

# Planning and Development (Conditional Environmental Significance Opinion – Mechanical Vegetation Removal on Fire Trails) Notice 2018

## Notifiable Instrument NI2018–105

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 (Conditional Environmental Significance Opinion – Mechanical Vegetation Removal on Fire Trails) Notice 2018*.

### 2 Conditional Environmental Significance Opinion

(1) On 12 February 2018, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion on Blocks 223 and 240, District of Paddys River; Block 21, District of Cotter River; Block 40, District of Coree and Block 40, District of Mount Clear, for the removal of vegetation along selected fire trails within these blocks.

(2) In this section:

***Conditional environmental significance opinion*** means the opinion in the schedule.

*Note 1:* Under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton  
Chief Planning Executive  
23 February 2018

## Schedule

See section 2(2)

---

### **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**

ACT Parks and Conservation Service, Environment Planning and Sustainable Development Directorate, as represented by Tony Scherl, Manager, Fire Planning.

#### **APPLICATION and DEVELOPMENT PROPOSAL**

The applicant has applied under section 138AA 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 vegetation management on the sides of approximately 21.3 kilometres of fire trail within the ACT's conservation estate that is managed by the Parks and Conservation Service (PCS). The areas of vegetation to be managed are within the original construction footprint of the trails and much of the vegetation is re-growth as described in the submission.

#### **LOCATION**

Numerous blocks within the conservation estate including Blocks 223 and 240 District of Paddys River, Block 21 District of Cotter River, Block 40 District of Coree and Block 40 District of Mount Clear.

Namadgi National Park, Tidbinbilla Nature Reserve and Lower Cotter Catchment.

#### **MATTERS TO WHICH THIS OPINION APPLIES**

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

#### **OPINION**

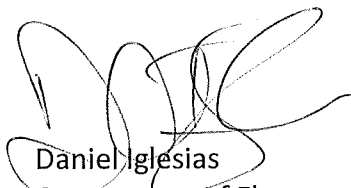
Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

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

- That all works are in accordance with the mitigation measures as provided in the submission;

- The tritter will not treat known weed patches unless the weeds have been chemically sprayed in advance of the treatment, are dying or dead and free of seed, and there is follow up spray with a suitable chemical to destroy the weeds.
- Prior to tritter work commencing in a new area, the alignment will be inspected and all weed patches recorded using a GPS and the information provided to the Senior Weeds Officer, PCS. Flagging tape to be installed to alert the operator (to be removed at the completion of works in that area). Appropriate weed control to be implemented in accordance with the above condition. Weeds of concern include: African Love Grass, Serrated Tussock, Chilean Needle Grass, Sweet Vernal Grass, Sulphur Cinquefoil, Nodding Thistle, Vipers Bugloss, Birds-foot Trefoil and St. Johns Wort.
- Follow-up chemical application which occurs after the tritter to suppress initial stages of regrowth will also treat any weeds (with suitable chemical) within and immediately adjacent to the treated area. GPS records of the patch size to be updated and provided to the Senior Weeds Officer, PCS.
- Any patches of weeds observed outside of the specific operations applied for in this application will be reported to the Senior Weeds Officer for appropriate action by PCS District offices.
- Long runs of trittering (exceeding 1km) are likely to be broken by the presence of significant trees or other protected vegetation. Where this does not occur there is to be a break in treatment (as long as the trail remains within specification and no safety concerns exist) to provide a buffer to the uninterrupted spread of weeds.
- no trittering is to be undertaken within 20.0m of a major creek within 10km of Gibraltar Falls

Attached is a Statement of Reasons for the decision.



Daniel Iglesias  
Conservator of Flora and Fauna

12 February 2018

## 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 2(a) the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area*

The proposal will impact on 8.5ha of native vegetation.

*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.*

Works are within Namadgi National Park and Tidbinbilla 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 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 development proposal is for vegetation management on the sides of approximately 21.3 kilometres of fire trail within the ACT's conservation estate that is managed by the Parks and Conservation Service (PCS). The areas of vegetation to be managed are within the original construction footprint of the trails and much of the vegetation is re-growth as described in the submission.

Vegetation that encroaches on the fire trail, and impedes access by fire units or obstructs the line of sight on corners, will be mulched with the use of machinery to approximately 2.0 m from the edge of existing fire trails, or to the outside of road drainage structures. Some areas will be treated up to 4.0 m in depth at sharp bends and switchbacks to further improve sight lines at these conflict points. The minimum height of vegetation after treatment will be 100mm.

Vegetation on those trails that are to be used as containment lines in the hazard reduction burns program will be mulched to a width of 3.0m to improve crew safety and ensure the integrity of the containment lines.

Spot spraying using a chemical that targets woody species will be undertaken on the treated vegetation to prolong the time needed between treatments.

### **Documentation Submitted**

- ESO Supporting Statement – Mechanical Vegetation Removal on Fire Trails (2017-18);
- Schedule of Blocks;
- Numerous maps showing location of works;
- Form 1M.

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

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.

No works are proposed in these communities.

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. No works are proposed that will impact these species.

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. No works are proposed that will impact on the wetlands.

The Report submitted notes that works will pass through most of the forest communities from Appendix 2 of the Namadgi National Park Plan of Management. The most notable amongst these communities at each location of prescribed works are the following:

*Devil's Gap Burn (AV186/FB292)*

- Mid-tall open sclerophyll forests ranging from wet to dry with the following associations:
  - Broad leaved peppermint, Candlebark; Apple box, Broad leaved peppermint; Mealy Bundy, Broad leaved peppermint; Ribbon gum, Robertson's peppermint

*Pabral Road (AV189)*

- Tall open sclerophyll forests ranging from wet to dry with the following associations:
  - Ribbon gum, Robertson's peppermint; Broad leaved peppermint, Candlebark; Broad leaved peppermint, Brittle Gum/Red Stringybark

*Two Sticks Road (AV193)*

- Tall open sclerophyll forests ranging from wet to dry with the following associations:
  - Snow gum, Mountain gum, *Daviesia mimosoides*; Ribbon gum, Robertson's peppermint; Broad leaved peppermint, Mountain gum; Snow gum, Drumstick heath/Myrtle tea-tree

*Mount Clear (AV206/FB095)*

- Tall open sclerophyll forests ranging from wet to dry with the following associations:
  - Robertson's peppermint; Snow gum, Candlebark; Black sallee; Broad leaved peppermint, Candlebark

The works at Devils Gap will pass through habitat for the Greater Glider (*Petauroides Volans*) listed as vulnerable under the provisions of the *Environment Protection and*

*Biodiversity Conservation Act 1999*. However, as the works will not remove any mature trees no habitat will be affected.

There are four plant species that are rare or uncommon in the ACT region in the vicinity of the works. These are Floating Bur-reed (*Sparganium subglobosum*), Matted Parrot-pea (*Dillwynia prostrata*), Matted Lignum (*Muehlenbeckia axillaris*), and Alpine Blowngrass (*Lachnagrostis meionectes*). Locations for these species are known from GPS records and descriptions and the works will not impact these species.

The Alpine Redspot Dragonfly (*Austropetalia tonyana*) is a rare dragonfly species, with only 35 recordings in Australia since the 1950s. While the species hadn't been seen in the ACT for several decades it was recently recorded along the Corin Road near Kangaroo Creek, which is about 6km away from the Devils Gap Fire trail, and there are also historic records from the vicinity of Gibraltar Falls. The species has a very restricted geographic distribution in NSW and the ACT, found only in mountainous regions around the splash zone of waterfalls that occur within 600 – 1800 metres above sea level. Given the possible presence of the Dragonfly in this area, no trittering is to be undertaken within 20.0m of a major creek within at least 10km of the Falls.

There is a 1994 record of approximately 30 individuals of the rare Key's Matchstick Grasshopper along the Gibraltar Fire Trail near the start of the Gibraltar Peak walk. In the long term it is suspected that trittering is likely to provide the more open habitat that this Grasshopper prefers. Adults die off in late summer becoming active again in winter. They will have laid eggs which will probably be on native daisies which they are suspected of eating. While the maps show that no trittering is proposed on this section of the trail if trittering is required in this area then the height of cutting is to be higher, i.e. above the leaf height of most of the herbaceous daisies.

The works will pass through areas of habitat for a range of fauna species though no species are expected to be impacted as they will be able to move out of the works area. The areas to be treated are also areas that were previously disturbed by the construction of the trails. The ground layer of vegetation will be maintained allowing for sheltered passage for small vertebrates.

With the exception of works on the roads around the Mount Clear burn (including Burnt Hill Fire Trail and Carey Fire Trail), all of the other works are located in the area burnt by the 2003 bushfires. Vegetation in these areas has a higher proportion of juvenile eucalypts and mid-storey shrubs and fallen timber.

### **Impact on the Reserve**

Chapter 7 of the *Namadgi National Park Plan of Management 2010* contains fire management policies and actions. An Objective for Fire Access is “**Access infrastructure is provided to support fire management activities**”.

The Plan also states:

An access strategy for fire management in the park will be developed that takes account of environmental, social and economic values. This strategy will include:

- the provision of an appropriate fire trail network to assist in suppression and/or management operations and to provide the basis for fire fuel management activities
- specified standards for the maintenance of fire trails and classification of trails according to current codes of practice and requirements under the *Environment Protection Act 1997*

Maintenance of fire trails is required to be undertaken in accordance with the Government commitments made under the Strategic Bushfire Management Plan. Maintenance of fire trails to an agreed standard will assist in the protection of life and property, help minimise the impacts of hazard reduction and fire suppression activities, and aid in the protection of natural and cultural resources from the impacts from wildfire.

There will be short term local visual impacts due to the vegetation clearance but the works will give a substantial advantage in controlling fire and will help protect the conservation estate from the impacts of wildfire. In the event that a fire does break out, the intensity is likely to be much lower in these cleared areas allowing fire suppression activities to be more effective.

The removal of the vegetation will allow for emergency vehicle access for general operational and fire suppression activities and the use of the existing trail network to create strategic containment lines in case of wildfire. It will also reduce the threat of vehicle entrapment from burnover due to radiant heat from vegetation encroaching on the trail, and increase crew safety by creating better driver line of sight at trail corners, turns and intersections. The treated trails will also be used to prepare and ‘sure up’ containment lines for the hazard reduction burn program.

### **Potentially Significant Environmental Impacts**

Although this work is being undertaken within areas previously disturbed by the construction of the trails, it still has the potential to impact on cultural sites and rare and threatened fauna and flora. To reduce the potential to impact on these sites protocols have been developed including onsite field assessments by an ecologist, and the implementation of exclusion zones where appropriate. These protocols have been listed in the submission as mitigation measures.



It has been determined that provided all works are undertaken in a manner consistent with the documentation submitted in support of the ESO; the established protocols for vegetation removal within the conservation estate; and the following conditions; they are unlikely to cause a significant adverse environmental impact.

- The tritter will not treat known weed patches unless the weeds have been chemically sprayed in advance of the treatment, are dying or dead and free of seed, and there is follow up spray with a suitable chemical to destroy the weeds.
- Prior to tritter work commencing in a new area, the alignment will be inspected and all weed patches recorded using a GPS and the information provided to the Senior Weeds Officer, PCS. Flagging tape to be installed to alert the operator (to be removed at the completion of works in that area). Appropriate weed control to be implemented in accordance with the above condition. Weeds of concern include: African Love Grass, Serrated Tussock, Chilean Needle Grass, Sweet Vernal Grass, Sulphur Cinquefoil, Nodding Thistle, Vipers Bugloss, Birds-foot Trefoil and St. Johns Wort.
- Follow-up chemical application which occurs after the tritter to suppress initial stages of regrowth will also treat any weeds (with suitable chemical) within and immediately adjacent to the treated area. GPS records of the patch size to be updated and provided to the Senior Weeds Officer, PCS.
- Any patches of weeds observed outside of the specific operations applied for in this application will be reported to the Senior Weeds Officer for appropriate action by PCS District offices.
- Long runs of trittering (exceeding 1km) are likely to be broken by the presence of significant trees or other protected vegetation. Where this does not occur there is to be a break in treatment (as long as the road remains within specification and no safety concerns exist) to provide a buffer to the uninterrupted spread of weeds.
- no trittering is to be undertaken within 20.0m of a major creek within 10km of Gibraltar Falls

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