
**ENVIRONMENTAL SIGNIFICANCE OPINION – BLOCK 1658 TUGGERANONG -
WOMBAT EROSION REPAIR, MAINTENANCE TO EXISTING FIRE TRAIL AND
PROPOSED FUTURE HOUSE PAD – 202300054**

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

APPLICANT

Mr Andrew Geikie, Jeggaline RMB 15, Tharwa Drive, Lanyon

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 wombat erosion repair, maintenance to existing fire trail and a proposed house pad as described in the submission.

LOCATION

Block 1658, District of Tuggeranong, otherwise known as Jeggaline.

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 s140AB(4) of the Act:

1. A Nature Conservation license is required prior to the decommissioning of any burrows.
2. Burrow monitoring is to be conducted for a minimum of 5 days as per the following directions:
 - a. A site inspection should be conducted and affected burrows marked with stakes or star pickets ensuring all burrow entrances are located.
 - b. Burrows should then be monitored using motion detecting cameras ensuring ALL burrow entrances are included (burrows may have multiple entrances). Monitoring is to be conducted for a minimum of 5 days. *A minimum of 5 days is required as Wombats will sometimes remain in the burrow for multiple days at a time before coming out to forage. Most wombat activity will be nocturnal or crepuscular (around dusk/dawn).*
 - c. Support for monitoring including loan cameras can be provided by EPSDD – please contact conservator of flora and fauna at conservatorflorafauna@act.gov.au
 - d. Where monitoring does not identify any use by wombats during the five days, the burrow can be blocked and destroyed once the appropriate NC license has been issued.
 - e. Where monitoring indicates an **occupied burrow** AND the occupying wombat is healthy AND does not have young at foot, the burrow should continue to be monitored until the wombat has not returned to the burrow for 2 consecutive nights/days and then blocked. *(Wombats use multiple burrows and will usually only occupy a **non-maternal** burrow for a maximum of 9 days)*
 - f. Where monitoring indicates a wombat suffering from **mange or other health issue** the wombat should be treated prior to the burrow being blocked. Appropriate treatment can be facilitated by EPSDD – please contact Conservator of Flora and Fauna at conservatorflorafauna@act.gov.au
 - g. Where monitoring indicates a **maternal burrow** with young at foot ie the Joeys remains in the burrow while the mother is out foraging – the burrow should be monitored until **both** mother and joey have not returned to the burrow for 2 consecutive nights/days and then blocked/destroyed.
 - h. Burrows MUST be closed in/destroyed after but not before **2 days** of being blocked to ensure the wombat has left and the burrow remains unoccupied. The burrow should be inspected prior to destruction to ensure it has remained unoccupied in those 2 days.
 - i. You must make and retain records of (1) the date monitoring commenced at each burrow, (2) dates when wombats or other animals are recorded using

burrows, (3) dates when monitoring is completed, (4) dates when any burrow is blocked and (5) dates when any burrow is destroyed.

- j. Following the destruction of a burrow, mesh fencing panels can be laid over the ground as a deterrent to prevent the wombat from returning and digging a fresh burrow.

Attached is a Statement of Reasons for the decision.

Bren Burkevics
Conservator of Flora and Fauna

19 January 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 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 block being proposed for the works has a Pd: Special Purpose Reserve overlay.

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 proposed works are across 3 small sites within the same block and comprised of the following:

1. Erosion repairs.
2. Maintenance of an existing fire trail.
3. Installation of a future proposed house pad.

Documentation Submitted

- Letter(s) of Authorisation
- Form 1M
- New Map – North

Natural conservation values present

All three sites proposed for work are within a long grazed rural lease dominated by exotic grasses, predominantly African Love Grass (ALG) with no native diversity. The site does not support any threatened species, potential threatened species habitat, or mature native trees. The sparse tree cover provides marginal habitat for small woodland birds.

There are small rocky outcrops on the block adjacent to the erosion repair works and fire trail maintenance area that contain low quality (due to ALG) Pink-tailed Worm-lizard habitat. These outcrops will not be impacted by the proposed works which are restricted to drainage lines and access tracks. The proposed works may slightly improve connectivity between Pink-tailed Worm-lizard habitat by remediating existing gully erosion and reinstating grass cover across the gullies. The site for the proposed house pad is slightly further up the block and is not identified as suitable PTWL habitat.

Potentially Significant Environmental Impacts

These works are required to correct major gully erosion currently depositing significant sediment into the Murrumbidgee River. The increased sediment and turbidity have a negative impact on biodiversity in the river and the ACT Government has invested a significant amount of money installing instream structures upstream of the works site. These structures scour sediment from the main river channel creating deeper areas in which native fish breed. Remediating the erosion will reduce the sediment load in the river and improve the habitat conditions for native species.

The works as proposed will not impact on any threatened species or ecological communities and the only impact expected by these works is to wombat burrows located in the area requiring remediation. Inspection of the area showed ample

burrows located within the river corridor suitable for resident wombats to relocate to. The impact to the resident wombats is considered minimal.

Conditions have been included to ensure that wombat burrows and their decommissioning is managed appropriately and minimises impacts to the resident wombats. It is noted the destruction of burrows will require a Nature Conservation license prior to their decommission.

Specific conditions

1. A Nature Conservation license is required prior to the decommissioning of any burrows.
2. Burrow monitoring is to be conducted for a minimum of 5 days as per the following directions:
 - k. A site inspection should be conducted and affected burrows marked with stakes or star pickets ensuring all burrow entrances are located.
 - l. Burrows should then be monitored using motion detecting cameras ensuring ALL burrow entrances are included (burrows may have multiple entrances). Monitoring is to be conducted for a minimum of 5 days. *A minimum of 5 days is required as Wombats will sometimes remain in the burrow for multiple days at a time before coming out to forage. Most wombat activity will be nocturnal or crepuscular (around dusk/dawn).* **Support for monitoring including loan cameras can be provided by EPSDD – please contact conservator of flora and fauna at conservatorflorafauna@act.gov.au**
 - m. Where monitoring does not identify any use by wombats during the five days, the burrow can be blocked and destroyed once the appropriate NC license has been issued.
 - n. Where monitoring indicates an occupied burrow AND the occupying wombat is healthy AND does not have young at foot, the burrow should continue to be monitored until the wombat has not returned to the burrow for 2 consecutive nights/days and then blocked. *(Wombats use multiple burrows and will usually only occupy a **non-maternal** burrow for a maximum of 9 days)*
 - o. Where monitoring indicates a wombat suffering from **mange or other health issue** the wombat should be treated prior to the burrow being blocked. Appropriate treatment can be facilitated by EPSDD – please contact Conservator of Flora and Fauna at conservatorflorafauna@act.gov.au
 - p. Where monitoring indicates a maternal burrow with young at foot ie the Joeys remains in the burrow while the mother is out foraging – the burrow

should be monitored until **both** mother and joey have not returned to the burrow for 2 consecutive nights/days and then blocked/destroyed.

- q. Burrows MUST be closed in/destroyed after but not before **2 days** of being blocked to ensure the wombat has definitely left and the burrow remains unoccupied. The burrow should be inspected prior to destruction to ensure it has remained unoccupied in those 2 days.
- r. Following the destruction of a burrow, mesh fencing panels can be laid over the ground as a deterrent to prevent the wombat from returning and digging a fresh burrow.
- s. You must make and retain records of **(1)** the date monitoring commenced at each burrow, **(2)** dates when wombats or other animals are recorded using burrows, **(3)** dates when monitoring is completed, **(4)** dates when any burrow is **blocked** and **(5)** dates when any burrow is destroyed.
- t. Records should be submitted to the Conservator of Flora and Fauna by email conservatorflorafaua@act.gov.au

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.