

Australian Capital Territory

Planning and Development (Conditional Environmental Significance Opinion – Block 403, Stromlo – Molonglo River Reserve Riparian Fence) Notice 2022

Notifiable instrument NI2022–389

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 403, Stromlo – Molonglo River Reserve Riparian Fence) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

(1) On 1 June 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 construction of a livestock fence on Block 403 of Stromlo.

(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 August 2022

Schedule

See section 3(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, as represented by Richard Milner, Ecologist.

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 construction of 2500m of new riparian stock fence and the replacement of 1500m of stock fences within the Molonglo River Reserve, as described in the submission.

LOCATION

Stromlo Block 403, within the Molonglo River 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 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. Barbed wire is not to be used;
2. No work is to be undertaken on site when a Total Fire Ban is declared or on a given day when the Fire Danger Index exceeds 25; and
3. The installation of new gates within the fencelines should be of adequate width to allow for fire vehicle access to the applicable road standard. The ACT Parks and Conservation Service Roding Manager is to be contacted prior to the installation of gates within the fencelines to confirm the suitability of the gate installations.

Attached is a Statement of Reasons for the decision.

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

Ian Walker
Conservator of Flora and Fauna

01 June 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 National Environmental Significance Plan identifies Box-Gum Woodland (BGW), Natural Temperate Grassland (NTG) and Pink-tailed Worm-lizard (PTWL) as Matters of National Environmental Significance (MNES) in the Molonglo Valley. BGW, NTG and PTWL are listed as threatened under the *Environmental Protection and Biodiversity Conservation Act 1999* and *Nature Conservation Act 2019*.

Part 4.3, item 3 proposal for development in a reserve;

The stock fences will be constructed within the Molonglo River 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 supporting application.

Project description

Box Gum Woodland, NTG and PTWL habitat within Stromlo Block 403 has historically been grazed with cattle to maintain vegetation condition and manage fire fuelloads. Cattle grazing in the block ceased in 2018 due to impacts to the riparian zone. The removal of cattle grazing has caused a significant increase in herbage mass and the establishment of key weed species, including African Lovegrass and Blackberry. These processes have led to a decline in vegetation and habitat condition at the block. Reintroduction of ecological grazing is required to manage these threatening processes. To reintroduce grazing, the boundary fence needs to be replaced and a new stock proof fence is required to protect the riparian zone.

The riparian stock fence is 2,457m in length and the replacement boundary fence is 1,550m in length. The alignment of the riparian fence runs approximately parallel to the Molonglo River and has been designed to minimise impacts to BGW, NTG and PTWL habitat. However, due to the terrain the fence is required to run through areas supporting BGW, NTG and PTWL habitat.

The fences will be constructed using seven plain wires, 26 strainer posts, 1000 star posts and four gates. Holes for strainer posts in PTWL habitat will be dug by hand and concreted in place. The footings will be 20cm x 20cm x 90cm deep. In sensitive environmental areas, including PTWL habitat, materials will be walked in and installed on foot. No machinery will be permitted within PTWL habitat.

Documentation Submitted

- ESO application form
- ESO report- compiled by ACT Parks and Conservation Service
- Construction Environmental Management Plan – Riparian stock fence
- Maps showing the alignment of the proposed fences

Natural conservation values present

Molonglo River Reserve was created in 2018. Three former reserves – Kama, Molonglo River and Lower Molonglo River - were brought together with additional areas to make the new reserve.

Molonglo River Reserve includes the entirety of the Molonglo River from Scrivener Dam to its confluence with the Murrumbidgee River – a total of 23 km of river and riverside habitat. The reserve is about 1,280 hectares, or nearly 13 km², in area.

The following threatened species and communities are present on the broader site:

- Box Gum Woodland - Nationally listed critically endangered
- Natural Temperate Grassland - Nationally listed critically endangered
- Pink-tailed Worm-lizard - Nationally listed vulnerable

Impact on the Reserve

As a requirement of the NES Plan the ACT Government is required to: Adaptively manage BGW, NTG and PTWL habitat within the Molonglo River Reserve and associated offsets to maintain and enhance ecological condition. This project aligns with this requirement as it allows for the reintroduction of ecological grazing to manage the significant increase in herbage mass and the establishment of key weed species, including African Lovegrass and Blackberry.

Additionally, the works, are not expected to significantly impact the values due to construction or installation of the fences. The alignment of the fence has been chosen to minimise impacts to these values. Due to the steep terrain of the site (0-40°), the fence is required to pass through areas mapped as PTWL habitat, NTG and BGW, however in these instances, all materials and tools will be walked in and installed by hand. No machinery will be allowed within these sensitive habitats.

The proposed works will be implemented under the supervision of the ACT Parks and Conservation Service (PCS) Project Officer and PCS Ecologist, who will ensure minimal impact to the surrounding areas.

Potentially Significant Environmental Impacts

PCS have provided a raft of appropriate site control and mitigation strategies that will ensure any sensitive environmental values are protected and undisturbed as much as possible to achieve the project outcomes. Machinery and vehicles will not be permitted within PTWL habitat or NTG. Fencing materials in these areas will be carried in and installed on foot. The natural landscape of the areas will not be altered by the work.

Conditions have been included to ensure that works will not increase the risk of bushfire or interfere with bushfire management:

1. Barbed wire is not to be used;
2. No work is to be undertaken on site when a Total Fire Ban is declared or on a given day when the Fire Danger Index exceeds 25; and
3. The installation of new gates within the fencelines should be of adequate width to allow for fire vehicle access to the applicable road standard. The ACT

Parks and Conservation Service Roding Manager is to be contacted prior to the installation of gates within the fencelines to confirm the suitability of the gate installations.

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.