

Planning and Development (Conditional Environmental Significance Opinion – Block 21, Cotter River– Two Sticks Road Landslip Repairs) Notice 2023

Notifiable instrument NI2023–132

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 – Block 21, Cotter River – Two Sticks Road Landslip Repairs) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 22 February 2023, 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 construction, on Block 21, Cotter River, for repair works of a small landslip located on Two Sticks Road.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

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

Craig Weller
Delegate of the planning and land authority
9 March 2023

Schedule

See section 3(2)

ENVIRONMENTAL SIGNIFICANCE OPINION

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

APPLICANT

NSW National Parks and Wildlife Service, as represented by Mr Sam Light, Project Officer, Fire Access and Fire Trails.

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 repair works of a small landslip located on Two Sticks Road, to enable major fire trail upgrades within National Parks and Wildlife Service estates, as described in the submission.

LOCATION

The landslip is located on ACT land, 480 metres south of the Curries Road and Two Sticks intersection within the Cotter River Catchment. The proposed works are located within Block 21, District of Cotter River.

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. Any Virgin Excavated Natural Material used to stabilise the downslope batter will need to be certified weed free material.
2. Works must cease on a declared Total Fire Ban.
3. The proponent should risk assess undertaking any hot works on days with a Fire Danger Rating of High, and consider whether the activities can be undertaken under less risky conditions and what mitigation measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available at <https://esa.act.gov.au/> for the proponent to assess risks.

Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', with a large, sweeping flourish extending from the end.

Bren Burkevics
Conservator of Flora and Fauna

22 February 2023

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 area is located within the Cotter River 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

National Parks and Wildlife Service (NPWS) are in the process of commencing a major fire trail upgrade of Two Sticks Road, Pabral Road, Coree Summit Road and Blue Range Road to meet the legislated NSW Rural Fire Service Fire Trail Standards. The NSW Government is establishing a more integrated and strategic network of fire

trails and access arrangements to improve accessibility for fire fighters during bush fires and hazard reduction burns.

NPWS identified a small landslip located within ACT land 480 metres south of the Curries Road and Two Sticks intersection, which was subsequently brought to the attention of ACT Parks and Conservation staff. The slip is approximately 5 metres in length and has been cordoned off since June 2022.

The landslip is unsafe for park users particularly during wet periods, and it limits the road's vehicle carrying capacity which subsequently inhibits firefighting operations. If unresolved the landslip will create an unsafe working environment for an upcoming Hazard Reduction burn programmed to take place in March 2023.

The works will involve widening the existing road corridor by 1.5 m wide x 15m long using an excavator with a rock hammer. The spoil from this process will be used to stabilise the downslope batter in conjunction with 30 tonnes of imported virgin excavated natural material (VENM) rock, sizing from 50mm to 1000mm. The rocks will be placed on geofabric, compacted and backfilled to form a safe road batter.

Documentation Submitted

- Form 1M.
- Letter of Authorisation
- Site photo
- Supplementary Doc 1– Review of Environmental Factors

Natural conservation values present

The proposed area for works supports species of native montane vegetation known in NSW as PCT953 which consists of Mountain Gum, Snow Gum, Broad-leaved Peppermint shrubby open forest of montane ranges, South-eastern Highlands Bioregion and Australian Alps Bioregion.

The proposed works area is adjacent to vegetation mapped as Smoky Mouse (*Pseudomys fumeus*) habitat.

Impact on the Reserve

The expected impact zone is approximately 45m², however the project area is regularly maintained as a fire trail and therefore is kept free of mature trees with woody vegetation, therefore limiting the impact to only grasses, ferns and grass covers.

The works will not have a significant impact on the values of the ACT conservation estate or on native vegetation, threatened species and ecological communities.

Potentially Significant Environmental Impacts

The proposed works are unlikely to result in any significant impacts. The ESO application demonstrates that the works will be undertaken in a manner that incurs the least amount of vegetative and soil disturbance and will prevent the need for more disruptive maintenance in the future.

The following conditions have been included to further protect the values of the Reserve:

1. Any VENM material used to stabilise the downslope batter will need to be certified weed free material.
2. Works must cease on a declared Total Fire Ban.
3. The proponent should risk assess undertaking any hot works on days with a Fire Danger Rating of High, and consider whether the activities can be undertaken under less risky conditions and what mitigation measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available at <https://esa.act.gov.au/> for the proponent to assess risks.

Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark.

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.