

Planning and Development (Environmental Significance Opinion - Canberra Centenary Trail - Southern Link) Notice 2013 (No 1)

Notifiable Instrument NI2013–200

Made under the

Planning and Development Act 2007 s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion - Canberra Centenary Trail - Southern Link) Notice 2013 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_significance_opinions

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

Dorte Ekelund
Environment and Sustainable Development Directorate
24 April 2013



ACT
Government

Environment and
Sustainable Development

Mr Ben Ponton
A/g Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Ponton

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion on the construction of the southern link of the Centenary Trail.

The proposal is not likely to have a significant adverse environmental impact on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve; or the clearing of more than 0.5ha of native vegetation, provided works are undertaken in accordance with the conditions listed in the opinion.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Alan Traves
A/g Conservator of Flora and Fauna

16 April 2013



ACT
Government

Environment and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

PROPONENT

Libby Gordon, Senior Project Officer, Design and Development, Territory and Municipal Services Directorate.

LOCATION

Within the Bullen Range Nature Reserve, part of the Murrumbidgee River Corridor, between Kambah Pool and the Tuggeranong town centre.

DEVELOPMENT PROPOSAL

Construction of the southern link of the Centenary Trail and includes the construction of 2.19 km of new trail predominantly of compacted soil, and the upgrading of 1.53km of existing trails, to a multi-use standard suitable for both pedestrians and cyclists. In areas likely to be subject to water logging or in creek crossings, the works will include the installation of a composite decking material. Approximately 0.5km of trail will be closed and rehabilitated.

The proponent wants the application for the development approval assessed 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 environmental significance opinion to that effect.

OPINION

The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

The works must be done in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and:

- the length of newly constructed trail does not exceed 2.19 km, no more than 1.53 km of the trail is upgraded trail, and a rehabilitation plan is prepared for areas of track closure.
- the regular trail maintenance program mentioned in Section 2.3 of the ESO Report includes searching for and controlling any new weed incursions along the trail;
- the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO Report, includes a review of weed and pathogen incursions along the trail and how effectively they have been contained;

- the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO Report, includes identification of those sections of the track where widening beyond 1 m is occurring and what will be done to counter this;
- a strategy on how to monitor for and minimise off-trail informal constructions be developed as well a commitment to implement appropriate management controls should the issue become problematic. This issue will also need to be considered during the planned two, five and seven year reviews of the Trail.
- that no modified cycle grids are used at reserve entry points to control access by motor bikes. Only step through gates are to be used;
- that existing infrastructure eg fence posts is used for directional signage wherever possible;
- that mesh from the base of the existing fence between N23.04 and N23.06 (dwg 222) is stripped back to allow for movement of fauna;
- existing treated pine is removed from reserve;
- signage is erected to indicate no cycles on loop to Red Rocks Lookout;
- grid mesh base is used for the decking at Red Rocks Lookout;
- no seeding with sterile rye grass in main reserve areas. Where disturbance is required for new and upgrade sections, the removal and replacement of soil sods to path edge with track rolling to assist root/seed is to be used;
- additional hard wood sleepers at 1 x creek crossing point to enable quad bike access for full length of Discovery Trail for management purposes;
- geo-fabric textile to be used along known soggy area of existing trail (dwg 224) to improve stability of the existing trail in this location;
- all star pickets to be removed that were previously used for totem signage along the trail; and
- new directional signage at decision points only.



Alan Traves
A/g Conservator of Flora and Fauna

16 April 2013

STATEMENT OF REASONS REASONS FOR THE DECISION

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an environmental significance opinion that, if successful, would enable a proposal to be assessed in the merit track. Schedule 4 of the *Planning and Development Act 2007* lists items that trigger the requirement for an EIS. The proponent has stated that the relevant Schedule 4 items for seeking an environmental significance opinion on this proposal are:

Part 4.3 Item 2

the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area under the Territory Plan unless the Conservator of Flora and Fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact;

Part 4.3 Item 3

proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve, unless the Conservator of Flora and Fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact

Bullen Nature Reserve is an area reserved as public land nature reserve, and 0.59 ha of native vegetation will be removed.

The proponent wants the application for the development approval assessed 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 environmental significance opinion (ESO) 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 and known values of the site.

Project description

The Centenary Trail will be a trail approximately 150 km long that loops around the ACT as a self-guided trail for walkers and touring cyclists. These works are for the construction of the southern link of the trail and includes the construction of 2.19 km of new trail, and the upgrading of 1.53km of existing trails, to a multi-use standard suitable for both pedestrians and cyclists. Approximately 0.5km of trail will be closed and rehabilitated.

The works are within the Bullen Range Nature Reserve, which forms part of the Murrumbidgee River Corridor (MRC), and extends from Kambah Pool to the Tuggeranong town centre. Works include:

- maintenance of existing trails to correct levels and remove pot holes;
- stripping of grass cover to delineate trail on grassed level terrain;
- construction of full benched trails in areas devoid of vegetation;
- upgrade of Red Rocks Gorge lookout;
- a number of other small rest nodes, and
- associated signage.

Following the completion of the trail construction, any areas impacted by works but not constituting part of the trail corridor will be rehabilitated using suitable local native grass species.

Documentation Submitted

- Report titled Canberra Centenary Trail Southern Link, Documentation to support an application for an Environmental Significance Opinion, February 2013 (Ecological Australian Pty Ltd);
- Draft Canberra Centenary Trail Construction Environmental Management Plan;
- Numerous plans.

Natural conservation values present

The report submitted with the ESO states that a number of ecological communities, including Broad-Leaved Peppermint – Apple Box Tableland Woodland, *Casuarina cunninghamii* Tableland Riparian Woodland, Yellow Box- Blakey’s Red Gum Tableland Grassy Woodland and associated derived grassland areas occur along the proposed alignment. A summary of the vegetation communities and the associated level of impact is presented in Table 1 of the report. Several areas are dominated by exotic pasture species and are excluded from the table below.

Table 1: Area of native vegetation impacted by the Southern Link

Broad-leaved Peppermint – Apple Box Tableland Woodland	0.52
<i>Casuarina cunninghamii</i> Tableland Riparian Woodland	0.06
Yellow Box – Blakey’s Red Gum Tableland Grassy Woodland	<0.01
TOTAL	<0.59

The MRC contains habitat for a number of threatened plant species, such as the *Muehlenbeckia tuggeranong* (Tuggeranong Lignum), *Pomaderris pallida* (Pale Pomaderris) and *Thesium australe* (Austral Toadflax) (ACT Action Plan 29). Field surveys undertaken in 2012 identified potential habitat for *Thesium australe* (Austral Toadflax) in areas dominated by *Themeda australis* (Kangaroo Grass) located along the discovery trail, as there are historic records in the local area (ACTMAPi Database). No individuals of the species were recorded during targeted surveys undertaken in October-November 2012. No other species listed under the *Nature Conservation Act 1980* (NC Act), or considered rare or uncommon in the ACT, were recorded along the proposed alignment.

The likely occurrence of flora species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was also assessed. Species assessed included: *Swainsona recta* (Small Purple Pea), *Rutidosia leptorrhynchoides* (Button Wrinklewort), *Muehlenbeckia tuggeranong* (Tuggeranong Lignum) and *Leucochrysum albicans* var. *tricolor* (Hoary Sunray). No habitat for any these species was considered to occur within the proposed alignment.

A previous record exists for the *Aprasia parapulchella* (Pink-Tailed Worm Lizard) along the proposed alignment. The Pink-Tailed Worm Lizard has special protection status under the NC Act. While targeted surveys for the species were undertaken in this area, and no individuals were observed, this section of the alignment has been re-aligned to follow the existing discovery trail. As such, the trail no longer passes through any potential habitat for the Pink-Tailed Worm Lizard and no impact to the species is expected to occur from the development of the trail.

The Murrumbidgee Corridor also supports a regionally high bird diversity, and the general area of work activity is habitat of several regionally declining or threatened woodland bird species.

Impact of development on these values (including offsite impacts)

While the development will result in the loss of approximately 0.59 ha of native vegetation, most of the impact occurs through the widening and restoration of existing trails, some of which are in poor condition. Development of the trail will not significantly increase fragmentation of the environment or loss of mature trees.

There is the possibility that any pathogen or weed seed that occurs somewhere along the Centenary Trail has the potential to be transported in mud or on clothes to anywhere else along the Trail. As an example, African love grass is common in some parts of the route and rare, or not occurring, in other sections.

Erosion and other soil impacts along the joint walking and bicycle trail have been minimised by track design and location which generally avoids steep slopes and wet areas. The degree of impact will depend on the amount of track users, but there is likely to be some rutting, localised compaction and movement of soil from the track into adjacent vegetation. These impacts are already evident under the current usage of the existing track.

If the Trail is well utilised by groups, there is likely to be trampling of vegetation adjacent to the designated track as walkers seek to walk abreast, or stay off the line utilised by bike riders. This trampling is likely to simplify the native plant diversity found in the vicinity of the Trail and widen the area of exposed bare soil.

Management of these impacts can be addressed by regular monitoring and maintenance regimes.

The ESO Report states that the route has been designed for walkers and touring cyclists. It is likely that other types of mountain bike riders may utilise parts of the track or construct informal features beside, or leading away from, the track which more suit the purposes of down-hill, free riding and dirt jumping bikes (Davies and Newsome 2009)¹. These authors noted that informal trails and features, such as jumps, can impact greatly on a natural area as they are formed without any environmental consideration or design. They mapped 2.54 km of informal trail development and clearance of 2540 square metres of vegetation developed off a formal trail within a forest area on the outskirts of Perth.

¹ Davies, C. And Newsome, D. (2009) Mountain Bike Activity in Natural Areas; Impacts, Assessment and Implications for Management; In A Case Study from John Forrest National Park, Western Australia, Sustainable Tourism Cooperative Research Centre Report, Griffith University, Gold Coast.
http://researchrepository.murdoch.edu.au/B32AAFAE-0780-4EED-92C1-4690239024C5/FinalDownload/DownloadId-2BD5DDB44FC3BAE2D3989A92C823C3EB/B32AAFAE-0780-4EED-92C1-4690239024C5/2637/1/mountain_bike_activity_in_natural_areas.pdf

The ESO Report contains no consideration of whether and how the proposed Trail is likely to encourage development of informal tracks, neither does it contain consideration as to how such illegal activity could be minimised or managed, however this is already an issue in the conservation estate and can be managed by regular monitoring and management actions.

The development of the trail should not adversely affect the MRC's important ecological, hydrological, social, economic and cultural functions. The MRC currently supports a number of walking trails, picnic areas and other facilities which will be enhanced by the connectivity that the trail will provide. The Murrumbidgee River Corridor Plan of Management 1998 lists "provide and maintain diversity of appropriate road and walking track access" as a high priority and continuing, and that there should be appropriate recognition of the linkages of the River Corridor with other parts of the ACT landscape. Therefore these works are not inconsistent with this section of the Plan of Management.

Section 5.4 of the Plan of Management states that "Cycle touring is permitted on public roads and approved management tracks". The Centenary Track is a not public road but will be an approved management track on completion of works.

Mitigation Measures

The documentation submitted notes that construction work will be managed under a Construction Environment Management Plan approved by the Environment Protection Authority which will include:

- sediment and erosion control plan
- landscape environmental management plan including:
 - Tree protection measures,
 - Protocol for the identification of areas of environmental significance;
 - Establishment of clearing limits;
 - Revegetation works;
- clean vehicle policy;
- sensitive area diagrams;
- site induction for contractors.

In addition, Table 2 of the report (as shown below) lists the General Site Controls that will be used during construction.

Table 2: General site controls

NO.	CONTROL
1	The Contractor must give Parks & Conservation (PCS) one weeks notice of the date of commencement of the works on site and the likely completion date for these works
2	The Contractor must provide PCS with the name and contact details of the site

NO.	CONTROL
	supervisor.
3	The Contractor and all employees working on site will be inducted and informed about the ecological values, threatened species and endangered ecological communities on site. Should a threatened species be identified during construction along the alignment, work will be stopped, confirmation of the identification will be received and appropriate management of the species implemented in accordance with the CEMP.
4	The Contractor must get approval from PCS for the siting of any site offices, yards, or bulk storage areas.
5	No fuel is to be stored on site.
6	The Contractor must keep a spill kit on site capable of dealing with a leak or spill from any plant or machinery working on the development.
7	The Contractor must inform PCS as soon as possible of any major leak or spill of any hazardous substance.
8	The Contractor will gain access to the site by means of their own lock on the relevant gate or by official key issue process. This must be locked onto the existing chain. The Contractor will ensure that other locks on the chain are not locked out of the chain.
9	The Contractor assumes full responsibility for ensuring that access gates are kept shut at all times.
10	The Contractor is allowed access to private leases and areas within the Canberra Nature Park only for the purposes of undertaking the specified works. Access for any other purpose is not permitted.
11	Prior to entering and exiting the site any vehicle or plant must be cleaned with a high pressure cleaner of all dirt and plant material to prevent the introduction of new weed species or soil pathogens.
12	Plant, machinery and vehicles will utilise existing tracks for the construction of the CCT. No new tracks are to be constructed for access.
13	<p>Fire precautions</p> <p>a) All plant and equipment must be:</p> <ul style="list-style-type: none"> • Maintained and operated in a way that will minimise the risk of a fire starting or catch fire itself; • Fitted with a securely fixed, spark free exhaust in good, serviceable condition; • Free of excessive build-up of either surplus oils, dust impregnated with oil, and/or vegetative matter <p>b) All plant, machinery, vehicles and work crews must carry a 20 litre Riga portable water pack at all times;</p> <p>c) Every item of plant must carry a serviceable powder type fire extinguisher to AS1841, Pt 5, minimum capacity 0.9 kg to extinguish fires on the plant</p>

NO.	CONTROL
	d) No fires are permitted on site. e) No work is permitted on site when a Total Fire Ban is declared or on a given day when the Fire Danger Index exceeds 30.
14	Any fill brought on to the site must be free of seeds, plant material, debris and rubbish, such as glass, ceramic and plastics. This fill must be subsoil material that is not part of any soil seed bank. No top soil from outside the site can be used as fill unless it is certified weed free. This must be approved by PCS prior to bringing it on site. Top soil should not be mixed with subsoil.
15	At the completion of works any earthworks must be returned to their original contour with sufficient fill and compaction to prevent any future subsidence. Disturbed areas are to be capped with local top soil removed prior to construction.
16	At completion of works the Contractor must establish a vegetative cover using Rye Corn seed and a mix of native grasses, as specified. The grass cover is to be applied to the fill batter below the trail bed. The cut batter into the slope is to be left as natural soil and allowed to revegetate naturally.
17	No dogs or pets are permitted on site
18	If wildlife is injured as a result of the works, the Contractor is to contact the Urban Wildlife Ranger on 6207 2113 as soon as possible.
19	Where the work site is adjacent to houses or other residential buildings, the Contractor must seek agreement from PCS as to the days and time of day during which works will be undertaken.
20	The Contractor must inform PCS as soon as possible, and no later than 24 hours after the event, of any injury to workers or to the general public, that occurs on the work site.

A Senior Ranger with many years of experience in the construction of tracks within the nature conservation estate has walked the proposed alignment. The required realignments of the trail are as a result of his findings.

Potentially Significant Environmental Impacts

The potential for a significant environmental impact is low provided works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and:

- the length of newly constructed trail does not exceed 2.19 km, no more than 1.53 km of the trail is upgraded trail, and a rehabilitation plan is prepared for areas of track closure.
- the regular trail maintenance program mentioned in Section 2.3 of the ESO include searching for and controlling any new weed incursions along the trail;
- the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO, includes a review of weed and

pathogen incursions along the trail and how effectively they have been contained;

- the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO, includes identification of those sections of the track where widening beyond 1.0 m is occurring, and measures that will be implemented to counter this;
- a strategy on how to monitor for and minimise off-trail informal constructions be developed as well a commitment to implement appropriate management controls should the issue become problematic. This issue will also need to be considered during the planned two, five and seven year reviews of the Trail.
- that no modified cycle grids are used at reserve entry points to control access by motor bikes. Only step through gates are to be used;
- that existing infrastructure eg fence posts is used for directional signage wherever possible;
- that mesh from the base of the existing fence between N23.04 and N23.06 (dwg 222) is stripped back to allow for movement of fauna;
- existing treated pine is removed from reserve;
- signage is erected to indicate no cycles on loop to Red Rocks Lookout;
- grid mesh base is used for the decking at Red Rocks Lookout;
- no seeding with sterile rye grass in main reserve areas. Where disturbance is required for new and upgrade sections, the removal and replacement of soil sods to path edge with track rolling to assist root/seed is to be used;
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- geo-fabric textile to be used along known soggy area of existing trail (dwg 224) to improve stability of the existing trail in this location;
- all star pickets to be removed that were previously used for totem signage along the trail; and
- new directional signage at decision points only.