
**ENVIRONMENTAL SIGNIFICANCE OPINION - Upgrade of Old Wells Station Road
ESO202400031**

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

APPLICANT

EGIS Consulting, as represented by Tara Lockwood, Roads Leader ACT.

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 the upgrade of Old Wells Station Road as described in the submission.

LOCATION

Block 820 / Gungahlin along the Western Edge of Nadjung Mada Nature Reserve

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

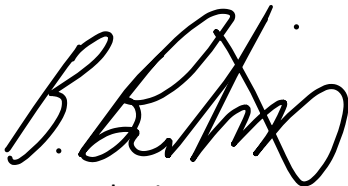
Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

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

1. A CEMP should be prepared for the project to the satisfaction of the Conservator. The CEMP should include measures regarding:

- a. sediment and erosion control
 - b. fauna management
 - c. noise and vibration management
 - d. weed management
 - e. tree management
2. Noting that the work is within a fire prone area:
 - a. No construction work is permitted on site when a Total Fire Ban is declared.
 - b. On days of High fire danger rating (FBI 25 or greater) any 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.
 3. Conditions of approval including updated designs and mitigation measures as stated in the submissions.
 4. 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.



Bren Burkevics
Conservator of Flora and Fauna

27 August 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***

Nadjung Mada Nature Reserve contains critically endangered Yellow Box- Blakely's Red Gum Grassy Woodland and four animal species listed as threatened under the Nature Conservation Act 2014:

- Striped Legless Lizard (*Delmar impar*)
- White-Winged Triller (*Lalage sueurii*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Perunga grasshopper (*Perunga ochracea*)

Nadjung Mada is also an important habitat corridor used by the Superb Parrot (*Polytelis swainsoni*), which is listed as nationally vulnerable.

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 Nadjung Mada 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 project proposes upgrades to the Old Wells Station Road, an approximately 1.5km long section of unsealed dirt/gravel road extending along the western boundary of the Nadjung Mada Nature Reserve. The road sits low in the landscape and is heavily eroded by rainfall events, regularly becoming flooded and impassable by vehicles. Upgrades include widening and raising of the road as well as resurfacing to improve access for emergency vehicles, and replace culverts and drainage channels to better manage flows within the Sullivans Creek catchment area.

Old Wells Station Road is the key access track in Nadjung Mada Nature Reserve for management and emergency vehicles. It is proposed to become a key recreation route linking Harrison and the future suburb of Kenny to Exhibition Park in Canberra (EPIC) and becoming a key travel route for students at Shirley Smith High School.

Documentation Submitted

- Capital Ecology - Ecological Impact Assessment;
- OWSR drawings – eso lodgement;
- OWSR Upgrade cultural heritage assessment and statement of heritage effects;

- Response and design updates towards Request for Information;
- Letter of Authorisation;
- Form 1M.

Natural conservation values present

Nadjung Mada Nature Reserve is an environmental offset established in 2021 under the Gungahlin Strategic Assessment. The key matters of national environmental significance (MNES) protected within the reserve include Yellow Box- Blakely's Red Gum grassy woodland and Striped Legless Lizard (SLL)(*Delma impar*). SLL is the key priority in the Offset Management Plan for the reserve.

Four animal species listed as threatened under the Nature Conservation Act 2014 have been recorded as being present in the Reserve:

- Striped Legless Lizard (*Delmar impar*)
- White-Winged Triller (*Lalage sueurii*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Perunga grasshopper (*Perunga ochracea*)

Superb Parrots (*Polytelis swainsoni*) use this reserve as a link between breeding sites and foraging habitat during breeding season while feeding their nestlings.

The surrounding grasslands have undergone a history of intensive pasture improvement resulting in a dominance of native and exotic tussock forming grasses. The vegetation throughout the reserve currently consists of mixed native/exotic pasture with a low diversity of native forbs. Remnant Eucalypts provide nesting and foraging resources, in particular two large remnant Candlebarks (*Eucalyptus rubida*) that have very high ecological value that occur immediately adjacent to the existing road.

Potentially Significant Environmental Impacts

The road travels through the Nadjung Mada Reserve separating it from the West Nadjung Mada Offset area located on Block 739/Gungahlin. The road in its current form forms a barrier to SLL habitat along some sections particularly in high rainfall years as the road floods and is impassable. To maintain the genetic diversity of this population, it is critical the east-west habitat connectivity is maintained between the Reserve and the Offset area.

To maintain habitat connectivity, the road design will incorporate crossing opportunities for SLL. The proponent has made extensive changes to the road plan to decrease the total width of the road from 4m to 3.8m as well as incorporating additional crossing opportunities for SLL.

The upgrade of the road with the inclusion of several different types of fauna crossing opportunities should allow more opportunities for east-west connectivity for the current population.

Works will initially require clearance of approximately 1.49ha of SLL habitat. To mitigate this impact, native grasses will be re-sown on both sides of the road covering 1.47ha, resulting in a net loss of 0.02ha of SLL habitat.

The project will involve the clearance of a very small area (0.11ha) of low condition native vegetation however no EPBC Act or NC Act listed threatened flora species were recorded in the area. The remaining risk of weed spread is well mitigated in the environmental impact statement.

There are 2 large remnant Candlebark trees adjacent to the project site. These trees will not be impacted by works with the road diverted several metres upslope to avoid the tree protection zones of these two trees.

Conditions have been included to ensure that works will minimise impact to the site and adjacent Nadjung Mada Nature Reserve.

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flames, or which emit a spark such as excavating hard rock, slashing and brush-cutting.

- c. Conditions of approval including updated designs and mitigation measures as stated in the submissions.
3. 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.