

# Planning and Development (Conditional Environmental Significance Opinion – Block 60, Paddys River – Trouser Crossing Update) Notice 2022

Notifiable instrument NI2022– 271

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 60, Paddys River – Trouser Crossing Update) Notice 2022*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 27 April 2022, 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 replacement of a culvert to protect a predator proof fence from flood damage, on Block 60, of Paddys 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.

George Cilliers  
Delegate of the planning and land authority  
12 May 2022

## **Schedule**

**See section 3(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 John McRae, Manager, Tidbinbilla Nature Reserve.

#### **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 upgrading a 600mm pipe culvert to a 1200mm box culvert to protect a predator proof fence from further flood damage, as described in the submission.

#### **LOCATION**

Block 60, Paddy's River, Tidbinbilla Nature Reserve.

#### **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. All areas disturbed by culvert installation and maintenance will be seeded and appropriate scour protection installed (silt fencing, jute mesh etc.). All areas requiring seeding will only be done so after consultation with District staff.
2. During and after operations (up to 6 months), the site will be monitored after heavy rainfall events for any signs of excessive erosion. This work and monitoring will be conducted by local PCS staff.
3. Work will cease when FDI >25 All operations will cease when: soils are saturated, turbid water flowing for more than 10m, when machinery is causing rutting depth of more than 200mm below ground level, all areas will be checked for suitable dryness before operation continues. Very High and Extremely erodible soils will require 2 –3 days of dry weather before operations commence.
4. All work site staff must be inducted prior to work commencing so that they can identify Reik's Crayfish.
5. Any Reik's Crayfish that are located on site must be moved to suitable habitat a safe distance from the works.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

27 April 2022

## 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 3 proposal for development in a reserve;*

The culvert will be installed under an existing access trail within Block 60, Paddy's River that has a Pd: Special Purpose Reserve overlay in the Territory Plan.

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 proposal involves the installation of a 1200mm box culvert to replace a 600mm pipe on an access road in Block 60, Paddy's River. The existing pipe was inadequate

to carry high water flows during thunderstorms in 20/21. Water overtopped the road, damaging both the road and the adjacent predator proof fence that forms the Brush-tailed Rock Wallaby sanctuary. It is imperative that the culvert is upgraded prior to wallabies being released into the sanctuary. Further damage to the predator proof fence would pose a significant risk to this conservation project.

A catch drain will also be installed adjacent to the trail to prevent water from inundating the road north of the culvert and will channel water back through the creek.

#### **Documentation Submitted**

- Application for Environmental Assessment Process
- Works Plan – Storm Insurance Claim 2 Management Trails Tidbinbilla AM 771 “Trousers Crossing”.

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

Block 60, Paddy’s River was managed as a pine plantation until the pines were destroyed in a bushfire in 2003. Following the fire, management of the land was transferred to the Parks and Conservation Service who have overseen the rehabilitation of the land.

As a result of previous forestry management, most of the vegetation on site is advanced regrowth forest with only a few natural remnants persisting along drainage lines. These remnants provide habitat for threatened Greater Gliders and Smokey Mouse. They also contain rare and uncommon plant species such as orchids and King Ferns.

The entire area provides foraging habitat for Rosenberg’s Monitor and local streams (including the class 2 stream where this work will occur) are known to support populations of the Reik’s Crayfish which is provisionally listed as threatened on the Commonwealth EPBC Act.

#### **Impact on the Reserve**

The works require the excavation of the existing road and pipe including short term disturbance to stream flow. Installation of the catch drain will require the removal of a few hundred square metres of native vegetation comprising Snow Grass (*Poa* sp.), Blackwood (*Acacia melanoxylon*) and Silver Wattle (*Acacia dealbata*).

The amount of disturbance and vegetation removal will not result in a significant loss of habitat for Smokey Mouse or Rosenberg’s Monitor. No tree will be removed, therefore there will be no loss of habitat for the Greater Glider. No rare or uncommon orchids or King Ferns occur in the disturbance area.

The instream works will temporarily disturb a small amount of habitat for Reik's Crayfish. This impact will not be significant provided that erosion and sedimentation controls are put in place, the base of the box culvert is constructed at stream bed level to ensure it does not form a barrier to cray movement and that all efforts are made to relocate crays away from the works area prior to construction.

Long term stabilisation of erosion associated with the existing culvert crossing should improve habitat condition for Reik's Crayfish.

**Potentially Significant Environmental Impacts**

Conditions have been included to ensure that the works will not result in a significant impact on Reik's Crayfish.

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.