

# Planning and Development (Conditional Environmental Significance Opinion – Block 851 Gungahlin – Throsby North and Throsby East Stock Water Infrastructure) Notice 2018

Notifiable instrument NI2018–166

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 (Conditional Environmental Significance Opinion – Block 851 Gungahlin – Throsby North and Throsby East Stock Water Infrastructure) Notice 2018*.

## 2 Conditional environmental significance opinion

- (1) On 16 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 on Block 851, District of Gungahlin, for the installation of permanent stock water troughs and associated pipe connections to town water.

- (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  
27 March 2018

## **Schedule**

**See section 2(2)**

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### **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 as represented by Simon Tozer, Offsets Implementation Manager, Environmental Offsets.

#### **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 permanent stock water troughs and associated pipe connections to town water in the Throsby Offset areas as described in the submission.

#### **LOCATION**

Block 851 District of Gungahlin – Mulligans Flat and Goorooyarroo Nature Reserves.

#### **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.

- all works are to be undertaken outside the breeding times for the Superb Parrot when the birds are more likely to be negatively affected by human activity;

- 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;
- for 12 to 18 months following conclusion of the works, significant weeds will be controlled within and adjacent to disturbed areas by a qualified and experienced weed control contractor

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

16<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 will be impacted by the proposed works:

- 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 the vicinity of the works:

- 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 the Mulligans Flat Nature Reserve and the 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 installation of permanent water troughs and associated water supply infrastructure to allow for strategic grazing of the reserves for conservation purposes. The grazing regime is to maintain understory biomass at levels that benefit Golden Sun Moth and Box Gum Grassy Woodland.

The works are to install five permanent water troughs in the Throsby North offset area and a new water meter on the residential side of the predator proof fence



within Throsby; and one permanent water trough in Throsby East offset area and a new water meter on the residential side of the predator proof fence within Throsby to service this trough.

This ESO looks at the installation of a sixth trough in Throsby North offset area but as this trough is near the Heritage listed plough lands further approvals will be required before this trough could be installed.

Pipes will be installed by either underboring or ripping, depending on the known values.

Providing off dam water sources will allow for the existing farm dams to be rehabilitated and erosion points stabilised.

#### **Documentation Submitted**

- ESO Report
- ESO Statement of Requirement
- Grazing Management Assessment of Throsby Offset Area ( Doug Alcock, Graz Prophet Consulting)
- Golden Sun Moth Habitat Improvement Plan (March 2015)
- White Box- Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland Condition Improvement Plan (March 2015)
- Work Plan Risk Assessment
- Works Plan (27 February 2018)
- Plan showing layout of works

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

The works are located in predominantly native vegetation that meets the criteria for ACT Yellow Box/Red Gum Grassy Woodland or known habitat for the Golden Sun Moth, a species listed as critically endangered pursuant to the EPBC Act and endangered pursuant to the NC Act. Part of this area also meets the criteria for EPBC listed Box Gum Woodland. There are some small patches within this zone that are mainly exotic species however these are too small to exclude.

Wallaby Grasses are a co-dominant grass throughout all of the native vegetation within the study area and as such should be considered as potential habitat for the Golden Sun Moth and the Perunga Grasshopper.

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 near the location of the proposed water trough in the Throsby East offset area

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 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 areas of improved pastures that are currently under-grazed due to recent grazing regimes leading to an excessive build-up of biomass in patches.

### **Impact on the Reserve**

The Throsby North and Throsby East offset areas were placed in the reserve system as part of the outcomes of the Gungahlin Strategic Assessment to offset the impacts of the urban development of Gungahlin. Habitat improvement plans were developed to describe the different management requirements for the Matters of National Environmental Significance found in the offset areas.

Installation of water troughs will allow for a more strategic grazing regime to protect or enhance the habitat for the Golden Sun Moth and Box-Gum Woodland.

The works are unlikely to impact on any woodland birds or the Perunga Grasshopper.

The visitor experience is unlikely to be adversely affected by the installation of the water troughs and associated infrastructure.

### **Potentially Significant Environmental Impacts**

As far as practical the water troughs will be located within areas of exotic grass, or low quality areas, to avoid damage to areas of high conservation value from the constant use by cattle, whilst also being located as far away as practical from any known heritage sites.

Methods chosen for installation of the pipes from the town water supply have been selected to minimise disturbance to MNES. This includes ripping as the installation method for the majority of the stock water piping, with minimal lengths of trenching (only used under existing stock fences), and under bore from the water meter on the suburb, underneath the Mulligans Flat Sanctuary Predator Proof Fence. No work will be undertaken in Golden Sun Moth flying season. Disturbed areas of groundcover will be rehabilitated using locally endemic native species.

It is a condition of approval that all works are outside the breeding times for the Superb Parrot when the birds are more likely to be negatively affected by human activity, and that hygiene measures and weed control measures be implemented to protect the reserve from weed spread.

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.