

Planning and Development (Conditional Environmental Significance Opinion – Block 611, Gungahlin – Installation of a Water Trough in Mulanggari Grassland Nature Reserve) Notice 2019

Notifiable instrument NI2019–11

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 611, Gungahlin – Installation of a Water Trough in Mulanggari Grassland Nature Reserve) Notice 2019*.

2 Conditional Environmental Significance Opinion

(1) On 11 December 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 the installation, on Block 611, Gungahlin, of a water trough in the Mulanggari Grassland Nature Reserve and associated connections to the water supply on Alec Hope Crescent, Franklin.

(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
8 January 2019

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, as represented by Neil Cooper, Senior Manager, Fire Forests and Roads.

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 water trough within Mulanggari Nature Reserve, Gungahlin, and associated connections to the potable water supply on Alec Hope Crescent Franklin as described in the submission.

LOCATION

Block 611 District of Gungahlin – 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.

- All vehicles and construction equipment must be cleaned prior to entering the reserve and be free of weed and soil material.

- Movement of machinery is to be limited to existing fire trails and access roads.
- All works must be in accordance with the “Protocol for cultural heritage assessment of vegetation management activities along PCS tracks and trails”.
- The works plan must include protocols for dealing with wildlife caught in trenches.
- Follow up weed control is undertaken on any disturbed areas.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

U December 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 listed community is in the vicinity of the proposed works:

- Natural Temperate Grassland 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:

- Striped Legless Lizard (*Delma impar*) listed as vulnerable pursuant to the EPBC Act and the NC Act,
- Golden Sun Moth (*Synemon plana*) listed as critically endangered pursuant to the EPBC Act and endangered pursuant to the NC Act

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

- - Perunga grasshopper (*Perunga ochracea*) listed as vulnerable pursuant to the NC Act, and
- Canberra Raspy Cricket (*Cooraboorama canberrae*) listed as a protected species.

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 Murlanggari 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

Mulanggari is grazed strategically to manage the biomass for both ecological reasons and for fire fuel management. In order to be able to manage the paddock correctly it is proposed to install a water trough, and associated water line and meter, to support livestock grazing for herbage management.

The trough will be installed on a base of crushed rock in the south-eastern corner of the reserve near the intersection of Alice Hope Crescent and Oodgeroo Avenue

Documentation Submitted

- Mulanggari Water Trough ESO Supporting Statement;
- Conservation Advice;
- Hydraulic Plan;
- Hydraulic Advice;

- Trough Plan;
- Form 1M.

Natural conservation values present

Mulanggari Nature Reserve contains nationally endangered Natural Temperate Grassland and includes populations of the threatened Striped Legless Lizard, Golden Sun Moth, and Perunga Grasshopper. Endangered Blakely's Red Gum-Yellow Box Grassy Woodland occurs on ridge lines and in recent years the trees have provided a roosting site for the vulnerable superb parrot.

The paddock that is the subject of the works contains Natural Temperate Grassland on the western side of the paddock, well away from the proposed location of the trough.

Impact on the Reserve

The trough is to be located within native pasture (i.e. dominated by native grasses but few forbs) and probable Golden Sun Moth habitat but the works are unlikely to have a significant impact as

- the development footprint is only 5m x 5m;
- cattle grazing of the wider habitat area is likely to be an important tool in maintaining the area as preferred habitat for Golden Sun Moth; and
- the trough has been located on the edge rather than in the middle of habitat, well away from locations where relative high number of moths have been observed.

There will be minimal visual impact on the reserve as the trough is a replacement for a temporary tank/trough combination which has been used as a stop gap and required frequent filling by tanker. A trough alone is less visually intrusive and the frequent use of a tanker increases the risk of introduction of weeds to the grasslands.

The trough will be used to support grazing of the area to reduce fire risk, or to achieve a reduction in grass height, or an increase in the gaps between tussocks and the reduction of thatch build-up.

Potentially Significant Environmental Impacts

There are unlikely to be any significant environmental impacts provided the works are undertaken in accordance with the mitigation measures as described in the submission i.e.:

- All vehicles and construction equipment must be cleaned prior to entering the reserve and be free of weed and soil material.
- Movement of machinery is to be limited to existing fire trails and access roads.

- All works must be in accordance with the “Protocol for cultural heritage assessment of vegetation management activities along PCS tracks and trails”.
- The works plan must include protocols for dealing with wildlife caught in trenches.

and that follow up weed control is undertaken on any disturbed areas.

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.