



## **ENVIRONMENTAL SIGNIFICANCE OPINION - Upper Sullivans Creek Restoration Project (ESO202500014)**

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

### **APPLICANT**

ACT Natural Resource Management, as represented by Kate Boyd, Biodiversity Projects Officer.

### **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 to undertake restoration works to improve habitat values and ecological connectivity within Sullivans Creek in Goorooyarroo Nature Reserve, as described in the submission.

### **LOCATION**

Upper Sullivans Creek, Goorooyarroo 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. Works must be undertaken in accordance with Appendix A-F of the Upper Sullivans Creek Works Plan, January 2025.

2. Earthworks must not be undertaken within the dripline of mature native trees and/or tree supporting nests or hollows.
3. Works must not be undertaken during the Golden Sun Moth flying period.
4. Plantings within the reserve must include only species native to the Canberra region.
5. All vehicles and equipment must be free of soil and propagules prior to entering the reserve.
6. Works areas must be monitored and weed control undertaken, as required, in consultation with Parks and Conservation Service.
7. Access to work areas must be restricted to existing roads and access trails, unless otherwise agreed by Parks and Conservation Service.
8. Access to the site must be granted to Conservation Officers if a random compliance inspection is 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 large diagonal slash through it.

Bren Burkevics  
Conservator of Flora and Fauna

14 March 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*

Remediation works are proposed along the headwaters and upper catchment area of Sullivans Creek within Goorooyaroo Nature Reserve. The reserve supports the threatened Yellow Box–Blakely's Red Gum Grassy Woodland (Box Gum Woodland) ecological community and numerous rare and threatened species, including but not limited to:

- Superb Parrot (*Polytelis swainsonii*)
- Golden Sun Moth (*Synemon plana*)
- Striped Legless Lizard (*Delma impar*)
- Glossy Black Cockatoo (*Calyptorhynchus lathami*)
- Southern Whiteface (*Aphelocephala leucopsis*)
- Brown Treecreeper (*Climacteris picumnus victoriae*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Hoary Sunray (*Leucochrysum albicans subsp. tricolor*)
- Eastern Bettong (*Bettongia gaimardi*)
- Eastern Quoll (*Dasyurus viverrinus*)
- Numerous orchid species, all of which are protected as rare under the *Nature Conservation Act 2014*.

*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 Goorooyarroo 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**

The proposal is to undertake erosion control works within an approximately 6 ha restoration area of upper Sullivans Creek in Goorooyarroo Nature Reserve. The works will target 5 small head-cuts with the following key objectives:

- Enhance the Box Gum Woodland connectivity (upper areas) for wildlife.
- Protect threatened species in grasslands (lower areas).
- Increase food plants for birds, butterflies and other pollinators.
- Address head cut erosion in the creek line and re-create in-stream swampy meadow ponds to improve riparian habitat for frogs and other animals; and
- Reduce soil loss to improve water quality.

The treatment of these is intended to be undertaken in a way that enhances habitat for aquatic species and other wildlife that use the riparian corridor, by creating small ponds and reinstating swampy meadows, and build additional ecological resilience into the landscape. To achieve these objectives, the works will include:

1. Construction of 5 in-channel frog ponds (including planting of 1500 swampy meadow plants);
2. Revegetation of understorey shrubs and open woodland (300 plants) along the Sullivans Creek corridor;
3. Revegetation of swampy meadow at 2 sites (800 plants); and
4. Installation of woody debris at two sites within the project area.  
Additional woody debris may be placed as part of frog pond construction as available and appropriate.

The footprint of each head cut/swampy meadow works will not exceed an area of 10 x 10m, with a total impact area for all earthworks being less than 30m<sup>2</sup>. Each erosion site will require minor earthworks using a Kato mini excavator which will shape the head cut and excavate a small trench no larger than 3m and no deeper than 30cm at three of the sites. Local rock will be 'keyed' into the prepared area and will then be planted with local native species to slow water flow, provide habitat and replace exotic invasive species. Woody debris will be added to provide additional habitat complexity. There will no residual disturbance after the treatment has been completed.

#### **Documentation Submitted**

- Landscape Improvement Plan
- Environmental Significance Opinion – Supporting Statement
- Works Plan - Upper Sullivans Creek
- Letter of Authorisation
- Form 1M.

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

Goorooyaroo Nature Reserve is an 829 ha area located in north-eastern Canberra. It adjoins Mulligans Flat Nature Reserve to the north-west, and together these form a contiguous protected area extending across more than 18 km<sup>2</sup> of woodland.

Goorooyaroo Nature Reserve supports and protects the largest remaining area of Box Gum Woodland in the ACT (1,384 hectares in the Mulligans Flat–Goorooyaroo reserves combined) and the largest discrete extent in any reserve nationally.

As a predator-free woodland sanctuary, Goorooyaroo provides a critically important resource for research into woodland ecology and restoration, and contributes to adaptive management practices for species and ecosystems. The reserve is a regional stronghold for several threatened or uncommon woodland plant, insect, lizard, bird and mammal species and part of one of the largest areas of habitat for the

endangered Golden Sun Moth in the ACT region. Of note, the reserve is one of few regular breeding areas for the vulnerable Superb Parrot in the ACT. The reserve now also supports and protects the reintroduced Eastern Bettong (*Bettongia gaimardi*) and Eastern Quoll (*Dasyurus viverrinus*).

Drainage lines along the ACT/NSW border of the reserve feed the headwaters of Sullivan's Creek which is the subject of the proposed works. The Sullivans Creek Catchment flows through Canberra's northern Suburbs from Gorooyarroo to Lake Burley Griffin. The creek runs as a concrete drain devoid of in-stream and riparian vegetation within much of the urban landscape, with the original intention of acting as a stormwater conduit and avoiding flooding in suburban areas. Since 2010, five wetland complexes have been built to improve water quality, slow run-off, reduce flooding, harvest stormwater, provide wildlife habitat, and enhance the naturalisation of Sullivans Creek.

While the reserve support numerous ecological values, vegetation within the works footprint has been subject to historic disturbance and is now largely dominated by exotic invasive grasses. In the upper catchment it has become channelised which is essentially a deepening of the channel which worsens downstream in the deeper sedimentary soils. Adjacent to the creek is an area supporting Box Gum Woodland which contains native dominated understorey and areas of open native grassland (possibly derived).

### **Potentially Significant Environmental Impacts**

While the proposed action is designed to improve erosion control and increase habitat value along Sullivans Creek, there is potential for the works to impact values of the Gorooyarroo Reserve through excavation of vegetation and disturbance to Sullivans Creek through sedimentation and changes to water flow.

Excavation works will be primarily within disturbed areas which are dominated by exotic invasive grasses and restricted to a relatively small area (<10m<sup>2</sup>) at each site, with excavation being no wider than 3m and no deeper than 30cm at 3 of the 5 sites. Once rock is 'keyed' into the prepared area and planted with local native species, the area of bare ground will be minimal, limiting the ability of weeds to establish. The threat of weed incursion will be further mitigated through the below mitigation measures.

The following measures have been proposed and are required to mitigate potential unintended ecological impacts:

- Works will be executed by an experienced contractor who has been performing this technique in sensitive environments for more than 5 years.

- The earth and rock works will be scheduled during late summer and early autumn outside key breeding and seeding times for identified threatened species.
- Planting will take place during the cooler autumn months when survival rates are likely to be higher and plant maintenance require less effort.
- Friends of Mulligans Flat will be involved in the project and will take over stewardship for the maintenance of the area with PCS upon completion of the works.
- The First Nations Conservation Training Program team will also be involved in planting understorey species and they will also continue to care for the site over the next 2 years.
- Planned works will minimise disturbance to ground cover and will not impact on the YBRG community.
- Mature trees will not be impacted, and works will occur outside of the dripline of these, thereby preventing indirect impacts.

The reserve is currently managed by ACT Parks and Conservation Service as part of the Mulligans Flat Woodland Sanctuary Reserve. Key management actions as identified in Canberra Nature Park Reserve Management (2021) are to:

- Manage offset areas in accordance with offset management plans;
- Maintain and improve connectivity to other woodland areas;
- Improve recreational management and interpretation in partnership with the Woodlands and Wetlands Trust;
- Develop and implement a conservation management plan for significant heritage places and objects; and
- Protect grassland fauna and woodland bird habitat, including Superb Parrot breeding trees.

The project is consistent with the above reserve management plan objectives, and contributes towards the long-term conservation and rehabilitation of critically endangered Box Gum Woodlands and habitats for numerous rare and threatened species.

Provided the works are undertaken in accordance with the ESO submission and below conditions, the proposal is likely to improve soil retention, enhance water quality and provide habitat for wildlife, including several rare and threatened species:

1. Works must be undertaken in accordance with Appendix A-F of the Upper Sullivans Creek Works Plan, January 2025.
2. Earthworks must not be undertaken within the dripline of mature native trees and/or tree supporting nests or hollows.
3. Works must not be undertaken during the Golden Sun Moth flying period.

4. Plantings within the reserve must include only species native to the Canberra region.
5. All vehicles and equipment must be free of soil and propagules prior to entering the reserve.
6. Works areas must be monitored and weed control undertaken, as required, in consultation with Parks and Conservation Service.
7. Access to work areas must be restricted to existing roads and access trails, unless otherwise agreed by Parks and Conservation Service.
8. Access to the site must be granted to Conservation Officers if a random compliance inspection is 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.