

Planning and Development (Conditional Environmental Significance Opinion—Block 2, Section 56, Mitchell—Crace Grazing Fence) Notice 2022

Notifiable instrument NI2022–589

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 2, Section 56, Mitchell—Crace Grazing Fence) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 27 October 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 2, Section 56 of Mitchell, of a stock fence within Crace Grasslands Nature Reserve to allow for grazing in the areas containing large amounts of exotic weeds.

- (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
21 November 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, Environment Planning and Sustainable Development Directorate, as represented by Kym Birgan, Ranger in Charge.

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 construction of a stock fence within Crace Grasslands Nature Reserve to allow for grazing in the areas containing large amounts of exotic weeds, as described in the submission.

LOCATION

Block 2 Section 56, Mitchell - within Crace Grasslands Nature Reserve.

MATTERS TO WHICH THIS OPINION APPLIES

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

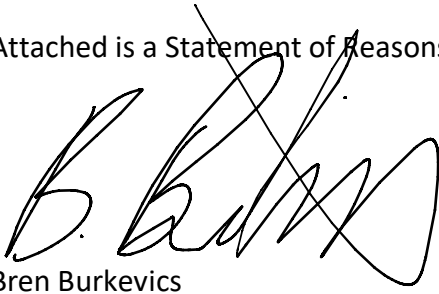
OPINION

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. Wherever possible the fence alignment and disturbance during installation should avoid areas of Natural Temperate Grassland.
2. The fence must be constructed using only plain wire (no barb).

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', is written over the text 'Attached is a Statement of Reasons for the decision.'.

Bren Burkevics
Conservator of Flora and Fauna

26 October 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;

Crace Grasslands Nature Reserve supports the following threatened values:

- a large remnant of critically endangered Natural Temperate Grassland (NTG) (approximately 10% of the reserve)
- three animal species listed as threatened under the *Nature Conservation Act 2014*:
 - Striped Legless Lizard (*Delma impar*)
 - Golden Sun Moth (*Synemon plana*)
 - Perunga Grasshopper (*Perunga ochracea*)

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

The fence is proposed to be constructed within Crace Grasslands 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

This proposed works involve installation of stock fences around the drainage line through Crace Grasslands to allow the dense *Phalaris aquatica* (an exotic grass) to be grazed by cattle. The fence will be aligned to exclude stock from the surrounding NTG.

The stock fences will consist of wire fixed to star picket posts.

Documentation Submitted

- Supporting document showing alignment and providing justification for works.
- Standard drawing of fence design.
- Form 1M

Natural conservation values present

Crace Grasslands Nature Reserve supports a large remnant of critically endangered NTG (approximately 10% of the reserve), endangered Button Wrinklewort (*Rutidosia leptorrhynchoides*) and habitat of several other regionally uncommon plant species.

At least two species of mammals, five species or subspecies of frog, nine species of reptiles, and over 53 species of birds have been recorded within the reserve. There are three animal species listed as threatened under the *Nature Conservation Act 2014*:

- Striped Legless Lizard (*Delma impar*)
- Golden Sun Moth (*Synemon plana*)
- Perunga Grasshopper (*Perunga ochracea*)

Impact on the Reserve

This project aims to improve and enhance the above conservation values by fencing along the boundary of the NTG. This will allow the exotic dominated paddocks to be grazed by stock, which will allow more effective management of biomass without the possibility of impacts on native areas. Managing the biomass of the exotic vegetation will help protect the NTG from incursion from *Phalaris aquatica* that is currently

spreading out from the drainage lines due to wet conditions. The fence will allow the Phalaris to be strategically grazed to stop its spread, and potentially decrease its extent over-time. Grazing is the only practical strategy for managing the Phalaris in this area. Because it is in a drainage line, neither burning or slashing have been possible for two and a half years.

Striped Legless Lizard and Golden Sun Moth both prefer NTG to the dense tall Phalaris that dominates the drainage line. While Striped Legless Lizard do also use grassland dominated by exotic species adjacent to areas of NTG, they prefer grass swards of intermediate biomass rather than the very high biomass currently present. Strategically grazing this area (not over grazing) will reduce the biomass and make this area more suitable as Striped Legless Lizard habitat.

The area of endangered Button Wrinklewort will not be within the fenced area to be grazed.

Fencing and strategically grazing this area addresses two of the Key Actions listed in the *Canberra Nature Park Management Plan 2021* for Crace Grasslands:

- implement a site-specific grazing, fire or slashing regime to increase habitat quality for Striped Legless Lizard and Golden Sun Moth
- trial restoration techniques in areas dominated by Phalaris grass

The fencing is to be four strand plain wire fence (Internal Horse Paddock Fence). This design will limit the threat of entanglement posed by the fence to native fauna (particularly kangaroos).

Potentially Significant Environmental Impacts

The alignment of the fencing has been chosen to largely avoid NTG and will allow for improved management of this endangered community.

The area of disturbance is very small and will not significantly impact Stripped Legless Lizard or Golden Sun Moth habitat. By facilitating habitat management the proposal should result in improved habitat for these species.

No construction will occur within Button Wrinklewort habitat.

Conditions have been included to ensure that works will not have a significant impact on any protected matters or native fauna:

3. Wherever possible the fence alignment and disturbance during installation should avoid areas of Natural Temperate Grassland.
4. The fence must be constructed using only plain wire (no barb).

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.