

# Planning and Development (Conditional Environmental Significance Opinion – Block 20, Cotter River – Lower Cotter Catchment Gully Erosion Remediation Works) Notice 2019

Notifiable instrument NI2019–756

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 20, Cotter River – Lower Cotter Catchment Gully Erosion Remediation Works) Notice 2019*.

## 2 Conditional Environmental Significance Opinion

- (1) On 4 November 2019, 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 gully erosion remediation works on Block 20, Cotter River.

- (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.

Brett Phillips  
Delegate of the planning and land authority  
29 November 2019

## 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**

ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Nicholas Daines, Assistant Director.

#### **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 (ESO) 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 gully erosion remediation as described in the submission.

#### **LOCATION**

Block 20, District of Cotter River within the Lower Cotter Catchment 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 in addition to the mitigation contained in the supporting application for an ESO, 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:

1. Access to the site and works will avoid damaging any plants of Grey-Grass Trees (*Xanthorrhoea glauca*), which is a locally rare species threatened by Phytophthora;
2. Soil from the site is not transported for use elsewhere within Namadgi or the natural environment unless it is shown to be free of Phytophthora.
3. Machinery and vehicles departing the work site will be cleaned on site, to reduce the risk of Phytophthora being transported to another location.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

4<sup>th</sup> November 2019

## 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 Environmental Impact Statement (EIS) Schedule 4, being:

*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 proposed works are located within the Lower Cotter Catchment Reserve, which has National Park, Special Purpose Reserve and Protection of Water Supply overlays.

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 Environmental Significance Opinion (ESO).

### **Project description**

The proposed works are located in a former pine plantation area. Degradation from past intensive land-use practices in combination with increased runoff as a result of the 2003 bushfires has caused significant gully erosion. This project focuses on one of the largest and most active gullies in the Lower Cotter Catchment, from which sediment displacement affects both aquatic habitat in Pierces Creek and water quality in Cotter Dam. This project aims to utilise surface reshaping, soil amelioration and extensive revegetation to completely remediate the gully feature, ceasing any concentrated flow erosion.

The project involves:

- Installation of graded earth banks with built-in rock stilling basins
- Gully reshaping – banks to be battered to encourage vegetation establishment
- Soil amelioration with natural gypsum and compost
- Revegetation with over 6000 seedlings and seeding of groundcover species
- Irrigation with a gravity-fed sprinkler system
- Installation of a temporary fence to exclude rabbits and macropods.

### **Documentation Submitted**

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Detailed works and revegetation plans;
- Map of remediation area;
- Form 1M.

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

The Lower Cotter Catchment reserve provides an important wildlife movement corridor linking the northern part of Namadgi National Park with the Murrumbidgee River. The reserve contains the lowest elevation bog and fen wetlands in the region. Several rare and threatened plants occur in the area, and the Cotter river and reservoir support populations of threatened aquatic fauna. Extensive areas of the reserve were burnt in the 2003 bushfires and are slowly recovering. The reserve is also important for its supply of high quality water to Canberra.

At least 9 species of mammals, 11 species or subspecies of frog, 12 species of reptiles, over 110 species of birds and many native fish species have been recorded in Namadgi National park. There are 12 animal species listed as threatened under the *Nature Conservation Act 2014* or under the *EPBC Act 1999*:

- Hooded Robin (*Melanodryas cucullate*)
- Scarlet Robin (*Petroica boodang*)
- Greater Glider (*Petauroides volans*)
- Northern Corroboree Frog (*Pseudophryne pengilleyi*)

- Smoky Mouse (*Pseudomys fumeus*)

The immediate area of the works is mapped as Rosenberg's Monitor habitat (*Varanus rosenbergi*) an uncommon species. There is also a relatively large population of Grey Grass-tree (*Xanthorrhoea glauca subsp. angustifolia*) located to the east of the work site which is a locally rare species threatened by Phytophthora. This population is showing signs of Phytophthora damage and soil testing has confirmed the presence of the pathogen.

### **Impact on the Reserve**

The proposed remediation works are to occur in an area which has been historically disturbed and is currently highly disturbed by active gullying. Much of the work area was a former log dump and has a high level of weed cover, while the recovering dry forest/woodland native vegetation is of a widespread and common vegetation type.

Given the nature of the active gullying within the proposed work area and the proximity to affected Grey Grass-trees, it must be assumed that Phytophthora is likely to be present in the work area, and could be accidentally spread to other locations.

The mitigation measures listed within the supplementary material are comprehensive and highly important to avoid and mitigate any potential impacts. Measures which are particularly important include:

- Remediation works will be undertaken during the period of least erosive rainfall events (generally in Spring) and will be limited to periods of dry weather.
- Sediment controls will be installed to minimise downstream impacts of sediment displacement during the works, noting that the remediation works are necessary because of existing erosion.
- All machinery and vehicles entering the project areas to be free of weeds and soil, and will be decontaminated to minimise the spread of pathogens.
- Maintenance of revegetation works and for the control of weeds will be regularly undertaken after the conclusion of the project works.

The Lower Cotter Catchment Reserve management strategy aims to promote regeneration and ecosystem function while securing water quality outcomes. The statutory Implementation Plan of the Lower Cotter Catchment Reserve Management Plan 2018 specifies gully erosion remediation, bare-ground restoration, and targeted hillslope revegetation as high priority actions. All three of these actions are executed as part of this project and it is therefore consistent with this objective.

The remediation works are likely to result in a long-term positive outcome for the area.

### **Potentially Significant Environmental Impacts**

The site is already highly disturbed and there are no significant fauna records or habitat within or close to the area of proposed works. The plans and supporting report indicate that a suitable, diverse and large-scale mixture of plantings will be utilised which are likely to improve the biodiversity value of the location.

The following conditions have been included to ensure that works will avoid damage to Grey Grass-trees and avoid the spread of Phytophthora:

1. Access to the site and works will avoid damaging any plants of Grey-Grass Trees (*Xanthorrhoea glauca*), which is a locally rare species threatened by Phytophthora;
2. Soil from the site is not transported for use elsewhere within Namadgi or the natural environment unless it is shown to be free of Phytophthora.
3. Machinery and vehicles departing the work site will be cleaned on site, to reduce the risk of Phytophthora being transported to another location.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.