

Planning and Development (Conditional Environmental Significance Opinion – Block 25 Rendezvous Creek – Orroral Valley Campground Toilet Block Facility Upgrade) Notice 2023

Notifiable instrument NI2023–658

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 25 Rendezvous Creek – Orroral Valley Campground Toilet Block Facility Upgrade) Notice 2023*

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 13 September 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 development, on Block 25 of Rendezvous Creek of a new toilet block at Orroral Valley Campground to replace the old dysfunctional toilets.

- (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
6 October 2023

Schedule

See section 3(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 Thomas Mungoven, Project Officer.

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 upgrade of Orroral Valley Campground toilet facilities as described in the submission.

LOCATION

The proposed works are located at the Orroral Valley Campground at Block 25, District of Rendezvous Creek, Namadgi National Park.

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:

- Prior to entering the reserve vehicles and machinery must be cleaned and free of any plant material or soil.
- The area of proposed ground disturbance must be checked for the presence of Swamp Violet. If the plant is present it should be avoided. If this is not possible then the matter should be discussed with the Office of the Conservator of Flora and Fauna prior to works commencing.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

13 September 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 site of proposed works has a Pb - National Park overlay.

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 Campground has recently reopened after fire and floods removed the access bridge to the area in 2019. The existing toilet block contains one septic system toilet block with flushing toilets. These facilities are regularly unusable during winter as the flushing function freezes rendering them unusable by the public and

causing significant WHS and maintenance issues. An ESO was granted for these works in 2020, however this expired while awaiting bridge repairs and access to the area. The works as proposed will decommission the existing toilet block and convert the remaining concrete slab to a picnic area as well as the construction of a new toilet facility on a different part of the campground.

The toilet upgrade works include:

- Boring for concrete piers.
- Excavation for the placement of two underground sewage waste tanks.
- Installation of two precast concrete sewage waste tanks.
- Pouring of the concrete slab for the toilet block.
- Installation of the prefabricated toilet block including one unisex accessible, one ambulant and two standard cubicles.
- Installation of two rainwater tanks for handwashing.
- Minor landscaping

The proposed decommission of the existing toilet block will involve:

- Removal of 5 flushing toilet systems and 1 urinal.
- Filling in of the holes from the toilet systems with concrete.
- Removal of the cubicles
- Removal of non-mandatory wooden supports.
- Removal of one Colourbond wall

The structure will be retained and repurposed as an additional shelter and communal area for campers and day visitors to utilise.

Hand basins and sewage tanks will be retained. Sewage tanks will be used for grey water disposal from the water basins. Water basins to be incorporated into the new picnic facility.

Documentation Submitted

- Documentation to support an application for an Environmental Significance Opinion;
- Toilet Technical Drawings;
- Orroral Valley Campground Toilet Upgrade Functional Brief;
- Letters of authorisation;
- Form 1M.

Natural conservation values present

The toilet block is located within the highly disturbed Orroral Valley campground. The campground itself is outside areas of high natural value and primarily supports Snow Gum – Candlebark tall grassy woodland and potential Rosenberg’s Monitor (*Varanus rosenbergi*) habitat.

The surrounding Namadgi National Park serves as habitat to many species of native wildlife and flora, conserves a wide variety of ecosystems and contributes to regional ecological connectivity through its links to reserves within NSW.

At least 48 species of mammals, 11 species or subspecies of frog, 19 species of reptiles, one native fish species and over 78 species of birds have been recorded in Namadgi National Park within a 500m radius of the development site including three animal species listed as threatened under ACT and/or Commonwealth legislation:

- Eastern Pygmy Possum (*Cercartetus nanus*)
- White-winged Triller (*Lalage tricolor*)
- Scarlet Robin (*Petroica boodang*)

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.

Impact on the Reserve

The new toilet block has been well sited to avoid impacts to surrounding vegetation and will not require the removal of any trees. The proposed works will result in approximately 63 m² of permanently disturbed area, however it is located within an already highly disturbed environment. Temporarily disturbed areas will be remediated by PCS staff using a combination of native seed mix and tube stock.

The installation of a new toilet block will have a positive outcome for both visitors and staff.

Potentially Significant Environmental Impacts

The total disturbance footprint is small and avoids any disturbance to trees and riparian areas. Significant impacts are unlikely with any impact contained to already disturbed areas. Plant, machinery, and vehicles will utilise existing tracks for the construction of the proposed works. Excavation will be kept to a minimum and the site will be fenced off with temporary fencing.

The site does not support any threatened communities although a rare herb, Swamp Violet (*Viola caleyana*) has previously been recorded within the campground. Contractors and all employees working on site will be inducted and informed, if the plant is sighted during construction of the toilet block, work will be stopped.

The proposed works will provide important upgrades to visitor facilities and mitigate any risk of effluent leaking into the adjacent river. Works will be undertaken by skilled contractors and supervised by a PCS and Infrastructure Development Partners (Major Projects) Project Manager to ensure smooth delivery and minimal impact on the surrounding areas.

Conditions have been included to ensure that works will not increase the spread of new weed species or impact rare plants:

- Prior to entering the reserve vehicles and machinery must be cleaned and free of any plant material or soil.
- The area of proposed ground disturbance must be checked for the presence of Swamp Violet. If the plant is present it should be avoided. If this is not possible then the matter should be discussed with the Conservator Liaison.

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.