

# Planning and Development (Conditional Environmental Significance Opinion – Block 58, Tennent – Booroomba Rocks Fire Trail Crossing) Notice 2021

Notifiable instrument NI2021–446

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 58, Tennent – Booroomba Rocks Fire Trail Crossing) Notice 2021*

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 30 June 2021, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to repairs and construction, on Block 58, of Tennent, of a fire trail crossing and culvert.

- (2) In this section:

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

*Note* 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.

George Cilliers  
Delegate of the planning and land authority  
16 July 2021

## **Schedule**

**See section 3(2)**

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### **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 (PCS), Environment, Planning and Sustainable Development Directorate (EPSDD), as represented by James Overall, Program Manager.

#### **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 the replacement of the burnt and flood damaged crossing with a new crossing at Booroomba Rocks fire trail crossing as described in the submission.

#### **LOCATION**

Block 58, Tennent within the Namadgi National Park. The crossing is located at the Booroomba Rocks fire trail.

#### **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 s138AB(4) of the Act:

1. Erosion and sediment controls must be in place for the duration of construction and include coir logs as longer term sediment control measures where there is a risk of erosion of slopes not being rock battered.
2. Grassy vegetation will be planted into embankments as soon as possible post construction. Disturbed areas will be replanted with locally native species including *Poa Sieberiana*, *Lomandra Longifolia*, and *Dianella Revoluta*.
3. If any rare or threatened plants are identified within the project area during construction, works will stop and ACT Government ecologists will be contacted to identify any additional required management and mitigation.
4. Install roughening elements into the base of the culvert to improve passage for aquatic species to the satisfaction of the Senior Manager, Conservation Research (CR), EPSDD.
5. Any fauna disturbed and unable to escape during rock removal must be relocated moved to the closest nearby habitat (out of the disturbance area), and the sighting reported CR for record.
6. All plant, machinery and equipment will be washed down prior to leaving the depot so that they are free of dirt, soil and plant propagules to the satisfaction of PCS
7. Plant and machinery will remain on site until works are complete.
8. If any sites being transited by machinery are found to contain *Phytophthora*, plant and equipment washdown will be implemented with the use of Phytoclean or Bleach product at specified label rates in an agreed location away from potential risk of entering waterways. Appropriate testing of the area will occur to determine the extent of *Phytophthora* and control and exclusion measures introduced in consultation with ACT Government ecologists and subject experts.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

30th June 2021

## 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 3 proposal for development in a reserve;*

The development area is located within the Namadgi National Park reserve area.

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 Orroral Valley Fire of early January 2020, and the subsequent storms caused significant damage to infrastructure within Namadgi National Park. The Booroomba Rocks fire trail crossing was burnt and flooded resulting in structural damage. This crossing and fire trail services the Booroomba Rocks area of Namadgi National Park and is important access road for park users, Emergency Services and for general land

management. The Project Area is along a tributary of Honeysuckle Creek off Apollo Road within Namadgi National Park.

The proposed work will replace the existing twin 600mm plastic culvert pipes with a single 1200 x 1200mm concrete box culvert and install a concrete deck on the crossing to improve maintenance and safety as the existing surface was prone to drainage failure and ice formation in the colder months.

#### **Documentation Submitted**

- Request for Quote documents for the PCS Booroomba Crossing
- Correspondence from Conservation Research, EPSDD
- Supporting documentation for the application for an Environmental Significance Opinion from the ACT Parks and Conservation Service;
- Form 1M.

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

Namadgi National 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 cucullate*)
- 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.

The vegetation at the development site is classified as U22 Mountain Gum – Snow Gum ± Robertson’s Peppermint grass-forb very tall woodland to open forest.

No known rare plants have been identified as being present in the area through desktop cross checking of Canberra Nature Map and ACT GOV GIS databases. EPSDD rangers have inspected the site with no observations of any threatened or rare plants being made.

The area may be habitat for Spiny Crayfish (*Eustacus reiki* or *crassus*).

The area is also classified as habitat for the Rosenberg Monitor (*Varanus Rosenbergi*). No termite mounds are located within or immediately adjacent to the project site.

### **Impact on the Reserve**

The proposed disturbance area is confined to an area no 20m by 15m which is largely taken up by the existing road surface and culvert batters. Disturbance to in stream and adjacent grasses (*Poa* and *Lomandra spp*) and riparian sedges (*Cyperus Spp*) will be kept to a minimum with only 10-20 m2 of this vegetation likely to be disturbed. This will be reinstated through targeted planting following construction.

If any rare or threatened plants are identified within the project area during construction works will be ceased and ACT Government Ecologists will be contacted and advice sought on how to mitigate impacts against them.

### **Potentially Significant Environmental Impacts**

The site and construction will avoid any more than minor clearance of native vegetation. The total disturbance footprint is in the low and is mostly confined to the existing roadway.

No rare plants have been recorded within the proposal area. While the presence of rare plants 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 will not have an adverse environmental impact on the waterway, surrounding vegetation or natural conservation values of the Reserve:

1. Erosion and sediment controls must be in place for the duration of construction and include coir logs as longer term sediment control measures where there is a risk of erosion of slopes not being rock battered.
2. Grassy vegetation will be planted into embankments as soon as possible post construction. Disturbed areas will be replanted with locally native species including *Poa Sieberiana*, *Lomandra Longifolia*, and *Dianella Revoluta*.
3. If any rare or threatened plants are identified within the project area during construction, works will stop and ACT Government ecologists will be contacted to identify any additional required management and mitigation.
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8. If any sites being transited by machinery are found to contain Phytophthora, plant and equipment washdown will be implemented with the use of Phytoclean or Bleach product at specified label rates in an agreed location away from potential risk of entering waterways. Appropriate testing of the area will occur to determine the extent of Phytophthora and control and exclusion measures introduced in consultation with ACT Government ecologists and subject experts.

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.