

Planning and Development (Conditional Environmental Significance Opinion – Block 60, Paddys River – Construction of Predator-Proof Fencing) Notice 2018

Notifiable instrument NI2018–586

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 60, Paddys River – Construction of Predator-Proof Fencing) Notice 2018*.

2 Conditional environmental significance opinion

- (1) On 4 October 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 60, Paddys River, of a predator-proof fence to enclose suitable habitat for a free-ranging population of Brush-tailed Rock-wallabies.

- (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
19 October 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 Service, Environment, Planning and Sustainable Development Directorate, as represented by Anthony Davis, Projects 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 construction of a predator-proof fence to enclose suitable habitat for a free-ranging population of Brush-tailed Rock-wallabies as described in the submission.

LOCATION

Block 60 District of Paddys River – Tidbinbilla Nature Reserve (Jedbinbilla)

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:

- during periods of high skink or turtle activity (e.g. during November), the fence should be patrolled for trapped fauna and the animals translocated to a nearby location;

- Eastern Grey Kangaroos (EKG) are to be shepherded out of the fenced area as much as possible prior to the placement of the Brush-tailed Rock Wallabies within the enclosure;
- mulching of vegetation must not exceed a total width of 10m, and must not lead to the exposure of bare soil;
- trees within 10m of the fence are to be retained in appropriate locations to facilitate movement of sugar gliders and invertebrate fauna across the fence;
- the area of direct soil disturbance required for the construction of the fence must not exceed 2.0 m in width;
- vehicles and machinery brought to the site are to be clean and free of any plant or soil material; and
- works are to be in accordance the Fire Season Conditions for the Use of Plant and Equipment on the Parks and Conservation Estate (copy attached).

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna



October 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 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area

The proposal will impact on approximately 5.0 hectares of regenerated native vegetation.

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.

Block 60 Paddys River is special purpose reserve and is known as Jedbinbilla, part of the Tidbinbilla 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 5km of an electrified predator proof fence to enclose approximately 120 ha of Brush-tailed Rock Wallaby (*Petrogale penicillata*) habitat to support a free ranging captive breeding population.

The Brush-tailed Rock-wallaby is listed as vulnerable pursuant to the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered pursuant to the *Nature Conservation Act 2014* (NC Act). Tidbinbilla manages a highly successful breeding program for the Rock-wallaby on behalf of the ACT Government, however it has been determined that for the breeding program to be a long term success there is a requirement to increase the size and quality of captive populations. To this end, an area within Tidbinbilla Nature Reserve has been identified as an ideal location for a large predator-free enclosure that will support a breeding population of up to 100 individuals.

The fence will be 1.8m high with a floppy top either side of the fence, as well as a 300mm mesh skirt either side of the fence. The integrity of the fence will be protected by a buffer of low vegetation 3.0m to 5.0m either side of the fence. The buffer will allow for maintenance and asset protection whilst maintaining soil stability.

Documentation Submitted

- Supporting Report – Construction of a predator-proof fence to enclose suitable habitat for a free-ranging population of up to 100 Brush-tailed Rock-wallabies;
- Form 1M.

Natural conservation values present

Block 60 Paddys River was a former forestry plantation that was severely burnt by a high intensity fire in January 2003. Since that time the area has been allowed to regenerate while being subject to active weed management. There is now considerable regeneration of eucalypt and wattle saplings to 5.0m high, with a largely native shrub and understorey layers. There is a reasonable diversity of native plants present, however, no rare or threatened plants have been observed along the route of the fence. There are some Grey Grass-tree (*Xanthorrhoea glauca* subsp. *angustifolia*) plants nearby in a neighbouring lease but no significant plant species will be impacted by the proposed works. Common tree species include Robertson's Peppermint (*Eucalyptus robertsonii*), Ribbon Gum (*Eucalyptus viminalis*), Apple Box

(*Eucalyptus bridgesiana*), Silver Wattle (*Acacia dealbata*), Broad-leaved Hickory Wattle (*Acacia falciformis*) and Blackwood (*Acacia melanoxylon*)

The shrub layer is dense in places, with Burgan being the most common shrub. *Leptospermum*, Blackthorn, Fringed Heath Myrtle and Small-fruit Hakea are also common. *Lomandra longifolia*, *Poa* sp., bracken and *Bothriochloa macra* are dominate understorey species at various places along the route.

The fence route does not appear to disturb habitat of any restricted fauna species, though it is possible that the open secondary grassland on the slope adjoining the neighbouring lease is habitat of the grasshopper *Keyacris scura*, for which a nomination as a nationally vulnerable species is currently being prepared in Victoria, and for which a record exists in the Tidbinbilla Valley. The impact of the fence on the grasshopper habitat would be short term and the impact would not be significant, even if the grasshopper is present.

There are some weed species such as blackberry (*Rubus fruticosus*), St John's wort (*Hypericum perforatum*), Paterson's curse (*Echium plantagineum*), serrated tussock (*Nassella trichotoma*) and verbascum (*Verbascum* spp.) across the site, as are several vertebrate pest species, including foxes (*Vulpes vulpes*), cats (*Felis catus*), rabbits (*Oryctolagus cuniculus*), pigs (*Sus scrofa*), and deer species.

Impact on the Reserve

The location of the fence is not in a key linkage point for wildlife connectivity. It is a small part of a much larger patch and would not significantly disrupt wildlife movement. The fence is likely to be a localised barrier for species such as long-necked turtles and large skinks and may result in some deaths from animals trapped next to the fence, but this should be offset by increased populations of at least the skinks within the fenced area.

During periods of high skink or turtle activity (e.g. during November), the fence should be patrolled for trapped fauna and the animals translocated to a nearby location.

It is recognised that some animals will be trapped inside the fence. To counteract this, Eastern Grey Kangaroos (EKG) should be shepherded out as much as possible prior to the placement of the Brush-tailed Rock Wallabies into the enclosure to try and minimise the requirement for future culling of EKG's within the enclosure.

If a Rosenberg's Goanna (*Varanus rosenbergi*) is sighted in the area during construction, then care should be taken to try and ensure that it is not trapped within the fenced area. If a Rosenberg's Goanna is subsequently observed within the enclosure it should be trapped and released outside, as 120ha may not be big enough

to support this species and the fence would prevent it breeding with other individuals.

It is proposed that 3.0 - 5.0m either side of the fence will be mulched with the use of machinery to a minimum vegetation height of 100mm. The fence route has been carefully considered to utilise existing and relic tracks for the majority of the route and the loss of this vegetation is not significant. To reduce the potential for an adverse impact it will be a condition of approval that vegetation removal must not exceed a total width of 10m, and must not lead to the exposure of bare soil.

In a few locations trees within 10m of the fence should be retained to facilitate movement of sugar gliders and invertebrate fauna across the fence.

A 1.0 - 2.0m strip will need to be levelled as part of the construction of the fence. To reduce potential impacts it will be a condition of approval that the area of direct soil disturbance must not exceed 2.0 m in width.

To reduce the risk of weed and pathogen introduction to the area, vehicles and machinery brought to the site are to be clean and free of any plant or soil material.

To reduce the risk of a fire ignition, works are to be in accordance the Fire Season Conditions for the Use of Plant and Equipment on the Parks and Conservation Estate (copy attached).

Potentially Significant Environmental Impacts

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.