

# Planning and Development (Conditional Environmental Significance Opinion – Block 217 Paddys River – Ski Lift and Ski Slope) Notice 2020 (No 1)

Notifiable instrument NI2020–433

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 217 Paddys River – Ski Lift and Ski Slope) Notice 2020 (No 1)*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Environmental Significance Opinion

- (1) On 3 July 2020, the Conservator of Flora and Fauna, pursuant to section 138AB (4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant an environmental significance opinion in relation to construction, of a ski slope and ski lift infrastructure on Block 217 Paddys River.

- (2) In this section:

*Environmental significance opinion* means the opinion in the schedule.

*Note* Under section 138AD (6) of the Act, the environmental significance opinion and this notice expire 18 months after the day the notice is notified.

George Cilliers  
Delegate of the Planning and Land Authority  
15 July 2020

## **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**

Corin Forest Pty Ltd, as represented by Dane Liepins, Managing 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 the construction of a new ski lift and ski slope within Corin Forest as described in the submission.

#### **LOCATION**

Corin Forest Mountain Resort, Block 217, District of Paddys River.

#### **MATTERS TO WHICH THIS OPINION APPLIES**

This opinion applies only to the development proposal as described in the application.

#### **OPINION**

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures 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. Works and ongoing management must be undertaken in a manner consistent with the recommended mitigation and management measures included in the Flora and Fauna Assessment;
2. A list of any species not local to the Corin area for use in rehabilitation purposes must be provided for approval by the Conservator of Flora and Fauna as a check against introducing species with a high weed risk potential;
3. Construction machinery and vehicles will be clean of any mud, soil or plant material before entering the site to reduce risk of weed and pathogen introduction;
4. Felling of the eight hollow bearing trees should be undertaken outside of the peak bird breeding season (September–January); and
5. No works are to occur on days of Total Fire Ban, when the Fire Danger Index exceeds 30, or when the ground is wet and boggy.

Attached is a Statement of Reasons for the decision.

A handwritten signature in dark ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker  
Conservator of Flora and Fauna

3rd July 2020

## 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 2.25 ha of native vegetation.

### 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 proposal involves the construction of a ski lift and ski slope on the south facing slope within the Corin Forest Mountain Reserve. The proposed works include:

- Installation of a ski lift and associated load and offload points, bullwheels, and towers
- Construction of a ski slope including vegetation clearing and earthworks.

### Documentation Submitted

- Ski Lift, Ski Slope and Associated Works – Corin Forest, ACT – Flora and Fauna Assessment;
- Aboriginal Cultural Heritage Assessment – Proposed upgrade of Ski Facilities and Infrastructure;
- Letter of Authorisation;
- Form 1M.

### **Natural conservation values present**

Block 217 Paddys River and the immediate surrounds consists mainly of native vegetation in excellent condition. Five vegetation communities are supported within the area:

- U239 - Alpine Ash – Mountain Gum Forest;
- U28 – Snow Gum – Mountain subalpine open forest;
- U40 – Alpine Ash – Very tall wet forest;
- U193 – Subalpine Wet Heathland (a component of the ACT & Commonwealth listed High Country Bogs and Associated Fens ecological community); and
- U118 – Black Sallee Grass-Herb Woodland

At least three species of mammals, one species of frog and 38 species of birds have been recorded in the area. There are records of two animal species listed as threatened under the *Nature Conservation Act 2014*:

- White-Winged Triller (*Lalage sueurii*)
- Little Eagle (*Hieraaetus morphnoides*)

### **Potentially Significant Environmental Impacts**

The site and extent of works has been well chosen to avoid impacts to the Subalpine Wet Heathland. The main impact of the proposal is the clearing of 2.25 ha of montane forest including up to eight hollow bearing trees.

A significant impact is unlikely as:

- the vegetation communities being cleared are widespread and very well reserved within the ACT;
- the clearance is centred on an area of existing disturbance and about half is 2003 regrowth;
- direct impacts on the alpine bog community are avoided and indirect impacts are likely to be minimal;
- the development area is not habitat of the Channelled Leek Orchid or important nesting, sheltering or foraging habitat for threatened or rare fauna;
- the proposal does not significantly impact on wildlife movement or connectivity;
- the proposal should not impact on the flow into Gibraltar Creek; and

- exotic species will not be sown along the ski slope or lift alignment

Conditions have been included to ensure that works will not introduce weed species to the area or unnecessarily impact ecological values:

1. Works and ongoing management must be undertaken in a manner consistent with the recommended mitigation and management measures included in the Flora and Fauna Assessment;
2. A list of any species not local to the Corin area for use in rehabilitation purposes must be provided for approval by the Conservator of Flora and Fauna as a check against introducing species with a high weed risk potential;
3. Construction machinery and vehicles will be clean of any mud, soil or plant material before entering the site (to reduce risk of weed and pathogen introduction);
4. Felling of the eight hollow bearing trees should be undertaken outside of the peak bird breeding season (September–January); and
5. No works are to occur on days of Total Fire Ban, when the Fire Danger Index exceeds 30, or when the ground is wet and boggy.

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.