

# Planning and Development (Conditional Environmental Significance Opinion – Block 12, Gungahlin – Goorooyarroo Spider Orchids) Notice 2022 (No 1)

Notifiable instrument NI2022–390

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 12, Gungahlin – Goorooyarroo Spider Orchids) Notice 2022 (No 1).*

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 20 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 on Block 12, of Gungahlin, for three fenced enclosures within Goorooyarroo Nature Reserve, in order to protect populations of Canberra Spider Orchids and other rare orchids.

- (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

The Environment Planning and Sustainable Development Directorate, as represented by Simon Stratford, Mulligans Flat Sanctuary Manager.

#### 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 three fenced enclosures in Goorooyaroo to protect the Canberra Spider Orchid (*Caladenia actensis*) as described in the submission.

#### LOCATION

District of Gungahlin Block 12, Goorooyaroo 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 mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna  
20 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 area contains:

One community listed as endangered:

- Yellow Box – Blakely’s Red Gum Grassy Woodland.

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

- Hooded Robin (*Melanodryas cucullata*)
- Scarlet Robin (*Petroica boodang*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Superb Parrot (*Polytelis swainsonii*)
- Little Eagle (*Hieraaetus morphnoides*)
- Golden Sun Moth (*Synemon plana*).

Two plant species listed as threatened:

- Canberra Spider Orchid (*Arachnorchis Actensis*)
- Hoary Sunray (*Leucochrysum albicans var. tricolor*).

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

The works are located within Gorooyaroo Nature 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 conditions attached to this ESO.

### **Project description**

The project involves the construction of three fenced enclosures within Gorooyaroo Nature Reserve, in order to protect populations of Canberra Spider Orchid and other rare orchids.

There are three fenced enclosures proposed to protect these populations. The fences will be designed to prevent digging and climbing mammals from getting inside the enclosure. In total, there will be 440m of fencing installed:

- Fence 1 Approx 60m X 50m = 220m perimeter
- Fence 2 Approx 20m X 20m = 80m perimeter
- Fence 3 Approx 50m X 20m = 140m perimeter

All three enclosures will be a standard rabbit proof netting fence. The netting will be approximately 900mm high with a modified umbrella top (floppy top), there will also be approximately 200mm of skirting at the bottom on both sides of the fence. Each fence will be supported by strainers and star pickets. Each enclosure will have pedestrian gate access.

This type of fencing has been used in Mulligans Flat Nature Reserve and has been successful in excluding species such as bettongs, wallabies, and kangaroos.

### **Documentation Submitted**

- ESO application supporting report
- Application for Environmental Significance Opinion

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

The orchid fences are to be constructed within *Environment Protection and Biodiversity Conservation Act 1999* listed Box-Gum grassy woodland ecological community. The community is dominated by Yellow Box (*Eucalyptus melliodora*) and Blakely's Red Gum (*Eucalyptus blakelyi*); Apple Box (*Eucalyptus bridgesiana*) and Candlebark (*Eucalyptus rubida*) are the most common co-dominant trees. A significant component is the species-rich understorey of native tussock grasses, herbs and scattered shrubs.

### **Impact on the Reserve**

Vehicle access to the site will be highly limited and use an existing track to one site, and access by foot to the two smaller sites. The work will be undertaken and supervised by ACT Parks and Conservation Service (PCS) and Conservation Research staff to ensure minimal impact on the surrounding areas. All people accessing the site will be briefed on access restrictions and how to minimise impact.

All materials (posts, fencing wire, gates) will be placed in a manner that avoids impact to trees and grass tussocks. Should a threatened species be identified during construction, work will be stopped, confirmation of the identification will be reported, and appropriate management of the species implemented.

There will be no requirement to remove trees or grass tussocks. The removal of part of a small stand of Acacia shrubs will be required near Fence 1 (approx. 10 medium sized shrubs). Some minor pruning of trees and mowing of grasses may be undertaken during the construction phase.

Regular floristic, biomass and orchid monitoring will be conducted by Conservation Research ecologists, PCS staff, and volunteers to ensure any potential positive or negative impacts are observed and appropriately managed.

The exclosures will be maintained by PCS staff and volunteers. This will include ensuring the fence remains secure, and managing biomass so orchids are not out competed by other vegetation.

Exclosure fencing has been in place around two dense populations of *C. actensis* within the Mt's Ainslie and Majura reserves for over 14 years. The orchids and vegetation within these fences have experienced little to no detrimental effects from the construction and presence of the fences.

The site will be monitored for erosion and weed infestation and managed appropriately.

**Potentially Significant Environmental Impacts**

The sites for the three proposed fences have been well chosen to avoid any more than minor clearance of vegetation. The minor disturbance and short time of use is unlikely to have any significant impact on the site.

The orchid fences will have a positive effect on the ecosystem functioning of this critically endangered community and significantly contribute to the restoration of woodlands across Australia through the research undertaken on this species at the reserve.

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