

Planning and Development (Environmental Significance Opinion – Blocks 832 and 843 Gungahlin – Kinlyside Nature Reserve tree thinning works) Notice 2019

Notifiable instrument NI2019–513

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 – Blocks 832 and 843, Gungahlin – Kinlyside Nature Reserve tree thinning works) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 5 August 2019, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the applicant an environmental significance opinion in relation to tree thinning works at thirteen sites within Blocks 832 and 843, Gungahlin.
- (2) In this section:

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.

George Cilliers
Delegate of the planning and land authority
9 August 2019

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

ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Mim Jambrecina, Senior Ranger.

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 tree thinning works within the Kinlyside Nature Reserve and Offset Area as described in the submission.

LOCATION

Thinning works are proposed at thirteen sites within Blocks 832 and 843 District of Gungahlin.

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 a manner consistent with the submitted documentation, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

5th August 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;

Kinlyside Nature Reserve contains:

- Yellow Box Red Gum Grassy Woodland listed as endangered under the provisions of the *Nature Conservation Act 2014* (NCA) and critically endangered under the provisions of the Commonwealth's *Environment Protection and Biodiversity Act 1999* (EPBC);
- habitat for the Golden Sun Moth (*Synemon plana*) listed as endangered under the NCA and critically endangered under the EPBC;
- Pink-tailed Worm-lizard (*Aprasia parapulchella*) listed as vulnerable under both the NCA and the EPBC; and
- migratory and other birds listed under both the NCA and EPBC.

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 1.3 ha of native vegetation.

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 works are within an area of 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

Kinlyside Nature Reserve contains the EPBC listed White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland Community (BGW), however regeneration may be currently constrained by high densities of regenerating eucalypts. The proposed works aim to increase regeneration of mature woodland structure by thinning saplings to maintain pre-European densities and spacing.

Thinning will involve cutting saplings off at ground level and then poisoning with undiluted glyphosate and red dye via application to the stump. Red Stringybark (*E. macrorhyncha*) and Yellow Box (*E. melliodora*) saplings with a diameter at chest height between 5 and 20 cm will be targeted, with thinning focussed on smaller individuals with least vigour.

Thirteen plots of 0.1 ha will be thinned randomly to leave ideal tree densities and at least 5 m distance between stems where possible. Cut timber will either be removed or utilised within the reserve as woodland habitat or for erosion control.

Documentation Submitted

- Section 9 ESO Report for ecological thinning within Box Gum Woodland in Kinlyside Nature Reserve and Offset Area
- Appendix 1 – Kinlyside nature Reserve and Offset Area - Offset Management Plan 2015
- Appendix 2 – White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan 2015

- Appendix 3 – Works Plan, Tree Thinning Project Kinlyside Offset Nature Reserve
- Appendix 4 – Protocol: Thinning to benchmark stem densities
- Appendix 5 – Approval Decision: Actions under the Gungahlin Strategic Assessment Biodiversity Plan (June 2013), Canberra, ACT
- Letter of Authorisation for Block 832 District of Gungahlin
- Form 1M

Natural conservation values present

Kinlyside Nature Reserve is of high conservation significance, supporting the critically endangered BGW, the critically endangered Golden Sun Moth (*Synemon plana*); and the vulnerable Pink-tailed Worm-lizard (*Aprasia parapulchella*).

Kinlyside supports approximately 160 hectares of average quality EPBC listed BGW which is important breeding habitat for threatened and declining woodland birds. It also supports approximately 53 hectares of Golden Sun Moth habitat and a small patch (approximately 4.7 hectares) of Pink-tailed Worm-lizard habitat in the eastern section of the nature reserve.

Other threatened fauna, including the White-winged Triller (*Lalage sueurii*), Hooded Robin (*Melanodryas cucullata*), Swift Parrot (*Polytelis swainsonii*), Brown Treecreeper (*Climacteris picumnus*), Varied Sittella (*Daphoenositta chrysoptera*), Painted Honeyeater (*Grantiella picta*) and Scarlet Robin (*Petroica boodang*) have been recorded in the local area.

The reserve also supports plants that are considered rare in the ACT. This includes Pale Flax Lily (*Dianella longifolia*), Yam Daisy (*Micoseris lanceolata*) and a significant population of the Forest Sun Orchid (*Thelymitra arenaria*), which is known from only six locations in the ACT. The Goldenstar (*Hypoxis hygrometrica*) has been also been recorded, however it is unclear whether it is the rare variety (*var. villosisepala*) or not.

The rockier, steeper sections of the reserve support the Red Stringybark *Eucalyptus macrorhyncha* – Scribbly Gum *Eucalyptus rossii* Tableland Shrub Forest community.

Impact on the Reserve

Proposed work sites do not overlap with Golden Sun Moth and Pink-tailed Worm-lizard habitat and thus will not impact these species.

Tree thinning should improve the woodland structure which will encourage the development of tree hollows and benefit woodland birds. Plots to be thinned are distributed across the reserve area, creating a mosaic of thinned and high density

areas. Plots have also been selected to ensure thinning does not advantage invasive grasses. Weed hygiene protocols will further mitigate the risk of weed spread.

The proposed works are consistent with the *Kinlyside Nature Reserve and Offset Area Management Plan*, and the *National Recovery Plan for White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland*.

Potentially Significant Environmental Impacts

Current high densities of juvenile eucalypts appear to be competing for limited resources and may be restricting restoration of mature woodland structure. Previous work undertaken have found that:

- Regenerating woodland trees can reach a density that locks up resources and prevents larger trees developing for many decades;
- such areas of even growth regeneration are less diverse both from a plant and animal perspective than a woodland of mixed aged trees;
- that areas of high regeneration density appear to favour higher rates of dieback; and
- the development of large hollow bearing trees can be significantly delayed.

Overall, the impacts of the proposed works should be positive, with plots thinned to benchmark pre-European tree densities. Previous studies indicate that this will benefit the ecological community, particularly woodland birds. Planned monitoring over the next 20 years will assess the effectiveness of the works and check for unintended impacts.

The sites have been well chosen to avoid impacts to threatened or rare fauna. The re-use of cut saplings for rehabilitation projects is supported. The proposal includes weed and pathogen hygiene protocols.

It has been determined that if the works are undertaken a manner consistent with the submitted documentation, they are unlikely to cause a significant adverse environmental impact.