50kg/ha with a ratio of 20:80 forbs: grasses.

All soil spoil will remain on site within the boundary of the conservation area and be redistributed outside the restoration sites and planted.

Sediment barriers and stock fencing will be installed around restoration sites and plantings.

Documentation Submitted

- Report titled: Arboretum Woodland Conservation Area forb enhancement program
- Construction Environmental Management Plan
- Form 1M.

Natural conservation values present

The site consists of a number of large hollow bearing Yellow Box and Apple Box trees, good sapling and seedling regrowth, and a low native herb diversity amongst a predominantly native grass understorey. The woodland was subject to a long history of sheep and other stock grazing, with parts of this woodland still being dominated by exotic pasture species such as Phalaris, which is where the proposed work areas are concentrated.

The site contains Box Gum 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). Superb Parrots (*Polytelis swainsonii*) may also forage in the area, and Golden Sun Moth (*Synemon plana*) translocations have been trialled nearby.

The adjacent South Tablelands Ecosystem Park (STEP) is a hub of native wildlife, particularly insects. Several rare and unusual plant species occur in the STEP garden, but only three are formally recognised as threatened or endangered: button wrinklewort (*Rutidosis leptorrhynchoides*), Wee Jasper grevillea (*Grevillea iaspicula*), and Tuggeranong lignum (*Muehlenbeckia Tuggeranong*).

Impact on the Reserve

Scraping of topsoil and redistribution of soil spoil is to be undertaken on sites dominated by exotic pasture species. The works will not significantly impact on the reserve and the site is not open to the public.

The ACT Government has committed to the management of Box Gum Woodland under the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (MNES) September 2011 (NES Plan).

As a requirement of the NES Plan the ACT Government is required to:

1. Adaptively manage BGW within the Molonglo River Reserve and associated offsets to maintain and enhance ecological condition (NES Plan, Section 4.1 and 4.2; Actions 6, 10, 13, 15 and 25);
2. Improve and apply knowledge about the management of BGW (NES Plan, Section 4.1); and
3. Undertake research relating to the conservation of BGW (NES Plan, pg 11).

The proposed works are in accordance with these requirements and will enhance the natural values of the site.

Potentially Significant Environmental Impacts

Works will not impact on the Pink-tailed Worm-lizard and include restoration works for the areas of Box Gum 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 other Reserves 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 barrier 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 for the following reasons:

- the work footprint is within parts of the understorey that currently are dominated by exotic pasture species;
- the work footprint is well away from any possible Pink-tailed Worm-lizard habitat
- the methodology has been previously very successfully employed at the nearby Barrer Ridge, by the same proponents;
- the planted mounds of scrapped high nutrient soil will be a hotspot of small woodland bird and invertebrate activity as the native plantings growing on the mounds will produce relatively large nectar and pollen flows and more nutritious leaves than would otherwise be the case. These new plantings, together with past mid-storey plantings in the woodland, the neighbouring high diversity of native plants in the STEP gardens, together with the wider arboretum plantings will create a high quality habitat for many native birds, bats and invertebrates in much the same way as the Australian National Botanic Gardens currently does;
- the scraped areas of herb replenishment will provide a seed source and spread of a herb diversity across the site; and
- the seed species list is appropriate to both this woodland type and local area

This opinion is given subject to the following conditions, which have been included to ensure that spread of weeds and sediment does not occur:

- all works are to be undertaken in accordance with the mitigation measures contained in the application for an ESO;
- all vehicles and equipment must be cleaned of weeds, soil and mud prior to entering the site;
- the trees and shrubs to be planted on the scraped mounds must be indigenous to the Molonglo Valley;
- the weed management program must be vigilant and destroy any occurrence of weedy native species such as Winged Everlasting (*Ammobium alatum*) that may spread from the adjacent STEP Plantings;
- the proponent shall install a silt barrier where necessary immediately after the sowing of the grasses; and
- 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.

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.