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**ENVIRONMENTAL SIGNIFICANCE OPINION - REACTIVE TREE WORK BIRRIGAI (ESO 202500013)**

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

**APPLICANT**

Gold Leaf Tree Services, as represented by Emily Clarke, Trainee.

**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 reactive tree works in Birrigai as described in the submission.

**LOCATION**

Block 10 Paddys River

**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, 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. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
2. Only the trees listed in 'Birragai 2025 – high priority tree assessment 20251114' will be impacted.
3. No ground disturbance or storage of equipment/materials is to occur within the tree protection zone (the 2-metre-wide area surrounding the vertical projection of the canopy) of retained trees.

4. A pre-clearance check must be undertaken by a suitably qualified person prior to any tree removals. If nesting fauna is detected, works must stop and the Office of the Conservator must be notified.
5. All trees removed should be replaced with like-for-like species.

Attached is a Statement of Reasons for the decision.



Matthew Kamarul  
A/g Conservator of Flora and Fauna  
City and Environment

18 December 2025

## 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*

The proponent included this item in their application, however, due to the change of scope the Conservator believes this item no longer applies.

*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 a the Birrigai Special Purpose 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**

A total of 19 trees have been identified as requiring high priority works due to structural defects, canopy decline, or elevated risk to nearby infrastructure and occupants.

Tree removals:

- Six dead trees are recommended for removal due to complete canopy failure and associated risk of branch or stem drop.
- Two additional trees are also recommended for removal - one exhibiting bark inclusions and compromised structural integrity over a residential living area, and another displaying significant canopy dieback indicating advanced decline.

Pruning and maintenance:

- Eleven trees require remedial pruning to address structural faults, including deadwood removal, clearance pruning, and the removal of hanging or suspended branches that present safety concerns.

Further inspection:

- One tree is recommended for an aerial inspection to assess the extent of a large cavity within the main union, as ground-based assessment was inconclusive.

Risk mitigation:

- Tree 17 should have temporary fencing installed to restrict access and mitigate risk during the ESO approval process.

### **Documentation Submitted**

- Birrigai high priority tree assessment (14/11/2025)
- Birrigai Outdoor School Tree Risk Assessment OCT 2024 v1.0
- Birrigai Outdoor School Tree Risk Assessment OCT 2024 v1.1
- Birrigai v2 High priority
- Birrigai high priority tree work – updated including tree numbers
- Birrigai ESO application - revised
- Form 1M.

## **Natural conservation values present**

Birrigai Outdoor School lies to the southeast of Canberra, adjacent the Tidbinbilla Range and Namadgi National Park. The school is surrounded by mountain peaks, native woodland and sheltered streams.

The school is situated in a large open bushland area. There are a large volume of trees on the grounds, both in vicinity of buildings, and along windbreaks on the boundaries. The soil conditions are dry and compacted. A natural watercourse runs through the property, though not active all year round.

Several PCTs occur within the broader area, including exotic dominated grassland, native plantings, tableland dry shrubby woodland and tableland shrubland.

## **Potentially Significant Environmental Impacts**

This site is within a special purpose reserve and is specifically managed for education purposes, thus the bar for acceptable vegetation management works should be lower than in nature reserves managed for conservation. Importantly, the ESO application is seeking approval of tree removals for safety purposes only, with no development proposed. The proposal does not appear inconsistent with the [activities declaration](#) for this site, so the granting of the ESO can be supported under this EIS trigger.

The proposed works have not been well described in either the previous or current ESO submissions. However, sufficient detail has been provided in the current submission to allow the ecological impacts associated with the works to be determined.

Noting there are discrepancies between the ESO supporting documents, this ESO is specifically for the high priority trees identified in the Tree Assessment Report. That is, the removal of eight native trees and the pruning/deadwooding of an additional 11 native trees.

The majority of trees listed within the tree report are generally representative of a Box Gum Woodland ecological community. However, based on a site inspection by an OCFE ecologist, the criteria for listing as a threatened ecological community have not been met on this site.

All but two of the trees proposed for removal are dead semi-mature trees, with only one tree (T3) proposed for removal being a mature native tree (>50cm DBH). None of the trees proposed for removal or major pruning support hollows or nests. However, as hollows and nests can be hard to identify a condition is attached to ensure these are protected, if present. The ecological values of the subject trees are therefore largely restricted to connectivity and foraging habitat for woodland birds and arboreal mammals. Noting the proposal is for selective removal of mostly small dead trees within a site surrounded by a very large contiguous treed area, the removal of eight marginal habitat value trees is unlikely to result in a significant impact to threatened species.

This opinion is granted subject to the following conditions made under s140 (4)(b) of the Act:

1. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
2. Only the trees listed in 'Birragai 2025 – high priority tree assessment 20251114' will be impacted
3. No ground disturbance or storage of equipment/materials is to occur within the tree protection zone (the 2-metre-wide area surrounding the vertical projection of the canopy) of retained trees.
4. A pre-clearance check must be undertaken by a suitably qualified person prior to any tree removals. If nesting fauna is detected, works must stop, and the Office of the Conservator must be notified.
5. All trees removed should be replaced with like-for-like species.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.