

Planning and Development (Conditional Environmental Significance Opinion – Block 7, Molonglo Valley – Molonglo Valley NES Patch N Forb Enhancement Works) Notice 2023

Notifiable instrument NI2023–271

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 7, Molonglo Valley – Molonglo Valley NES Patch N Forb Enhancement Works) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 16 April 2023, 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 development, on Block 7, Molonglo Valley, to undertake grassland restoration works using soil scraping and direct seeding across two sites within NES Patch N.

- (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
24 May 2023

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 Mr Richert Ahlers.

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 grassland restoration works using soil scraping and direct seeding within the Molonglo Valley – NES Patch N (approximately 0.4ha across two sites) as described in the submission.

LOCATION

The proposed works are located within Block 7, District of Molonglo Valley

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. For the General Site Controls at Appendix I, the following are standard conditions relating to bushfire risk which are to replace element (e) onwards for Item11:
 - e) All Works must cease on a declared Total Fire Ban.
 - f) The proponent should risk assess undertaking any hot works on days with a Fire Danger Rating of High, and consider whether the activities can be undertaken under less risky conditions and what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available at <https://esa.act.gov.au/> for the proponent to assess risks.
 - g) Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark.
2. Consideration should be given to biomass management on an as needs basis given the area will be fenced.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

16 April 2023

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 location of the development contains:

Two ecological communities listed as threatened:

- Natural Temperate Grassland of the South Eastern Highlands (NTG)
- Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (box-gum woodland)

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

- Pink-tailed Worm-lizard (*Aprasia parapulchella*)

Two plant species listed as threatened

- Button Wrinklewort (*Rutidosis leptorrhynchoides*)
- Hoary Sunray (*Rutidosis leptorrhynchoides*)

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 condition attached to this ESO.

Project description

The proposal is for restorative works to grasslands using soil scraping and direct seeding within the Molonglo Valley – NES Patch N (approximately 0.4ha across two sites).

Scrape treatment

The scrape treatment involves the removal of 10-15cm of topsoil using a grader. The depth of scrapes will be determined by Phosphorous and Nitrogen levels following soil testing. Following the removal of the topsoil, the sites will be direct seeded with a high diversity of native grasses and forbs. The seeding rate will be 50kg/ha with a ratio of 20:80 forbs: grasses.

Spoil management

Soil/spoil from the two scrape sites will be used to stabilise erosion at two locations (approximately **0.20ha**) within the conservation area. The spoil sites will be stabilised using sterile rye and tree and shrub plantings. All spoil/soil will remain on site, within the boundary of the conservation area.

Stock fencing

A stock proof fence will be installed around all scrape sites and restoration plantings.

Ongoing maintenance

The contractor will be responsible for the maintenance (i.e. weed control, erosion control and watering) of the restoration sites until June 2024. Ongoing weed control and maintenance of the restoration sites following June 2024 will be the responsibility of PCS.

The project will be implemented and managed by PCS.

Documentation Submitted

- Supporting documentation – Molonglo Valley – NES Patch N forb enhancement program;
- Construction Environmental Management plan (CEMP);
- Map of proposed works;
- Form 1M.

Natural conservation values present

The Block contains areas of Box Gum Woodland, a critically endangered ecological community, however, the sites proposed for restoration works are currently heavily infested with exotic weeds. The dominant species on the site include *Avena sp.* as well as *Phalaris aquatica*, *Setaria sp.*, *Paspalum dilatatum*, *Carthamus lanatus*, *Hypericum perforatum* and other introduced weeds.

Potentially Significant Environmental Impacts

The proposed works will disturb approximately 0.4ha of Box Gum Woodland, however the sites are heavily infested with exotic weeds. The restoration works are likely to enhance ecological values. This restoration work will help establish more resilient ecological communities within the Molonglo Valley, facilitating ongoing protection of matters of national ecological significance.

No works are located within areas mapped as Pink-tailed Worm-lizard habitat and no trees are to be impacted.

Conditions have been included to ensure that works comply with the current standard conditions relating to bushfire risk.

1. For the General Site Controls at Appendix I, the following are standard conditions relating to bushfire risk which are to replace element (e) onwards for Item11:
 - h) All Works must cease on a declared Total Fire Ban.
 - i) The proponent should risk assess undertaking any hot works on days with a Fire Danger Rating of High, and consider whether the activities can be undertaken under less risky conditions and what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available at <https://esa.act.gov.au/> for the proponent to assess risks.
 - j) Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark.

2. Consideration should be given to biomass management on an as needs basis given the area will be fenced.

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.