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**ENVIRONMENTAL SIGNIFICANCE OPINION - Pine Wildling Removals (ESO 202400034)**

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

**APPLICANT**

P L A N I T Strategic Pty Ltd, as represented by Hope Watson, Environmental and Town Planner.

**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 approximately 2.4 ha of exotic Radiata Pine trees from within the Molonglo River Reserve, as described in the submission.

**LOCATION**

Block 2, Section 134, Denman Prospect.

**MATTERS TO WHICH THIS OPINION APPLIES**

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

**OPINION**

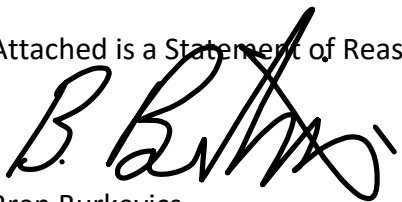
Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

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

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

2. "No-entry - environmentally sensitive area" signs are to be placed on temporary fences adjacent to PTWL habitat and the Nature Reserve. To reduce potential impact of installing chain mesh temporary fencing, it is recommended that star pickets/wooden stakes and bunting are used instead.
3. Sediment fences should be restricted to area B and are not to be used within areas A and C.
4. To prevent vehicles, plant and equipment from damaging management tracks, soils, native vegetation and habitat areas, works are not permitted when:
  - Total rainfall >15 mm in the 5 days preceding the works;
  - Daily rainfall >10mm is forecast within the 24 hours preceding the works;
  - Daily rainfall >10mm is forecast or occurs during a period of ongoing works; and/or
  - Bureau of Meteorology root zone soil moisture >65%.
5. All efforts should be made to avoid impacting native plantings and, where impacts are unavoidable, replacement planting and guarding must be undertaken to the satisfaction and in consultation with the Conservator of Flora and Fauna and Parks and Conservation Service.
6. No work is permitted on site when a Total Fire Ban is declared.
7. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease, and defer the activities to be undertaken under less risky conditions and what mitigations measures such as fire suppression equipment can be implemented. Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

Attached is a Statement of Reasons for the decision.



Bren Burkevics  
Conservator of Flora and Fauna

22 July 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*

Several threatened fauna are known to occur within proximity to the proposal site, including:

- Pink-tailed Worm Lizard (*Aprasia parapulchella*)
- Superb Parrot (*Polytelis swainsonii*)
- Diamond Firetail (*Stagonopleura guttata*)
- Scarlet Robin (*Petroica boodang*)
- White-winged Triller (*Lalage tricolor*)
- Perunga Grasshopper (*Perunga ochracea*)
- Southern Whiteface (*Aphelocephala leucopsis*)

*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 the Molonglo River 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**

The proposal is for the removal of Radiata Pine trees (*Pinus radiata*) from within a 2.4 ha footprint, comprised of:

- Area A – isolated removals (~1.05 ha);
- Area B – mass removals (~0.3 ha); and
- Area C – isolated removals (~ 1.05 ha).

The proposed pine tree removals aim to achieve the following outcomes:

- Reduce and remove fuel loads around the perimeter of the new Denman Prospect North urban estate.
- Remove listed weed species (Radiata Pine) from the Molonglo River Reserve.
- Enhance views from Denman Prospect into the Molonglo River Reserve.
- Enable future permanent works as part of Denman Prospect North Stage 6, including the establishment of a park and realignment of fire trails to connect with the estate road network.
- Promote the regeneration of native flora and fauna, particularly Pink-tailed Worm-lizard (PTWL) (*Aprasia parapulchella*) habitat in the area.

Pine tree felling will be undertaken by machine or by hand using a chainsaw, with access to the sites utilising existing fire trails. Felled trees will be removed by winch

or hand from the area to a stockpile within the Denman Prospect Estate area. Stumps will be left to rot in place to avoid any substantial ground disturbance. The proposal site will be replanted with native seed and grass mix approved by ACT Parks and Conservation Service (PCS) and subject to weed management activities under a weed management plan for the area.

#### **Documentation Submitted**

- Environmental Significance Opinion Report - Pine Wildling Removals – June 2023
- Assessment and advice regarding areas identified as potential Pink-tailed Worm-lizard habitat at Denman Prospect North
- Denman Prospect 2 Estate - Tree Felling Program – Sites MVF1 and Lower Molonglo Geological Site:
- Statement of Heritage Effect
- Statement of Heritage Effect Approval
- Report - Geology of the Denman North Development: Implications for removal of remnant pines
- Letter of Authorisation
- Form 1M.

#### **Natural conservation values present**

The site is within the Molonglo River Reserve to the west of the river and to the east of the North Denman Stage 2 Estate Development area. The site is approximately 150m west of the Molonglo River.

Vegetation within Area B is comprised of a dense stand of Radiata Pine and sparse to absent ground-storey vegetation due to dense shading, thick cover of pine needles, and the allelopathic effect of Radiata Pine which suppresses plant growth. Areas A and C are comprised of scattered Radiata Pines, common Wattle species and a ground-storey comprised of mixed native and exotic grassland. Vegetation within the site is highly disturbed and is not considered to meet the definition of native vegetation under the *Nature Conservation Act 2014*.

The broader area contains potential core habitat for birds, reptiles, amphibians and native bees; remnant patches of habitat for reptiles and mammals; and is within a potential connectivity corridor for riparian reptiles and mammals.

Several threatened fauna are known to occur within proximity to the proposal site, including:

- Pink-tailed Worm Lizard (*Aprasia parapulchella*)
- Superb Parrot (*Polytelis swainsonii*)
- Diamond Firetail (*Stagonopleura guttata*)

- Scarlet Robin (*Petroica boodang*)
- White-winged Triller (*Lalage tricolor*)
- Perunga Grasshopper (*Perunga ochracea*)
- Southern Whiteface (*Aphelocephala leucopsis*)

The entire proposal site was cleared and resurfaced during the remediation works undertaken post the January 2003 bushfires which destroyed the former Radiata Pine plantation. Area B (site of mass tree removal) was subsequently replanted with Radiata Pine. Radiata Pine within Areas A and C are likely the result of seed spread from surrounding plantings.

The site is within part of a geological area known as the Lower Molonglo Geological Site, which is a heritage site containing evidence of marine fossils. The ESO application for this proposal was also referred to the Heritage team, under Schedule 1, Item 21 of the *Planning (General) Regulations 2023*.

### **Potentially Significant Environmental Impacts**

The Molonglo River Reserve Management Plan (MRRMP) sets out how the reserve will be managed and restored over time to protect flora and fauna, provide recreational opportunities and minimise the risk of bushfire. The proposal is consistent with the aims of the MRRMP, which identifies Radiata Pine as an invasive weed and details the need to reduce fire risk by removing this species from the Molonglo River Reserve and replacing with native species.

The proposal is unlikely to impact the Lower Molonglo Geological Site, as the nearest potentially fossiliferous rock outcrops occur 250 m north and 150 m southeast of the remnant stand of pines. Geological advice from the ANU School of Earth Sciences confirmed the geological site is outside of the direct or indirect impact footprint.

Pink-tailed Worm Lizard (PTWL) occurs extensively along the Molonglo River Corridor and habitat is mapped throughout the proposal site. A PTWL habitat suitability assessment was undertaken by Capital Ecology, which identified patches of suitable PTWL habitat. All suitable PTWL habitat has been avoided by the proposed works.

Radiata Pine does not provide important foraging or breeding habitat resources for rare and threatened birds likely to be present in the broader area. There is an abundance of more suitable habitat (flowering native trees and shrubs) available in proximity to the proposal site, as riparian vegetation along the Molonglo River and Box Gum Woodland to the north, south and west. The patches proposed for removal are within areas mapped as potential connectivity corridors, however these Radiata Pine are not likely to provide important linkages between habitat, given their low foraging value and the availability of contiguous riparian vegetation to the east.

There is a single record of Perunga Grasshopper approximately 800 m south of the proposal site. Perunga Grasshopper is a grassland specialist, being found only in areas of native grassland or grassy woodland. Although the proposal site contains potentially suitable tussock grass habitat, the proposed works are not expected to significantly impact these habitat features, as earthworks will be minimal. Additionally, the removal of Radiata Pine and proposed seeding of native grasses is likely to improve habitat within this area.

Several mitigation measures are proposed to avoid direct and indirect impacts to PTWL habitat and the surrounding environment, including:

- Establishment of 1.8 m high temporary chainmesh fence to contain and differentiate the work area from other parts of the Molonglo River corridor and protect surrounding habitat.
- Establishment of site compound and stockpile areas within the Estate area (outside the Molonglo River Reserve) and vehicles to utilise existing formed fire trails and tracks only.
- Trees to be directionally felled to avoid impact PTWL habitat.
- Establishment of temporary erosion and sediment controls, such as sediment fencing downslope of the work area. Tree roots to be left in-situ to avoid soil disturbance, weed proliferation and potential erosion.
- Weed monitoring/survey of the area prior to commencement. Work area to be stabilised after works with native seed and grass mix approved by PCS, and weed management to be undertaken in accordance with a weed management plan. Vehicles and equipment to be washed down prior to entering the work area.

Conditions have been included to ensure that impacts to existing environmental values are mitigated by limiting ground disturbance.

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3. Sediment fences should be restricted to area B and are not to be used within areas A and C.
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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.