

Planning and Development (Conditional Environmental Significance Opinion – Block 851, Gungahlin – Throsby North Walking Track Extension and Road Repairs) Notice 2023 (No 1)

Notifiable instrument NI2023–655

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 851, Gungahlin – Throsby North Walking Track Extension and Road Repairs) Notice 2023 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 24 July 2023, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 851, Gungahlin, of re-sheeting and repair of damaged internal roads and extension of the existing walking trail in Throsby North's Goorooyaroo Nature Reserve.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note Under the Act, s 138AD (6) the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Craig Weller
Delegate of the planning and land authority
6 October 2023

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

ACT Parks and Conservation Service, Environment Planning and Sustainable Development Directorate as represented by Mr Joel Patterson, Ranger in Charge, Mulligans Flat Sanctuary.

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 road repairs and a walking track extension as described in the submission.

LOCATION

Block 851, District of Gungahlin – within Gorooyarroo and Mulligans Flat Nature Reserves.

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 following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

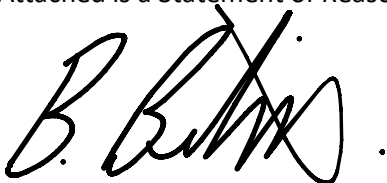
This opinion is granted subject to the following conditions made under s138AB(4) of the Act:

1. Soil pads are not to be placed in areas of Golden Sun Moth habitat and must only be placed on areas dominated by exotic perennial grasses (e.g. Phalaris, Cocksfoot, Paspalum). Existing Golden Sun Moth distribution data must be used to inform the placement of soil pads to ensure that no habitat for this species is disturbed.

2. Mowing/slashing in Golden Sun Moth habitat should be restricted to the period of February to September, (which is outside the moth flight season) and not be undertaken when soil moisture is high.
 - If spring/summer mowing is necessary, this should be done after **the end** of December, with the removal of slashed material from site if biomass is high.
 - If mowing is necessary during the flight season, avoid peak daily flying times (typically 11 am – 2 pm, but potentially 10 am – 3 pm on hot days).
 - Mowing may be suspended in periods of extended drought.
3. Mowing/slashing in Golden Sun Moth habitat should be kept to a minimum height of 10cm, and should be undertaken consistent with the below:
 - a. A flail mower should be used wherever possible to avoid clumping or windrowing of clippings.
 - b. If biomass is high, rake and bale slashed vegetation immediately and remove from site. NOTE - when raking, rake height should be set above ground level to avoid soil disturbance.
4. No work is permitted on site when a Total Fire Ban is declared.
5. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease, and defer the activities to be undertaken under less risky conditions and consider what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available during the declared bushfire danger period at <https://esa.act.gov.au/> for the proponent to assess risks.

Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

24 July 2022

**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;

One community listed as threatened will be impacted by the proposed works:

- Yellow Box - Blakely's Red Gum Grassy Woodland (Box-Gum Woodland)

Eight animal species listed as threatened under ACT and/or Commonwealth legislation have been recorded in the vicinity of the works:

- Golden Sun Moth (*Synemon plana*)
- Superb Parrot (*Polytelis swainsonii*)
- Little Eagle (*Hieraetus morphnoides*)
- Scarlet Robin (*Petroica boodang*)
- Hooded Robin (*Melanodryas cucullata*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- White-winged Triller (*Lalage sueurii*)
- Perunga Grasshopper (*Perunga ochracea*).

Part 4.3, item 3 proposal for development in a reserve;

The works are located within Gorooyaroo and Mulligans Flat Nature Reserves.

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 project involves three parts:

Part 1 - Extension of the existing 'Walk through time' walking track to incorporate other significant historical features in the area:

A new walking track will be slashed through the Waterholes and Ploughlands loops, while an existing track will be used to access the Ginn loop. These will be a continuation of the existing self-guided walking route known as 'The Walk-Through Time'. Interpretive and directional signage will be installed on this route detailing natural, Indigenous, and European history.

Part 2 - Road repairs to two existing fire trails – Inglewood track and Basils track:

Repairs are required to make the roads suitable for use for land management requirements, recreational activities and fire suppression standards. The current condition of the road means that more than 10-15mm of rain overnight makes these tracks unusable for management vehicles or bikes. The works will include the sheeting of gravel to top sections of the road.

Part 3 - Installation of soil pads to increase floral diversity:

Stockpiled spoil previously excavated from dams in the area will be used to create up to 10 earth pads. These pads (approximately 10 metre diameter circles, with soil laid 20-30cm thick to eliminate competition) will be planted out with locally significant forb and grass species to increase floral diversity and act as dispersal nodes. Locations of low diversity/high exotic grasses with ease of access will be selected for earth pads. Increasing locally significant forb diversity and reducing exotic grasses are both aims under the Throsby Offset Management Plan.

Documentation Submitted

- Supporting information
- Form 1M.

Natural conservation values present

Goorooyarroo and Mulligans Flat Nature Reserves are of very high conservation value. Together they protect 1384 hectares of endangered Yellow Box-Red Gum Grassy Woodland which is the largest remaining area of Box Gum Woodland in the ACT and the largest conserved remnant of this woodland type nationally. Patches of natural temperate grassland also occur. The reserves are a regional stronghold for several threatened or uncommon woodland plant, grasshopper, dragonfly, springtail, lizard, bird and mammal species. They provides important habitat for the critically endangered Golden Sun Moth (*Synemon plana*) and vulnerable Superb Parrot (*Polytelis swainsonii*), as well as a small amount of habitat of the vulnerable Striped Legless Lizard (*Delma impar*). The Goorooyarroo and Mulligans Flat Nature Reserves are also a woodland research site of international importance.

At least 165 species of native birds, 16 native reptile species, 12 native mammal species, and 8 native frog species have been recorded in the area.

The area proposed for works is within EPBC listed Box Gum Woodland. The ecological community is dominated by Yellow Box (*Eucalyptus melliodora*), Blakely's Red Gum (*Eucalyptus blakelyi*), and Scribbly Gum (*Eucalyptus rossii*); common co-dominant trees. A significant component is the species-rich understorey of native tussock grasses, herbs and scattered shrubs. Box Gum Woodland provides important habitat for a range of flora and fauna in the ACT, including species of orchids, peas, daisies, invertebrates, reptiles and woodland birds.

Eight animal species listed as threatened under ACT and/or Commonwealth legislation have been recorded in the vicinity of the works:

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- Little Eagle (*Hieraetus morphnoides*)
- Scarlet Robin (*Petroica boodang*)
- Hooded Robin (*Melanodryas cucullata*)
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- White-winged Triller (*Lalage sueurii*)
- Perunga Grasshopper (*Perunga ochracea*).

Impact on the Reserve

The works as proposed will have minimal, short-term impacts on the reserve. The extension to the walking track will mostly follow an existing vehicle track. The new track alignment of the Waterholes and Ploughlands loops will be created and maintained by slashing a line through low ecological value areas. This practice is also beneficial to the Golden Sun Moth population as it keeps the grass at a desirable height.

The road repairs will be conducted by a suitably qualified contractor(s). As these works are on an existing road network any impact off the roads will be minimal as all plant or

equipment will remain on the road network. Minimal stockpiling of gravel may be required, this will occur at the Goorooyarroo works depot or “the Donga” which has a small pad already in place for stock piling. This will also be the site for plant or equipment storage if required.

The construction of soil pads will be carried out in a manner such that disturbance is minimised, for example when the ground is sufficiently dry and by locating the pads adjacent to existing tracks. Any disturbed areas created whilst installing soil pads, vehicle tracks, turning circles and the like, will be planted out with locally significant plants, increasing floral diversity in the medium term.

Best practice weed management will be implemented during all works to ensure that weeds (notably African Love Grass, Serrated Tussock, St John's Wort, and Chilean Needle Grass) are not introduced or spread. This will include appropriate vehicle hygiene; all vehicles and machinery will be cleaned of all weed seed or propagules prior to entry to the work site. Significant weeds will be controlled within and adjacent to disturbed areas by a qualified and experienced weed control contractor For 12 to 18 months following conclusion of the works.

Potentially Significant Environmental Impacts

The works as proposed are unlikely to significantly impact the reserve, and will likely enhance the existing ecological values in the medium to long term. The installation of soil pads will result in improved vegetation condition and Golden Sun Moth habitat structure.

Conditions have been included to ensure the protection of Golden Sun Moth habitat and reduce the risk of bushfire:

1. Soil pads are not to be placed in areas of Golden Sun Moth habitat and must only be placed on areas dominated by exotic perennial grasses (e.g. Phalaris, Cocksfoot, Paspalum). Existing Golden Sun Moth distribution data must be used to inform the placement of soil pads to ensure that no habitat for this species is disturbed.
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Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

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