Australian Capital Territory

Planning and Development (Environmental Significance Opinion - Coombs Outer Asset Protection Zone, South bank of the Molonglo River) Notice 2012 (No 1)

Notifiable instrument NI2012–512

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 (Environmental Significance Opinion – Coombs Outer Asset Protection Zone, South bank of the Molonglo River) Notice 2012 (No 1).*

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_significance_opinions

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps
Environment and Sustainable Development Directorate
21 September 2012

ACT Government
Environment and Sustainable Development

Mr David Papps
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Papps

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion on the fire fuel management works to enable the Molonglo River Corridor to be managed as an Outer Asset Protection Zone for the protection of proposed residential estate of Coombs.

The proposal is not likely to have a significant adverse environmental impact on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Penny Farnsworth
Conservator of Flora and Fauna

16 September 2012

ACT Government
Environment and Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Daniel Iglesias, Director, Parks and Conservation Service.

LOCATION

South bank of the Molonglo River adjacent to the proposed suburb of Coombs.

DEVELOPMENT PROPOSAL

Fire fuel management works to enable the river corridor to be managed as an Outer Asset Protection Zone for the protection of proposed residential estate of Coombs.

The proponent wants the application for the development approval assessed 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 for an environmental significance opinion to that effect.

OPINION

The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the Coombs Outer Asset Protection Zone Works Plan.

Attached is a Statement of Reasons for the decision.

Penny Farnsworth
Conservator of Flora and Fauna

16 September 2012

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, part 4.3, item 3, being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

Molonglo River Corridor is an area reserved as public land special purpose reserve adjacent to the proposed residential suburb of Coombs.

The proponent wants the application for the development approval assessed 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 for an environmental significance opinion (ESO) 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 and known values of the site.

Project description

To undertake site preparation works to enable the river corridor at this location to be managed to Outer Asset Protection Zone (OAPZ) standards across >70% of the 100m wide asset protection zone, as required under the *Emergencies Act 2004*. This requires the site to be slashable prior to the construction of the houses within Coombs.

The OAPZ has been divided into seven zones with differing treatments required.

River Channels	Removal of willows (a pest plant) by felling and poisoning and removal of associated debris
Track Rolling	Removal of willows (a pest plant) by felling and poisoning, removal of debris, manually fall or thin other trees, track roll other vegetation.
Excavator Tree Pulling	Physical removal of trees, rock picking, filling of any holes
Machinery Exclusion	Manually felling of trees and vegetation.
Rock picking	Removal of rocks to make the area slashable.
Trunk sewer	No clearing works required but may be used to stock pile debris.
No Treatment Zone	These are areas of pink tailed worm lizard habitat and other significant vegetation. No works will occur within these areas.

All works will include the removal of blackberry and other weeds without soil disturbance where ever possible. Vegetation will be 'track rolled' which involves the use of tracked earth moving machinery to drive backwards and forwards over vegetation to crush the vegetation without using the blade of the machine to expose the soil. This will create a dense layer of vegetation in contact with the soil surface which assists in preventing erosion.

Some rock picking will occur to make the areas slashable with only surface and partially buried rocks being removed. Rocks will either be reused within the same zone (or near to) with excess rocks being stock piled for later use in rehabilitating Pink Tailed Worm Lizard habitat.

Documentation Submitted

Reports titled:

- Coombs Outer Asset Protection Zone Works Plan;
- Commonwealth's decision under the provisions of the *Environment Protection and Biodiversity Act 1999* for the Coombs residential estate;
- Molonglo Valley Plan for the Protection of Matters of Environmental Significance;
- Vegetation Survey Molonglo River Park (Coombs) Interface ngh environmental June 2011;
- Act Code of Forest practice August 2005; and
- Soil Conditions and Management Report for Molonglo River Park/Coombs Riverside, ACT sesl Australia June 2012.

Natural conservation values present

Action Plan No 29 ACT Aquatic Species and Riparian Zone Conservation Strategy describes the Molonglo River from the Scrivener Dam to Coppins Crossing as:

> In the lower section (downstream of Lake Burley Griffin), the river is well incised below the surrounding topography and displays a variety of geomorphic forms. Volcanic rocks (Walker Volcanics and Mount Painter Volcanics) dominate the geology and outcrop in the riverbed and banks (Henderson 1981). Bordering the river channel are terraces from two to five metres above the normal (low) flow level. Above the rock and boulder terraces at the lower level are sandy terraces, usually narrow with open grassy areas between River Oak (*Casuarina cunninghamiana*) and sparse Black Cypress Pine (*Callitris endlicheri*). These terraces were formed during previous high discharge floods, but following the construction of Scrivener Dam have become relict features upon which vegetation such as Burgan (*Kunzea ericoides*) has become established (NCDC 1988b). Riparian vegetation in this section is highly modified with only fragments of native vegetation remaining. Adjacent land uses have been primarily pastoralism and pine plantation until the latter was destroyed in the 2001 and 2003 bushfires. Some of the area is proposed for future urban development (ACT Government 2004b).

The report by ngh environmental, Vegetation Survey Molonglo River Park (Coombs) Interface June 2011, describes the area as "The river channel sideslopes carry native grassland likely to be derived from Box-Gum Woodland, with areas dominated by Kangaroo Grass. Grassland condition generally ranges from poor to moderate. A high quality patch is present in the north of the site. The valley floor is largely dominated by exotic vegetation. River She-oaks have been replaced by Willows over most of the riparian zone. River She-oaks are present as isolated mature trees and sapling regeneration, and as woodland on an instream island, in the north of the site."

The report also states that rare and regionally uncommon species are present in the survey area, though usually in low abundance. These species, their significance and their location in the corridor are identified in Table 2 of the report (see below) and notes that the response to fire of some of these species is not adequately known. The location of *Discariapubescens* and *Pomaderris betulina* ssp *actensis* records is shown on Figure 1 of the report.

Table 2 Significant species recorded in the survey area (ngh environmental, Vegetation Survey Molonglo River Park (Coombs) Interface June 2011)

Hairy Anchor Plant *Discaria pubescens*	ROTAP 3RCa (Briggs and Leigh 1996) ACT Woodland Strategy Listed as threatened in Victoria	On low cliff face at 685982 6089984 in middle section of the site. Rare and localised – 7 plants counted.
Birch Pomaderris *Pomaderris betulina* ssp *actensis*	ROTAP 2R (Plantnet, RBG website)	Very sparsely scattered on rocky slopes in the corridor, including at 686010 6089719.
Sword Sedge *Lepidosperma laterale*	Regionally uncommon (Barrer 1992).	Very sparsely scattered on rocky slopes in the middle section of the corridor.
Vanilla Glycine *Glycine tabacina*	Regionally uncommon (Barrer 1992).	Widespread and locally common in native grassland on channel slopes at the site, particularly in better condition stands at the northern end.
Shiny Cassinia *Cassinia longifolia*	Regionally uncommon (Barrer 1992).	Occasional on slopes in the middle section of the site, including survey site 6.
Needle-leaf Mistletoe *Amyema cambagei*	Regionally uncommon (Barrer 1992). Southern limit.	Parasitic on 2 mature River She-oaks at northern end of the site. Uncommon.
Necklace fern *Asplenium flabellifolium*	Regionally uncommon (Barrer 1992, Rehwinkel 2010)	Survey site 1 in north of the site. Rare and localised – 1 plant recorded in rock crevice.
Barbed Wire Grass *Cymbopogon refractus*	Regionally uncommon (Barrer 1992, Rehwinkel 2010)	Scattered on cliffs and rock outcrops on channel slopes. Locally frequent.
Slender Rat's Tail Grass *Sporobolus creber*	Regionally rare or uncommon (Rehwinkel 2010, Mulvaney 2008)	Locally dominant in native grassland at northern end of the site (refer survey site 2).
Bottlewashers	Regionally rare or	Locally frequent in native

Enneapogon nigricans	uncommon (Rehwinkel 2010)	grassland patches, particularly at the northern end of the site (survey sites 1 and 2).
Tick Bush *Indigofera adesmiifolia*	Regionally rare or uncommon (Rehwinkel 2010)	Survey site 1 in north of the site. Rare and localised – 1 plant recorded.
Smooth flax-Lily *Dianella longifolia*	Regionally rare or uncommon (Crawford 1995)	Survey site 1 in north of the site and upslope of survey site 7 in the south of the site. Uncommon.
Wattle Mat Rush *Lomandra filiformis* ssp *coriacea* and ssp *filiformis*	Regionally uncommon (Barrer 1992)	Both subspecies widespread and locally common in native grassland on channel slopes at the site, particularly in better condition stands at the northern end.

Only three of the plants identified by ngh environmental, *Discaria pubescens*, *Dianella longifolia* and *Indigofera aedismifolia*, are now considered as regionally rare or uncommon.

Weeds declared as pest plants under the ACT *Pest Plants and Animals Act 2005* observed in the survey area include:

Acacia baileyana, (Cootamundra Wattle)
Acer negundo, (Box Elder)
Carthamus lanatus, (Saffron Thistle)
Cortaderia sp, (Pampas Grass)
Cotoneaster sp,
Eragrostis curvula, (African Love Grass)
Hypericum perforatum, (St Johns Wort)
Ligustrum lucidum, L. sinense, (Privet)
Nassella trichotoma, (Serrated Tussock)
Onopordum sp, (Scotch Thistle)
Pinus radiata,
Populus spp,
*Pyracantha crenatoserrata (*refer *P. fortuneana),* (Firethorn)
Rosa rubiginosa, (Briar Rose)
Rubus fruticosus, (Blackberry)
Salix spp (Willow) and
Vinca major (Periwinkle).

Blackberry, Serrated Tussock and Willows are listed as Weeds of National Significance. Serrated Tussock, African Lovegrass, St John's Wort, Blackberry and Crack Willow are given a very high weed danger rating in the ACT Government Draft

Environmental Weed Control Operations Plan, meaning that they are capable of dominating disturbed and undisturbed areas with very high rates of spread, and can form monocultures.

African Lovegrass is present and is localised in discrete patches. Blackberry and St John's Wort are more widespread and dispersed. Willows occur along the water's edge, with increasing frequency in the upstream reaches.

There are extensive areas of rill and gully erosion, especially in the disturbed area along the alignment of the Trunk Sewer erosion and areas impacted by the run-off from the adjacent area which has been cleared for urban development. Soils in the general area were investigated by the Sydney Soils and Environment Lab and they have determined that the subsoil is highly dispersive and susceptible to erosion.

Impact of development on these values (including offsite impacts)

The control of persistent weeds such as African Lovegrass and Blackberry will require a sustained and long term control effort. Control will need to be carefully targeted to conserve the native component. Mobile weeds such as these also threaten the significant flora and fauna values of the Lower Molonglo Nature Reserve located downstream of the River Park and a long term weed management plan is being developed for the River Park.

It has been determined that the proposed works are unlikely to have any significant impact as:

- the area is weed infested and the removal of these weeds is supported;
- works are designed to occur without soil disturbance where ever possible;
- works have been designed to avoid any areas of significance;
- The use of track rolling will help stabilise the area by providing a dense layer of vegetation matter on top of the soil;
- The treatments to be applied in the works area have been specifically designed to avoid exposure of the highly erodible subsoil.

Pink Tailed Worm Lizard Habitat

The majority of the Pink Tailed Worm Lizard habitat is outside of the OAPZ with only a small part of the buffer area being within the OAPZ. No works are to occur within the habitat and buffer areas, with these areas being fenced prior to commencement of any works to protect from accidental incursions.

Molonglo River Channel

A Water Way Works Licence will be obtained from the Environment Protection Authority prior to commencement of work as the works involve the removal of willows and associated debris from the waterway. The removal of the willows will have a positive impact on the channel.

No casuarinas are to be removed as part of these works, environmentally sensitive areas are to be protected from the works and these areas clearly flagged to ensure no accidental incursions.

Potentially Significant Environmental Impacts

The potential for a significant environmental impact is low provided works are in accordance with the conditions as provided in the Works Plan and the Water Way Works Licence issued by the EPA. Implementation of these measures will reduce the likelihood of off-site impacts. Limiting disturbance of the soils, and compressing the existing vegetation onto the surface of the soils will reduce the risk of further soil erosion occurring.