

Planning and Development (Environmental Significance Opinion - Canberra Centenary Trail - Northern Link) Notice 2013 (No 1)

Notifiable Instrument NI2013–199

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 - Canberra Centenary Trail - Northern Link) Notice 2013 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

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

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

Dorte Ekelund
Environment and Sustainable Development Directorate
28 April 2013



ACT
Government

Environment and
Sustainable Development

Mr Ben Ponton
A/g Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Ponton

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 on the construction of the northern link of the Centenary Trail.

The proposal is not likely to have a significant adverse environmental impact on:

- land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve; or the clearing of more than 0.5ha of native vegetation, provided works are undertaken in accordance with the conditions listed in the opinion.
- a species or ecological community that is vulnerable, endangered, or protected;
- the clearing of more than 0.5ha of native vegetation

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

Yours sincerely

Alan Traves
A/g Conservator of Flora and Fauna

17 April 2013



ACT
Government

Environment and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

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

PROPONENT

Libby Gordon, Senior Project Officer, Design and Development, Territory and Municipal Services Directorate.

LOCATION

Blocks 685, 772, 826, 693, 814, 816 and 808 District of Gungahlin. Block 685 Gungahlin is an area of nature reserve known as Little Mulligans Flat.

DEVELOPMENT PROPOSAL

Construction of a multi-use standard trail, suitable for both pedestrian and cyclist use, to establish the northern link of the Centenary Trail. Works will require removal of vegetation within a 1.5 m corridor of which 1.2 m will constitute the final trail tread. Works will also require the trimming of trees and shrubs which overhang the trail.

The trail will be constructed using a mini-excavator on rubberised tracks to minimise direct and indirect impacts, and will be constructed of predominantly natural materials found in situ i.e. compacted soil. A boardwalk will be constructed in several locations where the trail passes through intermittently moist areas.

The development of the northern link trail requires the withdrawal of leased land by the ACT government from three rural leases in a 20 m easement around the trail alignment. The new leased land boundary will be fenced (approximately 10.9 km of fencing) in accordance with the Territory and Municipal Services Directorate standard and will be joint-hinged with a wire top.

In addition to the trail, works will include signage and the provision of rest nodes as well as the construction of one campsite within Block 826 Gungahlin. The development of the campsite will require the construction of a toilet block (15m²) and two shelter slabs and bases (each 100m²) which will result in the clearance of native vegetation

The proponent wants the application for the development approval assessed 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 for an environmental significance opinion to that effect.

OPINION

The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

The works must be done in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and:

- the trail is to be constructed as per the documentation submitted except for the conditions as provided below;
- the fenced-off trail easement is managed so that native vegetation within the easement is enhanced. This could involve tree or shrub planting, or ecologically appropriate biomass control, such as burning or irregular and high mower height slashing with a clean machine;
- the regular trail maintenance program mentioned in Section 2.3 of the ESO include searching for and controlling any new weed incursions along the trail;
- that the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO, includes a review of weed and pathogen incursions along the trail and how effectively they have been contained.
- the traffic and impact of foot-traffic to One Tree Hill summit be regularly monitored and remedial action undertaken if erosion occurs, and
- the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO, includes consideration of the numbers utilising the trail, the sustainability of this use and whether controls on numbers may need to be implemented.
- that camp fires are not permitted at Elm Grove campsite and signage prohibiting camp fires is provided;
- that access to the Elm Grove campsite for construction and toilet maintenance traffic is on existing tracks that require no more than grading,
- no modified cycle grids are used at reserve entry points to control access by motor bikes. Only step through gates are to be used;
- trail to be re-aligned at S6-1 and S6-4 to minimise disturbance;
- rocks removed during trail construction are to be stockpiled for use on cut/fill banks in open areas;
- S10-9 the fence is to be installed above the land slip and below the natural spring (WP 78) to protect waterway. 50 silver wattles to be planted at this location to stabilise bank; and

- S10-10 the trail to be realigned downslope to cross the gully at a point to avoid the need for a boardwalk.



Alan Traves
A/g Conservator of Flora and Fauna

17 April 2013

STATEMENT OF REASONS REASONS FOR THE DECISION

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an environmental significance opinion that, if successful, would enable a proposal to be assessed in the merit track. Schedule 4 of the *Planning and Development Act 2007* lists items that trigger the requirement for an EIS. The proponent has stated that the relevant Schedule 4 items for seeking an environmental significance opinion on this proposal are:

Part 4.3 Item 1

proposal that is likely to have a significant adverse environmental impact on 1 or more of the following, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact:

- (a) a species or ecological community that is endangered;
- (b) a species that is vulnerable;
- (c) a species that is protected;

Part 4.3 Item 2

the clearing of more than 0.5ha of native vegetation other than on land that is designated as a future urban area under the Territory Plan unless the Conservator of Flora and Fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact;

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, unless the Conservator of Flora and Fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact

The proposal involves the clearance of 1.18ha of native vegetation; Block 685 Gungahlin is an area reserved as public land nature reserve (Little Mulligans Flat Nature Reserve); and, two protected plants, *Cheilanthes austrotenuifolia* (Rock Fern) and *Burchardia umbellata* (Milkmaids), were identified within or adjacent to the proposed alignment.

The proponent wants the application for the development approval assessed 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 for an environmental significance opinion (ESO) 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 provided works are in accordance with the conditions imposed, based on the documentation submitted and known values of the site.

Project description

The Centenary Trail will be a trail approximately 150 km long that loops around the ACT as a self-guided, trail for walkers and touring cyclists. These works are for the construction of the northern link of the trail and includes the construction of 11.95 km of new trail to a multi-use standard suitable for both pedestrians and cyclists.

In addition there are some minor works within the Little Mulligans Flat Nature Reserve that include signage, log seating and the construction of four rollovers on an existing fire trail.

The new trail construction includes a new trail from Little Mulligans to meet with the fire trail within Block 826 (including two boardworks and log seating), and a new trail from the fire trail within Block 826 to the Village of Hall via One Tree Hill. Works include:

- stripping of grass cover to delineate the trail on grassed level terrain;
- construction of full benched trails in areas devoid of vegetation;
- construction of a camp site including pit toilet (15m² toilet block), picnic table, two shelters (each 100m²) within Block 826 Gungahlin;
- the installation of a number of small rest nodes;
- associated signage;

- construction of 10.9km of fencing; and
- rehabilitation of any areas impacted but not constituting part of the trail corridor using suitable local native grass species mixed with a sterile Rye grass

Following the completion of the trail construction, any impact areas not constituting part of the trail corridor will be rehabilitated using suitable local native grass species.

Documentation Submitted

- Report titled Canberra Centenary Trail Northern Link, Documentation to support an application for an Environmental Significance Opinion, February 2013 (Ecological Australian Pty Ltd);
- Draft Canberra Centenary Trail Construction Environmental Management Plan;
- Numerous plans with field note annotations.

Natural conservation values present

The report submitted with the ESO states that the proposed trail passes through a number of ecological communities, including Red Stringybark- Scribbly Gum Forest, Box-Gum Woodland and associated derived grassland areas. Several areas are dominated by exotic pasture species or contain planted overstory species.

Red Stringybark – Scribbly Gum Tableland Forest (RSSGTF) is characterised by the presence of *Eucalyptus macrorhyncha* (Red Stringybark) and *Eucalyptus rossii* (Scribbly Gum). The community predominantly occurs on hill slopes within the ACT and often has a well-developed shrub layer dominated by a mix of Acacia and heath species.

This community also occurs as secondary grassland, where the canopy layer has been removed for grazing. These areas are typically dominated by tussock grasses such as *Aristida ramosa* (Wiregrass) and *Austrodanthonia* spp. (Wallaby Grasses). The grassland components of this community are typically in poor condition throughout the northern link with infestations of Serrated Tussock (*Nassella trichotoma*).

RSSGTF represents the dominant community within the northern link area, and is likely to have been the historically dominant community for much of the area. Many areas now consisting of derived grasslands are likely to have historically contained RSSGTF.

The proposed northern link will remove or modify 0.36 ha of this community, and 0.71 ha of derived grassland.

Box-Gum Woodland is characterised by the presence of native tussock grasses and herbs and a sparse scattered shrub layer. In the ACT, *Eucalyptus blakelyi* (Blakely's

Red Gum) and *E. melliodora* (Yellow Box) dominate the community where a tree layer remains. Within the northern link, the trail passes through minor areas dominated by Yellow Box, however, these areas do not meet the criteria for listing as an endangered ecological community under the *Nature Conservation Act 1980* (NC Act) or *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to their higher abundance of exotic species and lack of native perennial species. The construction of the northern link will result in the loss of 0.1 ha of Derived Yellow Box – Red Gum Grassy Woodland.

The report submitted states that field surveys identified habitat for three rare or uncommon species listed under the NC Act along the proposed alignment and listed the following:

- *Burchardia umbellata* (Milkmaids)
- *Cheilanthes austrotenuifolia* (Rock Fern)
- *Microseris lanceolata* (Yam Daisy)

However, only Milkmaids is currently listed as protected. Field surveys conducted October and December 2012 recorded a good population of this species on One Tree Hill with 200+ individuals observed to be scattered over a large area, including some individuals within the alignment. However it was noted that the bulk of the population occurs predominantly downslope of the proposed alignment with isolated individuals observed at other locations on One Tree Hill outside of the survey area. The project is likely to result in the loss of a small number of individuals of this species

Surveys undertaken in June-August 2012 identified a small number of Yam Daisy plants outside of the trail corridor and, as such, the development of the northern link will not impact on this species.

Rock Fern was observed within the 20 m wide survey corridor during the ecological assessment. It is unknown if an individual of the species is located directly within the alignment of the trail as the final alignment of the trail was not known at the time of survey. However, the loss of a small number of individuals of this species is considered unlikely to result in a significant adverse environmental impact given the small scale of the development and the likely small impact to any population present within the local area. The development of the trail is considered unlikely to affect the persistence of this species in the landscape.

Golden Sun Moth - Endangered

The northern link passes through areas of known *Synemon plana* (Golden Sun Moth) habitat. Golden Sun Moth is listed as endangered under the NC Act and critically endangered under the EPBC Act and has been previously recorded at:

Mulligans Flat Nature Reserve No works are proposed to be undertaken in this area, and as such no potential habitat will be lost in this area as a result of the development of the northern link.

One Tree Hill along an existing fire trail at the summit. This population will not be impacted by the development of the trail. Other habitat within the One Tree Hill area areas considered to be of low quality and/or unlikely to provide habitat for the species (Eco Logical Australia 2011).

Northern border of the ACT and NSW The surveys recorded 19 GSM over approximately 1 km of track. The area of habitat has been estimated at >13 ha following interpretation of aerial photographs and field observations. The proposed alignment will traverse this area of habitat along the ACT/NSW border.

The development of the trail is considered likely to result in the loss of approximately 0.1 ha of GSM habitat.

Climacteris picumnus (Brown Treecreeper), *Daphoenositta chrysoptera* (Varied Sittella) and *Lalagee sueurii* (White-winged Triller) are woodland birds listed as vulnerable and observed within the area of the proposed alignment. The development of the trail will not result in the loss of any potential habitat for these species as no mature trees are to be removed. The small width of the trail is unlikely to fragment habitat for these species given their mobility and use of scattered habitat features such as woodland trees. Coarse woody debris is known to provide habitat for woodland birds such as the Brown Treecreeper (e.g. Mac Nally et al 2002). Any coarse woody debris within the trail corridor will be retained and re-located adjacent to the trail alignment.

The report notes that there have been some recent studies which have shown that walking dogs on a leash can reduce the number of birds that utilise a given area (e.g. Banks & Bryant 2007), however no dogs will be allowed through the northern link. Other studies (e.g. Blumstein et al, 2005) have shown some evidence that human visitation alone can have an impact on bird behaviour. The number of increased visitors that will be drawn to the Trail and the impact that this may have on bird abundance and diversity is uncertain. The ESO does not contain an analysis of how the route selection may impact on areas currently utilised by woodland birds for breeding, or areas that may be particularly important for localised foraging. The Trail is likely to result in at least some displacement or re-arrangement of breeding territories.

Impacts resulting from human visitation are not easily quantified and are difficult to predict, however, given the mobility of the species and the extent of habitat for these species in the Gungahlin area, any impact resulting from human visitation along the northern link is likely to be temporary and minimal.

Impact of development on these values (including offsite impacts)

The scale and magnitude of the impacts resulting from the project is not considered significant given the small area impacted and the clearance of 1.18ha of native vegetation occurs as a thin linear impact (1.5 m) which will not fragment habitat or limit dispersal of native species.

It is noted that while the initial clearance required for the trail is 1.5 m, the fill batters will be rehabilitated as outlined in Section 4.2.3 of the report with suitable, locally occurring native species in conjunction with a sterile Rye grass cover crop, and this will reduce permanent impact of the project.

The vegetation on site is not considered to be unique or the best example of its type in the local area.

Given the size of the population of Milkmaids present on One Tree Hill, the loss of a small number of individuals is unlikely to have a significant adverse impact to the species.

The movement of small fauna will not be restricted by the proposed fence.

While there may be a degree of impact to vulnerable birds through the usage of the trail system, it is unlikely to be considered a significant adverse impact. Any potential impacts upon Brown Treecreeper, Varied Sittella and White-winged Triller are therefore expected to be minimal and are not considered to be significant.

There is the possibility that any pathogen or weed seed that occurs somewhere along the Centenary Trail has the potential to be transported in mud or on clothes to anywhere else along the Trail. As an example, African love grass is common in some parts of the route and rare, or not occurring, in other sections.

Erosion and other soil impacts along the joint walking and bicycle trail have been minimised by track design and location which generally avoids steep slopes and wet areas. The degree of impact will depend on the amount of track users, but there is likely to be some rutting, localised compaction and movement of soil from the track into adjacent vegetation.

If the Trail is well utilised by groups, there is likely to be trampling of vegetation adjacent to the designated track as walkers seek to walk abreast, or stay off the line

utilised by bike riders. This trampling is likely to simplify the native plant diversity found in the vicinity of the Trail and widen the area of exposed bare soil.

Management of these impacts can be addressed by regular monitoring and maintenance regimes.

Mitigation Measures

During construction, top soil will be stripped and retained on site for use during revegetation activities on the fill batter slope. Top soil is likely to contain a soil seed store, which has the potential to include seed from rare and uncommon species.

The documentation submitted notes that construction work will be managed under a Construction Environment Management Plan approved by the Environment Protection Authority which will include:

- Sediment and erosion control plan
- Landscape environmental management plan including:
 - Tree protection measures,
 - Protocol for the identification of areas of environmental significance
 - Establishment of clearing limits
 - Revegetation works
- Clean vehicle policy
- Sensitive area diagrams
- site induction for contractors

In addition, Table 2 of the report (as shown below) lists the General Site Controls that will be used during construction.

Table 2: General site controls

NO.	CONTROL
1	The Contractor must give Parks & Conservation (PCS) one weeks notice of the date of commencement of the works on site and the likely completion date for these works
2	The Contractor must provide PCS with the name and contact details of the site supervisor.
3	The Contractor and all employees working on site will be inducted and informed about the ecological values, threatened species and endangered ecological communities on site. Should a threatened species be identified during construction along the alignment, work will be stopped, confirmation of the identification will be received and appropriate management of the species implemented in accordance with the CEMP.
4	The Contractor must get approval from PCS for the siting of any site offices, yards, or bulk storage areas.
5	No fuel is to be stored on site.

NO.	CONTROL
6	The Contractor must keep a spill kit on site capable of dealing with a leak or spill from any plant or machinery working on the development.
7	The Contractor must inform PCS as soon as possible of any major leak or spill of any hazardous substance.
8	The Contractor will gain access to the site by means of their own lock on the relevant gate or by official key issue process. This must be locked onto the existing chain. The Contractor will ensure that other locks on the chain are not locked out of the chain.
9	The Contractor assumes full responsibility for ensuring that access gates are kept shut at all times.
10	The Contractor is allowed access to private leases and areas within the Canberra Nature Park only for the purposes of undertaking the specified works. Access for any other purpose is not permitted.
11	Prior to entering and exiting the site any vehicle or plant must be cleaned with a high pressure cleaner of all dirt and plant material to prevent the introduction of new weed species or soil pathogens.
12	Plant, machinery and vehicles will utilise existing tracks for the construction of the CCT. No new tracks are to be constructed for access.
13	<p>Fire precautions</p> <p>a) All plant and equipment must be:</p> <ul style="list-style-type: none"> • Maintained and operated in a way that will minimise the risk of a fire starting or catch fire itself; • Fitted with a securely fixed, spark free exhaust in good, serviceable condition; • Free of excessive build-up of either surplus oils, dust impregnated with oil, and/or vegetative matter <p>b) All plant, machinery, vehicles and work crews must carry a 20 litre Riga portable water pack at all times;</p> <p>c) Every item of plant must carry a serviceable powder type fire extinguisher to AS1841, Pt 5, minimum capacity 0.9 kg to extinguish fires on the plant</p> <p>d) No fires are permitted on site.</p> <p>e) No work is permitted on site when a Total Fire Ban is declared or on a given day when the Fire Danger Index exceeds 30.</p>
14	Any fill brought on to the site must be free of seeds, plant material, debris and rubbish, such as glass, ceramic and plastics. This fill must be subsoil material that is not part of any soil seed bank. No top soil from outside the site can be used as fill unless it is certified weed free. This must be approved by PCS prior to bringing it on site. Top soil should not be mixed with subsoil.
15	At the completion of works any earthworks must be returned to their original contour with sufficient fill and compaction to prevent any future subsidence.

NO.	CONTROL
	Disturbed areas are to be capped with local top soil removed prior to construction.
16	At completion of works the Contractor must establish a vegetative cover using Rye Corn seed and a mix of native grasses, as specified. The grass cover is to be applied to the fill batter below the trail bed. The cut batter into the slope is to be left as natural soil and allowed to revegetate naturally.
17	No dogs or pets are permitted on site
18	If wildlife is injured as a result of the works, the Contractor is to contact the Urban Wildlife Ranger on 6207 2113 as soon as possible.
19	Where the work site is adjacent to houses or other residential buildings, the Contractor must seek agreement from PCS as to the days and time of day during which works will be undertaken.
20	The Contractor must inform PCS as soon as possible, and no later than 24 hours after the event, of any injury to workers or to the general public, that occurs on the work site.

In order to minimise impacts to the Golden Sun Moth species in areas of known habitat, the EPBC decision notice included a requirement to establish signage within 3 months of the development of the trail informing users of the ecological significance of the area. The signage will inform users of the measures that they must take to minimise their impact including not deviating from marked trails.

A Senior Ranger with many years of experience in the construction of tracks within the nature conservation estate has walked the proposed alignment and maps annotated with his notes were submitted with the documentation. The required realignments of the trail are as a result of his findings.

Little Mulligans Reserve

While it appears that the proposed bike use of the Trail through Little Mulligans Flat Nature Reserve may be inconsistent with the Canberra Nature Park Management Plan 1999¹ in that Section 6.6.3 and Table 6 requires that cycling be restricted to existing public roads and formed vehicle tracks (as shown on maps), it is contemporary practice that paths be shared routes. The Conservator is of the opinion that while the route through the reserve, as proposed in the ESO, is not one of the formed vehicle tracks as shown on the map in the Plan of Management, this track is currently used as a management track, rather than just a recreational trail, and has been for some time. The Canberra Nature Park Management Plan 1999 is currently being reviewed and this inconsistency will be corrected in the new plan.

Potentially Significant Environmental Impacts

¹ Environment ACT (1999) *Canberra Nature Park – Management Plan 1999*. ACT Government.

The potential for a significant environmental impact is low provided works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and:

- the trail is to be constructed as per the documentation submitted except for the conditions as provided below;
- the fenced-off trail easement is managed so that native vegetation within the easement is enhanced. This could involve tree or shrub planting, or ecologically appropriate biomass control, such as burning or irregular and high mower height slashing with a clean machine;
- the regular trail maintenance program mentioned in Section 2.3 of the ESO include searching for and controlling any new weed incursions along the trail;
- that the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO, includes a review of weed and pathogen incursions along the trail and how effectively they have been contained.
- the traffic and impact of foot-traffic to One Tree Hill summit be regularly monitored and remedial action undertaken if erosion occurs, and
- the proposed two, five and seven years review of the Centenary Trail, described under section 4.3 of the ESO, includes consideration of the numbers utilising the trail, the sustainability of this use and whether controls on numbers may need to be implemented.
- that camp fires are not permitted at Elm Grove campsite and signage prohibiting camp fires is provided;
- that access to the Elm Grove campsite for construction and toilet maintenance traffic is on existing tracks that require no more than grading,
- no modified cycle grids are used at reserve entry points to control access by motor bikes. Only step through gates are to be used;
- trail to be re-aligned at S6-1 and S6-4 to minimise disturbance;
- rocks removed during trail construction are to be stockpiled for use on cut/fill banks in open areas;
- S10-9 the fence is to be installed above the land slip and below the natural spring (WP 78) to protect waterway. 50 silver wattles to be planted at this location to stabilise bank; and
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