

# Planning and Development (Conditional Environmental Significance Opinion – Block 118, Tennent – Replanting Ingledene Forest) Notice 2022

Notifiable instrument NI2022–315

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 118, Tennent – Replanting Ingledene Forest) 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 the establishment of a pine forestry plantation on Block 118 of Tennent district.

- (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.

Craig Weller  
Delegate of the planning and land authority  
8 June 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 Mr Christian Bihlmaier, Assistant Director – Forests Projects and Planning.

#### **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 re-establishment the pine plantation forestry estate and native plantings for habitat connectivity over an area of approximately 126 hectares. The proposal will contribute to ACT Government revenue from timber production, provide opportunities for earn Australian Carbon Credit Units, expand recreational opportunities, divert recreational pressure from high conservation areas, improve understanding of Yellow Box-Red Gum Grassy Woodland restoration and management, improve habitat connectivity and conserve Pink-tailed Worm Lizard habitat.

#### **LOCATION**

Block 118, Tennent.

#### **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. This approval applies to the ESO area shown in Attachment 1.
2. Plantation forestry must only occur in those areas labelled Planned Area of Plantation Compartments shown in Attachment 2.
3. Connectivity corridors must be established as shown in Attachment 2.
4. Buffers around threatened species habitat, retained vegetation and riparian zones must be established as shown in Attachment 1.
5. A vegetation management plan must be prepared for retained vegetation, buffers and corridors within and adjacent to the approval area. The plan must be endorsed by the Conservator of Flora and Fauna prior to plantation establishment and must include:
  - Strategies to restore and connect Box/Gum Woodland, Snow Gum Woodland and riparian areas;
  - Strategies for the management of Pink-tailed Worm-lizard habitat;
  - Strategies for weed management and fire fuel management; and
  - Strategies for controlling pine wildlings within a 1km buffer around any pine plantations for the life of the project.
6. An erosion and sedimentation plan must be developed and endorsed by the Conservator of Flora and Fauna prior to plantation establishment. Appropriate control measures should be installed during works to prevent erosion and sediment runoff.
7. Fire fuel management activities must take place outside of retained native vegetation, except where these activities are being undertaken to improve ecological conditions.
8. Any revegetation of disturbed areas should utilise a seed mix consisting of local provenance species that are typical of native vegetation in the landscape.
9. The limits of the disturbance footprint should be clearly marked (for example, using temporary fencing or flagging tape) to ensure that site disturbance occurs only within the designated works areas.
10. Large trees (>40 cm) and those with hollows must be retained.
11. All tree removal will be undertaken according to the ACT Code of Forest Practice (Environment ACT 2005).

12. Should any termite mounds be located they are to be retained and a 10 metre buffer established around them.
13. Machinery and vehicles coming from outside the works area should be thoroughly washed down prior to entering the site to reduce the risk of introducing weed species and pathogens.
14. Removal of trees should not occur between September and January to avoid potential impacts to breeding birds.
15. Any occupied nests located or any fauna which are inadvertently injured during works should be reported to ACT Wildlife or a similar organisation and relocated by a suitably qualified fauna handler

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

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 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;*

The subject area provides habitat for;

One community listed as endangered:

- Yellow Box-Red Gum Grassy Woodlands

Three animal species listed as vulnerable under the Nature Conservation Act 2014:

- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Hooded Robin (*Melanodryas cucullata*)
- Scarlet Robin (*Petroica boodang*)

One animal species listed as vulnerable under the NSW Biodiversity Conservation Act 2016:

- Rosenberg's Monitor (*Varanus rosenbergi*).

*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 114ha of previously disturbed vegetation that is now composed of a mix of native and exotic species. The complex pattern of regrowth in this area makes it impossible to accurately determine the exact area of native vegetation to be cleared, but an ecological assessment of this area has determined that this vegetation has low biodiversity value.

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**

Ingledene Forest covers a total area of 490 hectares in the district of Tennent, south of Tharwa, ACT. The ESO application applies to approximately 126 hectares of Ingledene Forest within block 118, this block is zoned NUZ5: Mountains and Bushlands. Much of block 118 was previously managed as a pine plantation prior to the 2003 bushfires. Since 2003 the block has been left to revegetate with both native species and pine wildlings.

In addition to planting *Pinus radiata*, the proposal for the application area includes the protection of areas of native vegetation, including protection of all Box-Gum Woodland. The proposal also includes planting native species to improve habitat connectivity, particularly in riparian zones, and the retention of trees with diameter >40 cm. All tree removal will be undertaken according to the ACT Code of Forest Practice (Environment ACT 2005).

### **Documentation Submitted**

- Application for an Environmental Significance Opinion
- Ingledene Forest Ecological Assessment
- Ingledene Planning Map 2020-21 and maps showing the project area and ecological values
- Letter of Authorisation
- Response to the Conservators request for further information (15 March 2022).

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

The area subject to the ESO contains the following remnant native vegetation communities;

- Apple box/broad-leaved peppermint tall shrub-grass open forest (u29) – 0.01 ha,
- Broad-leaved peppermint - candlebark tall dry sclerophyll open forest (u21) – 0.13 ha,
- Yellow box - apple box tall grassy woodland (u178) – 5.25 ha.

The area also contains two derived vegetation communities;

- Native planting – 3.30 ha,
- Disturbed vegetation with mixed exotic/native groundcover – 114 ha.

Three additional native vegetation communities bound the ESO area;

- Apple box – broad-leaved peppermint tall shrub-grass open forest (u29),
- Red stringybark – scribbly gum – red-anthered wallaby grass tall grass-shrub dry sclerophyll open forest (p14),
- Snow gum – candlebark tall grassy woodland (u27).

Yellow box - apple box tall grassy woodland is an endangered community listed on both the Commonwealth *Environment Protection and Biodiversity Conservation Act (1999)*, and the ACT *Nature Conservation Act (2014)*.

Snow gum – candlebark tall grassy woodland is an endangered ecological community listed under the NSW *Biodiversity Conservation Act (2016)*.

The ESO area is bounded to the north and east by Gigerline Nature Reserve. It also provides habitat for four threatened species listed under state and/or commonwealth legislation;

- Rosenberg's Monitor
- Pink-tailed Worm-lizard
- Scarlet Robin
- Hooded Robin

Past disturbance has resulted in a low level of canopy connectivity and sparse shrub cover across the Ingledene area, effectively creating an east-west movement barrier for many woodland and forest species between Gigerline Nature Reserve and Namadgi National Park.

### **Potentially Significant Environmental Impacts**

The potential adverse environmental impacts of re-establishing plantation forestry in the ESO area include:

- Clearing of native vegetation,
- reduced habitat for threatened species and endangered ecological communities,
- increased weed and fire related impacts on remnant vegetation and reserved areas.

#### *Clearing of native vegetation*

The majority (>90%) of the study area had been pine forest prior to the 2003 fires, this area consists of disturbed vegetation with scattered *Eucalyptus viminalis* (Ribbon Gum) and *Pinus radiata*, and a mixed native and exotic ground layer. Although *E. viminalis* was not known to have been present at the site before the 2003 bushfires (PCS, pers. comm. 2021), it is now the dominant species in the study area, albeit with a cover of <5%.

The biodiversity value of this vegetation zone is considered to be relatively low. Fauna habitat features such as hollow-bearing trees, logs/woody debris and Mistletoe are very uncommon. Species diversity in the canopy is low, and canopy cover is very sparse, providing poor canopy habitat connectivity.

Plantation establishment is restricted to this vegetation zone with all remnant vegetation patches to be retained. To mitigate the impact of vegetation clearing on fauna, all native trees with a DBH of >40cm, and those with hollows, will be retained.

By restricting the clearing of native vegetation to previously disturbed areas with low biodiversity values, retaining all patches of remnant native vegetation and retaining all large and/or hollow bearing trees, the proposal will not have a significant adverse impact on native vegetation.

#### *Reduced habitat for threatened species and endangered ecological communities*

A total of 5.25ha of Yellow box - apple box tall grassy woodland endangered ecological community occurs within the ESO area. All of this vegetation will be retained and a minimum 30 metre buffer will be established between this vegetation and the plantation. This buffer will be managed to control weeds and pine wildlings. A vegetation management plan will be developed to guide restoration of corridors that link these woodland areas to other remnant areas to enhance connectivity.

Rosenberg's Monitor has been recorded in the Ingledene area where it may forage and move between more suitable habitat in Gigerline Nature Reserve and Namadgi National Park. These monitors breed in termite mounds and digs over wintering burrows below north facing rocky outcrops. None of these habitat features are located on the ESO area, so it is unlikely the species breeds in this location. Should any termite mounds be located they are to be retained and a 10 metre buffer established around them. Connectivity corridors (110m wide) will be established



through the plantation. These will enhance connectivity between high quality habitat east and west of the plantation.

Due to the lack of breeding and over wintering habitat in the plantation area and the enhancement of connectivity that will result from the project, there will be no significant impact on Rosenberg's Monitor.

A total of 2.36 ha of potential Pink-tailed Worm-lizard habitat has been identified within the study area. All this habitat will be retained and a 30m buffer established between this habitat and the plantation. The vegetation management plan must include appropriate management strategies for this habitat. Due to the retention, buffering and on-going management of this habitat, the proposal will not result in a significant impact on Pink-tailed Worm-lizard.

Currently, most of the study area ('disturbed' vegetation) provides only marginal habitat for the Scarlet Robin and Hooded Robin; the native vegetation within and outside of the study area is likely to provide more suitable foraging and breeding habitat for these species. Transition from the current disturbed vegetation to more suitable habitat would require the colonisation of trees and shrubs, which would require a long period of time to occur naturally. Active management would therefore be required to shift the current vegetation to more suitable habitat. In the absence of active restoration, the site is likely to continue providing poor habitat for the Scarlet Robin and Hooded Robin. Therefore, while the planting of pines will not necessarily improve habitat, it is unlikely to degrade the habitat value of the study area. Provided that the recommendations in this report (particularly the protection and increase of native woodland) are followed, the proposal to replant suitable areas of the study area is not considered likely to have a significant impact on these species.

*Increased weed and fire related impacts on remnant vegetation and reserved areas*

Disturbance associated with plantation establishment can lead to an increase in weed abundance, blackberry thrives in the shaded environment under pines trees and pine wildlings readily spread from plantation areas. To reduce these impacts 30m buffers must be established around retained native vegetation and on boundaries with reserve areas. Weed management, fire fuel management must be addressed in the vegetation management plan. Fire fuel management activities will not occur within retained native vegetation, reserve areas or mapped. Pink-tailed Worm-lizard habitat. These mitigation measures will ensure that the proposal does not have significant impacts on adjacent areas.

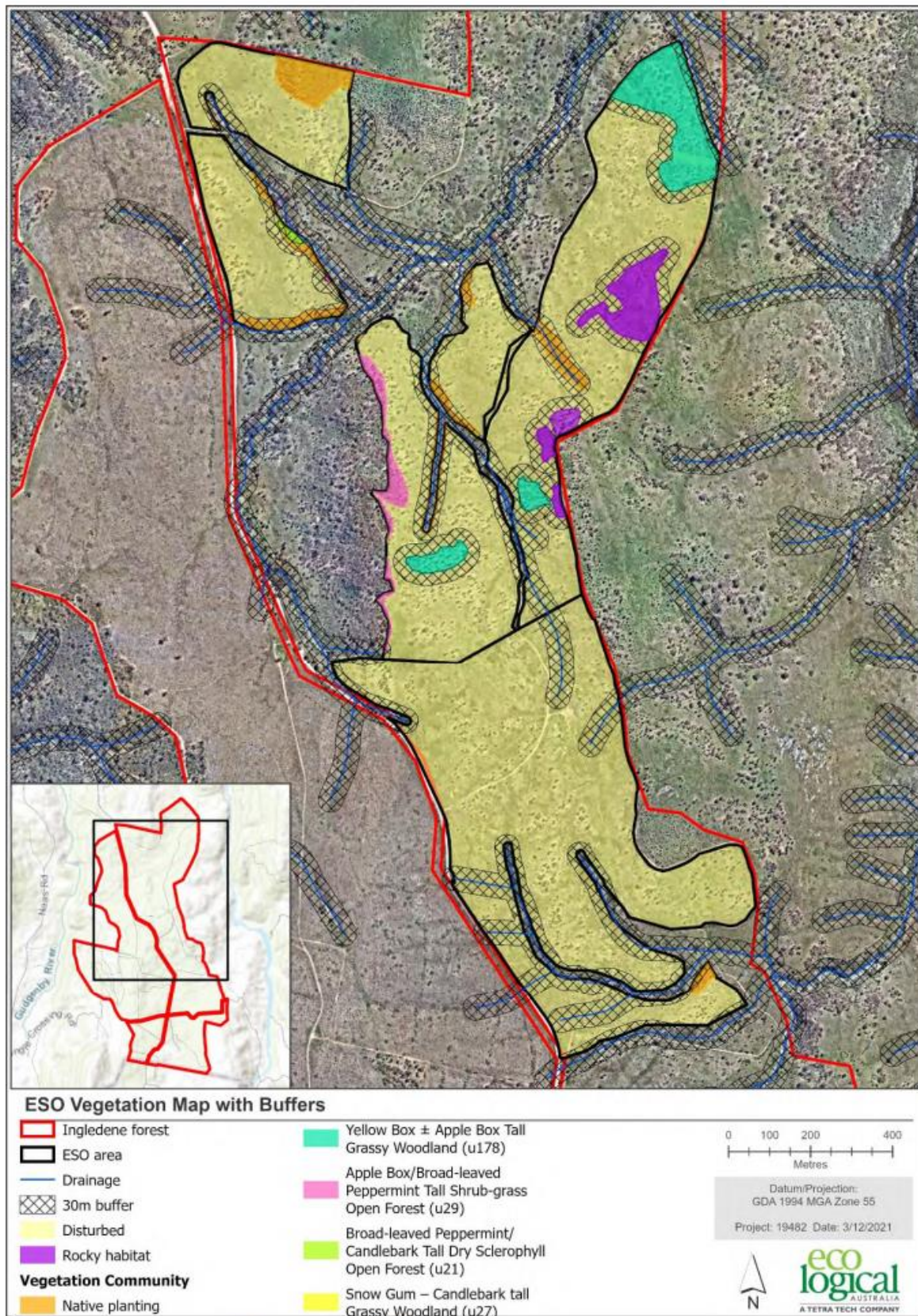
Conditions have been included to ensure that ecological values are buffered from impact and connectivity is retained:

1. This approval applies to the ESO area shown in Attachment 1.

2. Plantation forestry must only occur in those areas labelled Planned Area of Plantation Compartments shown in Attachment 2.
3. Connectivity corridors must be established as shown in Attachment 2.
4. Buffers around threatened species habitat, retained vegetation and riparian zones must be established as shown in Attachment 1.
5. A vegetation management plan must be prepared for retained vegetation, buffers and corridors within and adjacent to the approval area. The plan must include strategies to restore and connect Box/Gum Woodland, Snow Gum Woodland and riparian areas, along with appropriate strategies for the management of Pink-tailed Worm-lizard habitat. It must also include strategies for weed management and fire fuel management.
6. An erosion and sedimentation plan must be developed and endorsed by the Conservator of Flora and Fauna prior to plantation establishment. Appropriate control measures should be installed during works to prevent erosion and sediment runoff.
7. Fire fuel management activities must take place outside of retained native vegetation, except where these activities are being undertaken to improve ecological conditions.
8. Any revegetation of disturbed areas should utilise a seed mix consisting of local provenance species that are typical of native vegetation in the landscape.
9. The limits of the disturbance footprint should be clearly marked (for example, using temporary fencing or flagging tape) to ensure that site disturbance occurs only within the designated works areas.
10. Large trees (>40 cm) and those with hollows must be retained.
11. All tree removal will be undertaken according to the ACT Code of Forest Practice (Environment ACT 2005).
12. Should any termite mounds be located they are to be retained and a 10 metre buffer established around them.
13. Machinery and vehicles coming from outside the works area should be thoroughly washed down prior to entering the site to reduce the risk of introducing weed species and pathogens.
14. Removal of trees should not occur between September and January to avoid potential impacts to breeding birds.
15. Any occupied nests located or any fauna which are inadvertently injured during works should be reported to ACT Wildlife or a similar organisation and relocated by a suitably qualified fauna handler

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.

Attachment 1. Showing boundary of area approved under this ESO compartments and buffers between plantation areas and ecological values.





Attachment 2. Showing planned area of plantation compartments and connectivity corridors.



Prepared By:  
Chris Flood  
Forester  
25 February 2022