

Planning and Development (Conditional Environmental Significance Opinion – Block 240, Paddys River – Protecting the Grassland Earless Dragon) Notice 2021

Notifiable instrument NI2021–625

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 – Block 240, Paddys River – Protecting the Grassland Earless Dragon) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 28 September 2021, the Conservator of Flora and Fauna pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007*, gave the Applicant a conditional environmental significance opinion in relation to the construction, on Block 240, of Paddys River, of two outdoor predator proof arenas (ring tanks) to support the Canberra Grassland Earless Dragon colony at Tidbinbilla Nature 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.

George Cilliers
Delegate of the planning and land authority
21 October 2021

Schedule

See section 3(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

The ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Dr Benjamin Croak.

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 two ring tanks to protect the Grassland Earless Dragon colony at Tidbinbilla Nature Reserve as described in the submission.

LOCATION

Paddys River, Block 240. 61 Tidbinbilla Reserve Road.

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 a manner consistent with the mitigation measures contained in the supporting application for an ESO, 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

28 September 2021

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 in a reserve;

The area of works is within Tidbinbilla 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

Endemic to the ACT region, The Canberra Grassland Earless Dragon (*Tympanocryptis lineata* – hereafter GED) is a Native Temperate Grassland specialist. Since European settlement GED has lost more than 99% of its habitat which has led to a dramatic range reduction.

All known GED populations crashed in 2006 and have not recovered their numbers since. The 2019 monitoring period recorded the lowest number of GED, with less than 50 individuals found across all monitored sites. Additionally, no recruitment was recorded in the 2020 monitoring period. These massive and rapid reductions of known GED populations are alarming, and action is urgently needed to ensure the survival of this species.

As part of the ACT Government's response to this reduction, a captive colony and breeding program has been established at Tidbinbilla Nature Reserve. This project will build two predator-proof ring tanks within the Reserve, which will allow a more natural setting for the captive colony and will provide the following benefits prior to releasing animals:

- Acclimation to outdoor conditions;
- Encouragement of natural behaviours such as territoriality, mate selection and active prey foraging; and
- Sensitisation to human interactions

Documentation Submitted

- Site Assessment of Ring Tank locations
- ESO application supporting report
- Application for Environmental Significance Opinion
- Letter of Authorisation

Natural conservation values present

Tidbinbilla Nature Reserve is home to a wide range of Australian animals living in diverse sub-alpine habitats including wetlands, grasslands, wet and dry forests and woodlands. These habitats support a wide range of wildlife including, kangaroos, wallabies, koalas, platypus, potoroos, bandicoots, wallaroos, echidnas, emus, lyrebirds as well as many other birds and reptiles.

Tidbinbilla has 100ha of feral-predator free habitat within 20 free ranging enclosures, allowing animals that are part of species recovery programs to exist as they would in the wild. The two proposed ring tanks will extend this program of work by including Grassland Earless Dragons to the list of species being actively supported and managed within the Reserve.

No heritage-listed places or objects have been identified on the proposed site during discussions with ACT Heritage, or from desktop reviews through ACTmapi. Culturally significant sites have been listed nearby but, on advice from both ACT Heritage and the ACT Heritage Council, the proposed works are not considered to be likely to affect these sites.

Impact on the Reserve

The area proposed for this development is an old enclosure which is currently not in use and is situated on old agricultural ground, and therefore has been subject to significant disturbance in the past.

The two enclosures will be approximately 17m diameter rings (ring-tanks) like those used to raised and habituate Pygmy Blue Tongue Lizards in South Australia, another species that is subject to captive breeding for insurance and research. Therefore, the direct impact area will be only approximately 900 square metres. All works will be restricted to existing access tracks, therefore there is no anticipated impacts external to the construction site.

The ring tanks will be layered with an appropriate earth type (to be sourced) and planted out with native wallaby grass and other native tussock grasses that make up a main component GED habitat. Several artificial burrows (2cm diameter, 20cm long PVC pipes) will be installed in the ground as well as coarse woody debris and rock structures. The tank will have a central pole for surveillance and monitoring equipment.

It is expected that there will be minimal erosion impact from construction works given the flat topography of the site.

- The contractor will adhere to access requirements, opening times, and locked gate protocols stipulated by the PCS project officer.
- The contractor will operate outside sensitive ecological habitat and will be inducted on site by the PCS project officer prior to works commencing.
- All works will be restricted to existing access tracks.
- Construction will be restricted to dry weather conditions.

The application includes appropriate mitigation strategies to ensure safety and environmental protection standards are met.

- Contractors involved on the project have specialised expertise in design and construction.
- The Parks and Conservation Service project officer will induct contractors to the site and undertake periodic inspections ensuring that all PACS General Site Controls are adhered.
- Machinery and materials will be stored in existing sheds and hard surface areas at the TNR depot site and removed from site upon project completion.
- All vehicles and machinery will stay on formed management vehicle tracks only.
- Elements of the construction that can be prefabricated offsite will be, to ensure minimal on-site construction work, reduce machinery used on site and speed up installation time.

- Construction will be limited during and following periods of heavy rainfall to avoid damage to the surrounding environment.
- All work will be undertaken in accordance with an approved CEMP.

Potentially Significant Environmental Impacts

The area is identified as having high conservation value, however nothing of high conservation value will be impacted during the construction of the ring tanks and associated landscaping works. The proposed works are to be constructed in a disturbed/modified landscape that has previously been used as an enclosure and so the sites are not identified as having unusual richness of diversity of flora, fauna or landscapes. The proposed works are unlikely to reduce the ecological and landscape diversity of the proposed location because it is already a disturbed area with high public visitation rates.

No significant species have been mapped on ACTmapi or Canberra Nature Map in the area.

It has been determined that if the works are undertaken in a manner consistent with the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.