
**ENVIRONMENTAL SIGNIFICANCE OPINION - Tidbinbilla Post Flood Damage
Floodgate and Fence Removal - ESO202300034**

In accordance with section 140 (4) of the *Planning Act 2023* (the Act), I provide the following environmental significance opinion:

APPLICANT

ACT Parks and Conservation Service, as represented by Mr Scott Ryan, Ranger.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 140 (4) 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 removal of damaged floodgates on the Tidbinbilla River within Tidbinbilla Nature Reserve to restore the river to a more natural state, as well as building a new section of predator proof fence that excludes the Tidbinbilla River as described in the submission.

LOCATION

Block 240 District of Paddy's River, within Tidbinbilla 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 s140 (4)(b) of the Act:

1. Conditions of approval including mitigation measures as stated in the submission.

2. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', with a stylized flourish at the end.

Bren Burkevics
Conservator of Flora and Fauna

4 September 2024

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – requiring environmental impact statement, being:

Part 1.2, item 16 - proposal that is likely to have a significant adverse environmental impact on 1 or more of the following:

- (a) a critically endangered species;*
- (b) an endangered species;*
- (c) a vulnerable species;*
- (d) a conservation dependent species;*
- (e) a regionally threatened species;*
- (f) a regionally conservation dependent species;*
- (g) a provisionally listed threatened species;*
- (h) a listed migratory species;*
- (i) a threatened ecological community;*
- (j) a protected native species;*
- (k) a Ramsar wetland;*
- (l) any other protected matter*

At least 8 species listed as threatened under the *Nature Conservation Act 2014* have been recorded within Tidbinbilla Nature Reserve:

- Spotted-tailed Quoll (*Dasyurus maculatus*)
- Southern Brown Bandicoot (*Isodon obesulus obesulus*)
- Key's Matchstick Grasshopper (*Keyacris scurra*)
- Southern Greater Glider (*Petauroides volans*)
- Scarlet Robin (*Patroica boodang*)
- Koala (*Phascolarctos cinereus*)
- Pilotbird (*Pycnoptilus floccosus*)
- Austral Toadflax (*Thesium australe*)

The protected Alpine Spiny Crayfish (*Euastacus crassus*) are known to be in the Tidbinbilla River however have never been found within the Sanctuary.

Part 1.2, item 18 - proposal for development in a reserve, unless the proposal is for minor public works to be carried out by or for the Territory in accordance with a minor public works code approved by the conservator of flora and fauna under the Nature Conservation Act 2014, section 318A;

The proposed works are within Tidbinbilla Nature Reserve.

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement 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 for an opinion 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

Tidbinbilla Nature Reserve received heavy rainfall in March 2021, causing significant damage across the Reserve. Two floodgates crossing the section of the Tidbinbilla River within the Sanctuary Enclosure were destroyed. This project will remove both damaged floodgates, as well as two other intact floodgates, aiming to restore the Tidbinbilla River to a more natural state and improve conditions for aquatic life.

Dismantling of the metal floodgates and associated fencing will be done by hand and moved to a suitable area away from the river for removal via vehicle.

There will also be construction of approximately 150m of new predator proof fence to exclude the Tidbinbilla River. During construction of the new fence, a bare earth clearing of 1.2m along the entire length of the fence will be required. This will also

result in the removal of no more than 4 trees with a diameter less than 400mm. All these trees are new growth since 2003 and none carry hollows or other valuable environmental assets.

Documentation Submitted

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Map of floodgate locations;
- Letter of Authorisation;
- Form 1M.

Natural conservation values present

Tidbinbilla Nature Reserve is adjacent to the Namadgi National Park and is part of the Australian Alps National Parks system, protecting much of the alpine, subalpine and montane environments of mainland Australia. Tidbinbilla Nature Reserve contains an area of 'national park', as well as an area of 'special purpose reserve' over those areas that have been developed for recreation, education and research (e.g. the Rock Wallaby breeding program and the Corroboree Frog breeding facility).

Vegetation communities in Tidbinbilla include subalpine snow gum on the exposed ridges to woodlands, grassland and shrublands in the valley, with tall wet forests in the moist sheltered gullies. These vegetation communities provide habitat for a wide range of native species. Box Gum Woodland, which is nationally listed as critically endangered and listed as endangered in the ACT, is present near to the proposed site.

At least 500 species have been recorded in Tidbinbilla, with at least 8 species listed as threatened under the *Nature Conservation Act 2014*:

- Spotted-tailed Quoll (*Dasyurus maculatus*)
- Southern Brown Bandicoot (*Isodon obesulus obesulus*)
- Key's Matchstick Grasshopper (*Keyacris scurra*)
- Southern Greater Glider (*Petauroides volans*)
- Scarlet Robin (*Patroica boodang*)
- Koala (*Phascolarctos cinereus*)
- Pilotbird (*Pycnoptilus floccosus*)
- Austral Toadflax (*Thesium australe*)

The protected Alpine Spiny Crayfish (*Euastacus crassus*) are known to be in the Tidbinbilla River however have never been found within the Sanctuary.

Potentially Significant Environmental Impacts

The proposed works will remove damaged flood gates and associated artificial structures from the Tidbinbilla River, which will help restore the river to a more natural state and improve riparian conditions.

The ESO recommendations and Work Plan are sound and when followed, there will be little disturbance to the local environment and waterway. PCS staff will work closely with the contractor to ensure access to the site is via approved tracks or agreed to best access of least disturbance (to be rehabilitated if deemed necessary) should alternate access be required.

Appropriate mitigation measures have been included in the proposal to ensure there is limited risk of weed incursion into the area or sediment disturbance to the river.

The following conditions are included:

1. Conditions of approval including mitigation measures as stated in the submission.
2. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by the Conservator of Flora and Fauna.

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.