

Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 221 Gungahlin– Mulangarri Nature Reserve Drainage Crossing) Notice 2016

Notifiable Instrument NI2016–650

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 1 Section 221, Gungahlin – Mulangarri Nature Reserve Drainage Crossing) Notice 2016*.

2 Conditional Environmental Significance Opinion

- (1) On 18 November 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 construction of a drainage crossing on Block 1 Section 221 Gungahlin.
- (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
24 November 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

Parks and Conservation Service, Environment and Planning Directorate, as represented by Simon Tozer, Offsets Implementation Manager.

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 installation of a rock mattress within an artificial drainage line at Mulanggari Nature Reserve as described in the submission.

LOCATION

Block 1 Section 221 Gungahlin, within Mulanggari Nature Reserve.

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 following conditions, 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.

- A search for Striped Legless Lizard will be undertaken prior to the commencement of works and any individuals located will be translocated to another part of the reserve.

- Work will not be undertaken within the flight periods of the Golden Sun Moth.
- Works will not be undertaken during wet weather, and no works are to commence unless the area has been declared to be dry enough for the works to commence by the Offsets Implementation Manager, Parks and Conservation Service.
- All works will be overseen by Parks and Conservation Service staff.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

 *November*
October 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;

Mulanggari Nature Reserve contains a healthy population of Delmar impar (Striped Legless Lizard) and Golden Sun Moth.

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 Mulanggari 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

Installation of a rock mattress, approximately 4.0m x 6.0m in size, and 600mm in depth, over an existing drainage line. The works are to improve staff access in the reserve to undertake management activities.

Documentation Submitted

- Striped Legless Lizard Surveys 2012: Gungahlin Grassland Nature Reserves – Crace, Mulanggari and Gungaderra (ecological Australia March 2013);
- Parks and City Services Work Plan;
- Referral and Approval Decision under the Environment Protection and Biodiversity Conservation Act 1999 (C'wlth);
- Location Map;
- Form 1M.

Natural conservation values present

The area of the works is within the recent addition to Mulanggari Nature Reserve (Mulanggari West offset area). This part of the reserve contains both exotic grassland, dominated by exotic canary grass and tall fescue, and native pasture dominated by speargrasses, wallaby grass and some kangaroo grass. The documentation notes that the area was originally not included in the Mulanggari Nature Reserve plan due to the poor quality of grassland in this area (Rauhala *et al.* 1995). However, a reduction in intensity of livestock grazing over the last few years has led to an improvement in grassland condition and areas of native pasture (mainly in the northern portion of the reserve) that is considered suitable for maintaining high densities of striped legless lizard.

Golden Sun Moth is present in the reserve but is located on the ridge to the north and will not be impacted by the proposed works.

The works are confined to a drainage line dominated by Phalaris, an environmental weed. The area of works is likely to only be occupied by Striped Legless Lizard during extended dry times.

Impact on the Reserve

Approximately 22.8ha was added to the Mulanggari Reserve as an environmental offset to offset the impacts on a population of Striped Legless Lizard and Golden Sun Moth at Block 799 District of Gungahlin.

The Offset Management Plan for the Mulanggari Nature Reserve provides that:

- No formed tracks will be established within the offset area to reduce soil disturbance with the striped legless lizard or golden sun moth habitat;
- Biomass management will be undertaken by grazing, burning or slashing;
- The impact of weeds of concern, namely: Chilean needle grass, serrated tussock, African love grass and tall fescue will be reduced;
- The Striped Legless Lizard population will be monitored.

Management vehicles are required to be used within the reserve to undertake monitoring of both the striped legless lizard and grassland; weed control; habitat maintenance and rehabilitation works; as well as fire management duties. The installation of the rock mattress across the drainage line is in accordance with the Offset Management Plan. The works will prevent the formation of new tracks and other damage caused by management vehicles bogging or taking alternative routes to avoid the drainage line.

Works will be overseen by in-house staff to reduce the likelihood of inadvertent impacts with the use of contractors unfamiliar with the Reserve and its values.

No work sheds will be required for the construction and no storage of materials will occur within the reserve. Vehicle movements will be contained to existing formed tracks.

Potentially Significant Environmental Impacts

The installation of a rock mattress was chosen over the installation of a box culvert due to the minimal construction disturbance. The rock mattress will also assist in slowing the flow of water and aid water percolation into the soil.

The works will not cause a significant environmental impact if undertaken in accordance with the following:

- A search for Striped Legless Lizard will be undertaken prior to the commencement of works and any individuals located will be translocated to another part of the reserve.
- Work will not be undertaken within the flight periods of the Golden Sun Moth.
- Works will not be undertaken during wet weather, and no works are to commence unless the area has been declared to be dry enough for the works to commence by the Offsets Implementation Manager, Parks and Conservation Service.

- All works will be overseen by Parks and Conservation Service staff to ensure that all works are undertaken in accordance with the Works Plan submitted with this application.

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