

Planning and Development (Environmental Significance Opinion – Water tanks for fire suppression in remote areas) Notice 2015 (No 1)

Notifiable Instrument NI2015–348

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 – Water tanks for fire suppression in remote areas) Notice 2015 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

The Conservator of Flora and Fauna has prepared an Environmental Significance Opinion (ESO) under section 138AB of the *Planning and Development Act 2007* (the Act), relating to items 1 and 3 of Part 4.3 of Schedule 4 of the Act.

The text of the ESO is in the schedule.

Note 1: A copy of the ESO may be obtained from the Environment and Planning Directorate website:

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

Note 2: Under section 138AD(6) of the Act, the ESO and the notice including the text of the ESO expire 18 months after the day the notice is notified.

Dorte Ekelund
Chief Planning Executive
22 June 2015



ACT
Government

Environment and Planning

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

Dear Ms Ekelund

Dorte

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 the proposed installation of water tanks in Namadgi National Park and surrounds to assist with fire suppression in remote areas. The proposal is not likely to have a significant adverse environmental impact provided the works are in accordance with the conditions as provided.

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

Yours sincerely

Dr A. Lane
Conservator of Flora and Fauna

18 June 2015

ENVIRONMENTAL SIGNIFICANCE OPINION

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

APPLICANT

Mr Neil Cooper, Manager, Fire Management Unit, Parks and Territory Services, Territory and Municipal Services Directorate.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA to the Conservator of Flora and Fauna 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 installation of 16 water tanks to assist with fire suppression activities in remote areas as described in the submission.

LOCATION

Various locations within Namadgi National Park and surrounds.

Block 40 District of Mount Clear; Blocks 24, 9, and 131 District of Booth; Blocks 21, 9 and 6 District of Cotter River; Block 220 District of Coree; and Block 240 District of Paddys River.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in the manner consistent with the following conditions of approval, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

- Tanks are to be located on flat areas of disturbed ground at least 2 metres from vegetation and outside the fall zone of dead timber;

- Tanks to be installed on crusher dust pads;
- Any soil disturbance associated with the installation of the tank base to be contained with silt fencing;
- The tanks located in the catchment above the Bendora Dam wall are to be filled using either treated potable water or water sourced from upstream of Bendora Dam wall to reduce the likelihood of introducing new pest fish species into the catchment;
- All works are to be in accordance with the EHN protocols; *2012-13 Ecological Guidelines for Fuel and Fire Management i.e.:*
 - Water used for access management operations in the Cotter Catchment EHN Exclusion Zone, is to be sourced from potable supplies or be extracted from the Cotter River above Cotter Dam, to prevent EHN virus being introduced to the catchment;
 - All drafting equipment used in EHN infected waters (the rest of the ACT) are to be sterilized in a chorine solution before being used in Cotter Catchment, to prevent EHN virus being introduced.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

18 June 2015

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, being:

Part 4.3, item 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Namadgi National Park contains:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT;
- Montane and Subalpine Bog (forming a significant component of the Commonwealth listed *Alpine Sphagnum Bogs and Associated Fens*).

Twelve animal species listed as threatened under the *Nature Conservation Act 2014*:

- Northern Corroboree Frog *Pseudophryne pengilleyi*
- Two-Spined Blackfish *Gadopsis bispinosus*
- Trout Cod *Maccullochella macquariensis*
- Macquarie Perch *Macquaria australasica*
- Murray River Crayfish *Euastacus armatus*
- Hooded Robin *Melanodryas cucullata*
- Brown Treecreeper *Climacteris picumnus*
- Varied Sitella *Daphoenositta chrysoptera*
- Little Eagle *Hieraaetus morphnoides*
- White-Winged Triller *Lalage sueurii*
- Smoky Mouse *Pseudomys fumeus*
- Spotted-Tailed Quoll *Dasyurus maculates*

Two plant species listed as threatened

- *Gentiana baeuerlenii* (a sub-alpine herb); and
- *Corunastylis ectopa* (Brindabella Midge Orchid).

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.

Of the 16 water tanks proposed to be installed, 2 are located within the wilderness area of Namadgi National Park, 13 are within national park, and one is outside a reserve area.

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.

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 of approval.

Project description

Namadgi National Park is located in the south and west of the ACT and covers 106,095 hectares or approximately 46% of the ACT. The western boundary of the park is the ridgeline of the Brindabella, Bimberri and Scabby Ranges. The south-eastern border of Namadgi follows the ridgeline of Clear Range.

Namadgi protects Canberra's main water supply catchment with Corin and Bendora Dams located within the Park and the expanded Cotter Dam immediately downstream. In January 2003 91% of Namadgi burnt and heavy rain following the fire resulted in large quantities of sediment and ash washing into Bendora Dam, severely reducing water quality.

Wildfires in Namadgi National Park are commonly started by lightning strikes hitting the ridge tops. As the fires start at the highest point in the catchment there is no natural water supply available for fire suppression. This project is to install sixteen 15,000 litre water tanks to provide a water supply for fire units working in remote areas to improve their ability to quickly suppress fires.

Documentation Submitted

- Site Assessment of Water Tanks for remote fire suppression;
- Parks and Conservation (Fire Management Unit) – Feasibility Analysis;
- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- List of blocks for tank locations;
- Form 1M.

Natural conservation values present

The Park conserves a wide variety of ecosystems and contributes to regional ecological connectivity through its links to reserves within NSW. The ecosystems include:

- low open woodland covering much of the park with Snow Gum woodland in the high mountain areas;
- open grasslands and frost hollows on the eastern side of the park in the Orroral and Boboyan valleys;
- tall wet forests with Alpine Ash and fern gullies in sheltered locations, especially on the western side of the park;
- wetlands including sedge fens in the valleys and sphagnum moss bogs on the peaks that are important for water catchment and as habitat for the endangered Northern Corroboree Frog *Pseudophryne pengilleyi*, and
- sub-alpine peaks and alpine communities above 1600m.

At least 35 species of mammals, 14 species or subspecies of frog, over 41 species of reptiles, four native fish species and over 130 species of birds have been recorded in Namadgi National park. There are 12 animal species listed as threatened under the *Nature Conservation Act 2014*:

- Northern Corroboree Frog *Pseudophryne pengilleyi*
- Two-Spined Blackfish *Gadopsis bispinosus*
- Trout Cod *Maccullochella macquariensis*
- Macquarie Perch *Macquaria australasica*
- Murray River Crayfish *Euastacus armatus*
- Hooded Robin *Melanodryas cucullata*
- Brown Treecreeper *Climacteris picumnus*
- Varied Sitella *Daphoenositta chrysoptera*
- Little Eagle *Hieraaetus morphnoides*

- White-Winged Triller *Lalage sueurii*
- Smoky Mouse *Pseudomys fumeus*
- Spotted-Tailed Quoll *Dasyurus maculates*

Three vegetation communities in Namadgi have been identified as requiring special protection and management. These are:

- *Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT*
 - Montane and Subalpine Bog (forming a significant component of the Commonwealth listed *Alpine Sphagnum Bogs and Associated Fens*)
 - Black Cypress Pine Tableland Open Forest.

Several rare and unusual species occur in Namadgi, but only two plant species are formally recognised as threatened: *Gentiana baeuerlenii* (a sub-alpine herb) and *Corunastylis ectopa* (Brindabella Midge Orchid). Both are declared threatened under ACT and Commonwealth legislation.

The Ginini Flats Wetlands is included on the *List of Wetlands of International Importance* (Ramsar) in recognition of its significant ecological characteristics and is the only Ramsar Wetland in the ACT.

Impact on the Reserve

The tanks are to be sited on areas of already disturbed ground such as passing bays in the fire trails, old stockpile sites, old quarries and car parks. This is to ensure that no further disturbance to the Park will occur. All sites were inspected by a Senior Ecologist, Conservation Research, Environment and Planning Directorate to ensure that the installation of the tanks will not impact on any rare or threatened plants. As the footprint of each tank is small their installation is unlikely to impact on any fauna species.

Works will be undertaken by in-house staff to reduce the likelihood of inadvertent impacts with the use of contractors unfamiliar with the Park and its values.

It is noted that two of the tanks sites are within the Bimberri Wilderness area. Both are to be located within old borrow pits / passing bays on the edge of the existing Mt Franklin Road.

A primary management objective within the Namadgi National Park Plan of Management 2010 is "Fire management strategies integrate fire protection, water supply and conservation objectives and, to provide guidance for management, are supported by an effective research and monitoring program." The provision of water tanks in remote areas is consistent with this objective.

Chapter 7 of the Namadgi National Park Plan of Management 2010 contains fire management policies and actions. These include:

- the development of strategies for the early detection and rapid suppression and the management of unplanned fire in the park;
- the provision of a network of water access points; and
- the provision of adequate resources including infrastructure, equipment and personnel for suppression operations and the undertaking of fuel management activities.
- As far as practicable exclude prescribed fire from hydrologically and ecologically significant or sensitive areas including:
 - erosion prone zones;
 - wet heaths, subalpine bogs and significant wetlands;
 - dry rocky heath communities (threatened species habitat);
 - areas occupied by obligate seeding species ('seeders') until they have reached sufficient maturity to regenerate after a fire;
 - riparian areas.

The installation of water tanks that are easily accessible in remote areas is in accordance with the actions listed above, and will enhance the fire fighting capabilities of the Parks and Conservation Service for the protection of the natural and cultural assets of the Park.

Potentially Significant Environmental Impacts

The sites have been well chosen to avoid any more than minor clearance of recently disturbed vegetation. The total disturbance footprint is in the low hundreds of metres, and is basically confined to former stockpile or turning locations adjacent to existing roads. At five of the locations rare plants have been recorded within a few hundred metres of the proposal. While the presence of rare orchids can't be entirely dismissed there is a very low likelihood of the proposal impacting on rare plant species. The proposal includes weed and pathogen hygiene conditions.

Conditions have been included to ensure that works, and ongoing management of the tanks, will not increase the likelihood of either an alien fish species, or the EHN virus, are introduced into the catchment.

It has been determined that if the works are undertaken in a manner consistent with the above conditions of approval, they are unlikely to cause a significant adverse environmental impact.