

Planning and Development (Environmental Significance Opinion – Road Batter Stabilisation Works-Road Reservations Namadgi National Park and Surrounds) Notice 2014 (No 1)

Notifiable Instrument NI2014–155

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- Road Batter Stabilisation Works-Road Reservations Namadgi National Park and Surrounds) Notice 2014 (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
12 April 2014



ACT
Government

Environment and
Sustainable Development

Ms Dorte Ekelund
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Ms Ekelund

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 for batter stabilisation works within road reservations at sixteen sites within Namadgi National Park and surrounds.

The proposal is not likely to have a significant adverse environmental impact provided the works are completed in accordance with the conditions as imposed.

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

Yours sincerely

Alan Traves
Conservator of Flora and Fauna

1 April 2014

ENVIRONMENTAL SIGNIFICANCE OPINION

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

PROPONENT

Daniel O'Connell, Manager, Roads ACT, Territory and Municipal Services Directorate

LOCATION

Within the road reservations of Boboyan Road, Apollo Road, Corin Road and Uriarra Road. Most of the sites are within Namadgi National Park, Gibraltar Creek Special Purpose Reserve, and adjacent to Woodstock Creek Nature Reserve and Stoney Creek Nature Reserve.

DEVELOPMENT PROPOSAL

The proposed works are for batter stabilisation of roads at 16 sites within Namadgi National Park and surrounds. Five sites are located on Boboyan Road between Orroral Road and Rendezvous Creek car park, seven sites are located along Apollo Road, three sites are located along Corin Road and one site on Uriarra Road immediately west of Uriarra Crossing.

The scope of the works include:

- Removal of nominated vegetation and undergrowth from rock faces and crest batters;
- Scale rock and crest batters faces to remove all loose material;
- Disposal off-site of surplus materials produced from vegetation removal and scaling of rock faces;
- Removal of existing concrete barriers and install new rock catch fence and guardrail;
- Clearing of drainage lines and intakes;
- Reinstatement of eroded sections;

The proponent wants the application for the development approval assessed for an environmental significance opinion 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.

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:

- That the proponent acquires a licence under the provisions of the *Nature Conservation Act 1980*;
- That all works are in accordance with the Code of Practice – Practical Guidelines and Standards for Co-Operation Between Act Parks and Conservation and ActewAGL 2009;
- The total area of vegetation and earth disturbance does not exceed 0.3 ha;
- Vegetation clearance and soil disturbance does not occur more than 5m from the edge of the bitumen of the roads to which stabilisation works are occurring;
- Works avoid disturbing the *Asperulia ambleia*, *Pomaderris intermedia* and *Discaria pubescens* plants identified in the general works area in the ecological assessment by Rob Jessop Pty Ltd;
- In sections where the Rainbow Bee-eater was observed works do not occur during the Spring breeding season as Rainbow Bee-eaters may nest in the road banks;
- Vehicles and machinery do not park beyond the road edge and road verge;
- Vehicles and machinery are cleaned of weeds, mud and other organic material before beginning works;
- Vehicles and machinery working at Apollo Rd site 19 (L) and Boboyan Road sites 29 + 30 (U+T) be cleaned of soil and plant material prior to leaving these sites, as the ecological assessment recorded African lovegrass as being present in these areas and its spread further into the park and native vegetation should not be aided.
- Any weed infestation or localised erosion resulting from construction will be controlled or rectified as directed by the Parks and Conservation Service.

Attached is a Statement of Reasons for the decision.



Alan Traves
Conservator of Flora and Fauna

1 April 2014

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, part 4.3, item 3, being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

The works proposed are within Namadgi National Park, Gibraltar Creek Special Purpose Reserve, and adjacent to Woodstock Creek Nature Reserve and Stoney Creek Nature Reserve.

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 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 proposed works are for the stabilisation of road batters at 16 sites within Namadgi National Park and surrounds. Five sites are located on Boboyan Road between Orroral Road and Rendezvous Creek car park, seven sites are located along Apollo Road, three sites are located along Corin Road and one site on Uriarra Road immediately west of Uriarra Crossing.

Of these sites, ten are within Namadgi National Park, three within Gibraltar Creek Special Purpose Reserve, one is adjacent to Woodstock Creek Nature Reserve and Stoney Creek Nature Reserve, and two of the sites on Apollo Road are outside of any reserve areas.

The proposed works involve minor slope stabilisation works, including removal of individual boulders, removal of saplings, installation of small areas of pinned mesh and shotcrete, and battering of unstable slopes on existing road cuttings. The works include:

- Removal of nominated vegetation and undergrowth from rock faces and crest batters;
- Scale rock and crest batters faces to remove all loose material;
- Disposal off-site of surplus materials produced from vegetation removal and scaling of rock faces;
- Removal of existing concrete barriers and install new rock catch fence and guardrail;
- Clearing of drainage lines and intakes;
- Reinstatement of eroded sections;

Documentation Submitted

Reports titled:

- Road Batter Stabilisation Environmental Significance Report r; and
- Roadside Slope Stabilisation Works Uriarra Road, Corin Road, Apollo Road and Boboyan Road Preliminary Ecological Assessment
- Drawings, detail plates and photo plates.
- ESO Application Form 1M'

The Environmental Significance Report was incomplete but it was determined that sufficient information was contained in the Ecological Assessment to determine the impacts of the proposed works.

Natural conservation values present

The sites were surveyed on 13 and 14 March 2014 by suitably qualified ecologists and it was found that the vegetation at each site had been extensively disturbed in the past by the construction of the road cuttings. This has resulted in the removal of existing vegetation and topsoil and the formation of steep earth or granite banks. Native vegetation has regenerated to varying degrees at each of the sites, dependent on soil depth, stability and time since disturbance.

The ecological report notes “In general, vegetation at each site is characteristic of native colonising species naturally present within the surrounding landscape, such as wattles (*Acacia* spp.), cassinias (*Cassinia* spp.) and blackthorn (*Bursaria spinosa*). Native grasses most commonly occurring were kangaroo grass (*Themeda australis*), redleg grass (*Bothriochloa macra*) and snow grass (*Poa* sp.). Some regenerating eucalypt saplings, predominantly broad-leafed peppermint (*Eucalyptus dives*), apple box (*E. bridgesiana*) and ribbon gum (*E. viminalis*) were present on the roadside cuttings or verges. Mature trees were absent from the roadside cuttings.”

The Report also notes that a total of three plant species considered by Conservation Planning and Research to be rare or uncommon in the ACT were observed. Shrubby woodruff (*Asperula ambleia*) was observed at site V on Boboyan Road; yellow dogwood (*Pomaderris intermedia*) was observed at site H on Corin Road, and Australian anchor plant (*Discaria pubescens*) was present at the point where sites U and T meet on Boboyan Road (grid reference: 0681525, 6053533). Specific locations for shrubby woodruff and yellow dogwood were not recorded. Rare or uncommon plant species were not observed in any of the detail areas where slope stabilisation works are specifically proposed.

No threatened plant species listed under either Commonwealth or ACT legislation were observed at any of the proposed work sites.

Fauna

The ecological report notes that a diverse range of birds associated with shrubby woodland and forest ecosystems in the ACT were observed in the surrounding landscapes, these being generally common species typically observed in woodland and forest communities. One migratory bird species, the rainbow bee-eater (*Merops ornatus*), was observed flying within 200 to 150 m of the proposed road stabilisation site at site F on Uriarra Road.

A swamp wallaby (*Wallabia bicolor*) was observed crossing Boboyan Road at site W. Several sites had tracks showing evidence of movement by common wombat (*Vombatus ursinus*) and eastern grey kangaroo (*Macropus giganteus*) across the

works sites. Red-neck wallaby (*Macropus rufogriseus*) were observed outside the work sites along Boboyan Road and Apollo Road and are likely to also move through the work sites

No species protected under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* were found.

Impact of development on these values (including offsite impacts)

The proposed work sites area all previously disturbed areas located adjacent to a sealed road that support a combination of bare rock, bare earth and regenerating native vegetation. The scale of disturbance is expected to be minimal at each location and will not result in the reduction of habitat connectivity. Due to the extensive disturbance that has previously occurred at all sites during the construction of the road cuttings, it is unlikely that any rare or uncommon plant species persist within the proposed works sites.

Potentially Significant Environmental Impacts

The conclusion as presented in the Ecological Report is agreed. "Roadside slope stabilisation works are proposed to be undertaken at 16 sites on Boboyan Road, Apollo Road, Corin Road and Uriarra Road. 14 of these sites are located in areas reserved under s 315 of the *Planning and Development Act (P&D Act)* for the purpose of a wilderness area, national park, nature reserve or special purpose reserve. Slope stabilisation works may be undertaken at 1 to 5 points within each work site. The scale of disturbance is expected to be in the order of several square metres at each point, with a cumulative total area of disturbance resulting from the proposed roadside slope stabilisation works is anticipated to be less than 0.3 ha across all 16 sites.

The main ecological characteristics of the proposed work areas are as follows:

- The majority of sites are located in a largely undisturbed woodland or dry forest landscape;
- All sites are existing road cuttings that have experienced extensive disturbance in the past and are located adjacent to a sealed road;
- Sites support regenerating native groundcover and shrubs to varying degrees, with varying density of groundcover and varying proportions of bare rock and bare earth present;
- Three locally rare and uncommon plant species were identified during vegetation surveys. While the individuals identified were not in areas likely to be directly impacted by the proposed works, there is some potential that

disturbance tolerant or colonising locally rare and uncommon plant species may be disturbed by the proposed works;

- The habitat present at each work site is highly degraded relative to the surrounding landscapes due to past disturbance and the location immediately adjacent to the sealed road; and
- While potential habitat for three threatened plants species, eight threatened or migratory bird species and two other threatened animal species is potentially present in the landscapes surrounding the work sites, degradation of the habitat at the work sites due to past disturbance and the location of the sealed road means that habitat for threatened species is absent or of insignificant value relative to surrounding areas.

Due to the anticipated small disturbance footprint of the proposed works and the degraded nature of the work sites relative to the surrounding landscape, the proposed slope stabilisation works are anticipated to have a minimal impact on native vegetation, natural habitat, habitat connectivity, or threatened species. Following works, colonising native species are likely to regenerate in the works areas, resulting in the re-establishment of the existing vegetation structure and habitat.”

There will be a very minor visual impact which will diminish as time goes on as the regrowing vegetation softens the disturbed areas.

It has been determined that the potential for a significant environmental impact is low provided works are in accordance with the conditions as imposed.