

# Planning and Development (Conditional Environmental Significance Opinion – Block 851 Gungahlin – Goorooyarroo Nature Reserve Predator Proof Fence Culvert/Causeway) Notice 2018

Notifiable instrument NI2018–165

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 – Goorooyarroo Nature Reserve Predator Proof Fence Culvert/Causeway) Notice 2018*.

## 2 Conditional Environmental Significance Opinion

(1) On 14 March 2018, the Conservator of Flora and Fauna, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the *Act*), gave the applicant a conditional environmental significance opinion in relation to construction, on Block 851, District of Gungahlin, of a culvert/causeway and associated gravel maintenance track and erosion control measures.

(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.

Ben Ponton  
Chief Planning Executive  
26 March 2018

## 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 Projects, Parks and Conservation, as represented by Sarah Treble, Senior Planner.

#### **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 construction of a culvert / causeway associated with a fire trail adjacent to the predator proof fence at Goorooyaroo Nature Reserve and Horse Park Drive as described in the submission.

#### **LOCATION**

Block 851 District of Gungahlin – Goorooyaroo 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.

- That the area of works is fenced prior to commencement of construction to prevent inadvertent incursions into the reserve by vehicles or machinery;

- Once works for the culvert are complete, the temporary fence is to be relocated to the reserve boundary until all works for Horse Park Drive are completed or the predator proof fence is erected, whichever comes first;
- That all works are in accordance with a Construction Environment Management Plan approved as part of the Horse Park Drive works;
- Revegetation of disturbed areas is to be undertaken by the Parks and Conservation Service as soon as practically possible on completion of the works;
- Revegetation is to be with endemic species with weed control to be undertaken for a minimum of two years from completion of revegetation works.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

14<sup>th</sup> March 2018

## 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 endangered is present within Block 851 Gungahlin:

- Yellow Box – Blakely’s Red Gum Grassy Woodland (Box-Gum Woodland), listed as critically endangered pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered pursuant to the Nature Conservation Act 2014 (NC Act)

Two nationally listed species are found in Block 851 Gungahlin:

- Golden Sun Moth (*Synemon plana*), listed as critically endangered pursuant to the EPBC Act and endangered pursuant to the NC Act
- Superb Parrot (*Polytelis swainsonii*), listed as vulnerable pursuant to both the EPBC Act and the NC Act, are known to breed in the trees immediately adjacent to the suburb of Throsby.

Species listed under the provisions of the NC Act (but not listed nationally) found in the vicinity of the works are:

- A pair of Little Eagles (*Hieraaetus morphnoides*), listed as vulnerable, is likely to include the study area within a large territory;
- Several NC Act listed woodland birds including Scarlet Robin (*Petroica boodang*), Hooded Robin (*Melanodryas cucullata cucullata*), Varied Sitella (*Daphoenositta chrysoptera*), and White-winged Triller (*Lalage sueurii*); and
- Perunga Grasshopper (*Perunga ochracea*), listed as vulnerable.

*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 Goorooyarroo 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 construction of a culvert/causeway across the northern tributary of Sullivans Creek to allow for the installation of the extension of the predator proof fence (the subject of a previous ESO) in a manner that will protect the integrity of the fence. The causeway will consist of stone pitching, concrete pipes and headwalls, concrete pavement, rip rap scour protection and will also act as a carriageway to allow vehicles to cross the watercourse.

The causeway will be constructed using pipes that allow for normal flows to pass through the pipes and allow for large flows in storm events to flow over the causeway. The integrity of the fence will be maintained by the use of gate valves on the pipes.

The works will also involve the reshaping of the banks within the creekline and associated erosion points.

The construction of this causeway will be undertaken as part of the construction works for the duplication of Horse Park Drive, and the culvert is being placed as close as practical to the existing high pressure gas main which runs parallel with Horse Park Drive. This location will reduce the area of reserve outside the predator proof fence at this location to 400m<sup>2</sup>.

A new gravel maintenance track / fire trail will be constructed as part of these works connecting the crossing with the existing trail.

#### **Documentation Submitted**

- Report titled Construction of Culvert Associated with a Fire Trail adjacent to Predator Proof Fence (5 March 2018);
- Form 1M.

#### ***Natural conservation values present***

The Gungahlin Strategic Assessment maps the area of works as moderate to high quality Box-Gum Woodland, however Sullivans Creek is highly eroded and in the immediate area of works the understory is predominantly exotic grasses and does not meet the criteria for Box-Gum Woodland.

The only tree in the immediate vicinity is a small wattle tree.

The urban area of Throsby and the adjoining area that is now included in reserve was previously leased for grazing purposes and the area heavily grazed.

There are no rare or threatened flora or fauna (besides the Box-Gum Woodland community) in the vicinity of the proposed causeway.

#### **Impact on the Reserve**

No large mature trees will be impacted by the works. One wattle tree will be required to be removed. The loss of this tree is not deemed to be a significant impact.

The Superb Parrot, listed as vulnerable under both the EPBC Act and NC Act, is known to breed in hollows in the large mature trees (particularly Blakely's Red Gum and Scribbly Gum) immediately east of the residential area of Throsby. However the works are outside the 200m zone of exclusion for works within the breeding season and should not impact this species.

A pair of Little Eagles (*Hieraaetus morphnoides*) is likely to include the area within their foraging territory. The proposed works will not impact upon this species as it will not remove any potential foraging habitat.

The works will stabilise the erosion in this section of Sullivans Creek and allow for rehabilitation works to be undertaken by the Parks and Conservation Service to further stabilise the creek and enhance the extent and condition of the Box-Gum Woodland in accordance with the approved Offset Management Plan. Rehabilitation works will be undertaken by Parks and Conservation as part of separate works.

The Perunga Grasshopper is found in natural temperate grassland dominated by wallaby, kangaroo and spear grasses. The area of works does not meet this criteria so the species is unlikely to be found in vicinity of the works.

The works will not impact on the visitor experience in the reserve.

#### **Potentially Significant Environmental Impacts**

The works will involve relatively minor disturbance in the reserve but will also allow for the construction of the predator proof fence in a manner that will protect the integrity of the fence into the future. The construction of the predator proof fence will have a positive impact on the reserve allowing for the removal of feral animals and the future re-introduction of native species not currently found in the reserve.

Conditions have been included to prevent inadvertent incursions into the reserve by vehicles or machinery, ensure that works are undertaken in an environmentally sensitive manner, and that revegetation of the area is undertaken in a timely manner.

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.