

Planning and Development (Conditional Environmental Significance Opinion – Block 71, Molonglo – Vertical Habitat Restoration) Notice 2016 (No 1)

Notifiable Instrument NI2016–124

Made under the

Planning and Development Act 2007 s 138AD(4) (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 71, Molonglo – Vertical Habitat Restoration) Notice 2016 (No 1)*.

2 Conditional Environmental Significance Opinion

- (1) On 29 February 2016, 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 the restoration of vertical habitat structures on Block 71, Molonglo.
- (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 this notice is notified.

Dorte Ekelund
Chief Planning Executive
10 March 2016

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

Capital Works Design and Delivery, Territory and Municipal Services Directorate,
as represented by Darren Le Roux, Infrastructure Officer.

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 restoration of vertical habitat structure within the Molonglo River Reserve as described in the submission.

LOCATION

Block 71 District of Molonglo, within the Molonglo River Reserve, more specifically within the area known as Barrer Hill / Misery Point.

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 the manner consistent with the conditions as imposed, 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:

- That any soil disturbance is rehabilitated using native species endemic to the area; and
- Weed control of disturbed areas is undertaken for a minimum of two years

Attached is a Statement of Reasons for the decision.



Dr Annie Lane
Conservator of Flora and Fauna

29 February 2016

**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;

Block 71 District of Molonglo contains Box Gum Grassy 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); and

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 within an area that is currently within Special Purpose Reserve, however it is noted that under the draft Molonglo River Reserve Management Plan 2016 – 2026 that this area is proposed to be designated as 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

The area of Misery Point and Barrer Hill in the Molonglo River Park was selected and approved by the Commonwealth in 2013 as an appropriate site for a restoration project that will satisfy a condition of the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance.

The purpose of this project is to research the effectiveness of artificially returning vertical habitat to the landscape to bring forward the benefits of mature trees at restoration sites where these habitat structures are absent. The project aims to vertically install five utility poles and five mature trees (snags) which will be structurally enriched with artificial hollows, perch beams, and artificial bark to mimic large hollow bearing trees.

Five untreated hardwood utility poles (12.5m height; 300mm diameter) will be installed as per standard installation for electricity poles in the urban environment and then enhanced with cross beams at two different heights (high and low); four artificial hollows with different entrance size dimensions to mimic natural hollows; and artificial closed cell foam that mimics peeling or decortivating bark substrate.

Five mature Eucalyptus trees, sourced from the Urban Tree Removal Program, will be individually clear-felled and trimmed leaving a 8.0 to 10.0 m high snag with larger branches intact. These will be installed vertically by securing each snag into pre-established support frames that have been designed and approved by a certified structural engineer. Each snag will be enhanced with four artificial hollows carved with a chainsaw with different entrance size dimensions; and artificial closed cell foam 'bark' as per the utility poles.

All locations chosen for the installation of these vertical structures have been chosen to be easily accessible by heavy vehicles from the existing formed management tracks.

Documentation Submitted

- Report titled: Restoring Vertical Habitat Structure, Molonglo River Reserve – Barrer Restoration Project, Molonglo Valley Block 71, 28 January 2016 (Territory and Municipal Services);
- Addendum to the Report that explains the use of artificial bark;
- ESO Application Form 1M

Natural conservation values present

The Molonglo River Park contains Box Gum Grassy Woodland and Pink-tailed Worm-lizard, and the following native plant species have also been recorded on the broader site, most of which are uncommon in an ACT context:

- *Discaria pubescens* (Hairy Anchor Plant)
- *Indigofera adesmiifolia* (Tick Bush)
- *Calotis lappulacea* (Yellow Burr-daisy)
- *Dianella longifolia* (Blue Flax Lily)
- *Cheilanthes distans* (Bristly Cloak Fern)
- *Diuris punctata* (Purple Diuris)
- *Glycine tabacina* (Vanilla Glycine)

However the works are not within an area of native vegetation with the poles and trees to be erected in cleared and weedy former pine plantation, or within an area of exotic pasture. The chosen locations are not near any plants of significance.

Impact on the Reserve

The report notes that 'the Box Gum Woodland habitat at Misery Point and Barrer Hill will be improved and enhanced through the implementation of the works by potentially providing habitat (hollows, perch sites, bark) for a rich variety of fauna species that would otherwise be unable to use this restoration area for many decades in the absence of these structures, which are typical in 'natural' woodland habitats.'

The structures can be seen as potentially beneficial as natural hollows are utilised by many native vertebrate and invertebrate species. In south east Australia this includes some 17 % of bird species, 42 % of mammals and 28 % of reptiles (Gibbons and Lindenmayer 1997). Generally only old trees contain hollows (100 plus years) meaning that it will be at least a century before this area contains these important features naturally. Artificially installing vertical elements and other features is seen to be an important restoration research project as to how artificial structures may help wildlife move across an area and, through the provision of nesting sites, assist in helping maintain the presence and diversity of local wildlife as an urban edge develops.

The addendum to the report notes that 'the use of artificial bark substrates, particularly closed cell foam, has been shown to be an effective habitat enrichment method, which has previously been tested both in New Zealand and in Australia to mimic peeling bark that typically only occurs in high quantities at large old trees (e.g. Bell, 20091; Key *et al.*, ANU unpublished material). Cell foam is a relatively inexpensive material that is durable and easily manipulated. Cell foam also provides excellent thermal properties for reptiles and invertebrates that may use this resource.'

Potentially Significant Environmental Impacts

The sites have been well chosen to avoid any more than minor clearance of recently disturbed vegetation. The total disturbance footprint is minimal.

The poles and dead standing trees may provide extra perches for birds of prey close to Pink-tailed Worm Lizard habitat, but this lizard is rarely above ground so that predation from swooping birds is highly unlikely to be a significant impact.

The restoration works will have a positive impact on the ecological values of the area if the trial is successful.

While ground disturbance is likely to be minimal, the works are within an area of weed infestation and any disturbance is likely to favour the establishment of more weeds. Conditions have been included to ensure that any disturbance caused by the works is rehabilitated and weed control is undertaken.

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.