

Planning and Development (Conditional Environmental Significance Opinion – Block 40, Mt Clear & Block 5, Booth – Naas Valley Fire Trail Upgrade) Notice 2017

Notifiable Instrument NI2017–225

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 40, Mt Clear & Block 5, Booth – Naas Valley Fire Trail Upgrade) Notice 2017*.

2 Conditional Environmental Significance Opinion

- (1) On 31 March 2017, 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 in relation to construction, on Block 40, District of Mt Clear and Block 5, District of Booth, for the upgrade of the Naas Valley fire trail (southern section) to improve access to the Namadgi National Park.
- (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 this notice is notified.

Ben Ponton
Chief Planning Executive
03 May 2017

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 Neil Cooper, Manager, Fire Forests and Roads.

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 the existing Naas Valley Fire Trail in Namadgi National Park as described in the submission.

LOCATION

Block 40 District of Mount Clear and Block 5 District of Booth within Namadgi National Park

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only 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 undertaken in accordance with the mitigation measures contain within the report attached to the application;

- No trunks or roots of trees with a stem diameter greater than 10cm are to be damaged during the trittering operations; and
- A weed control program to the satisfaction of the Senior Weed Management Officer, Parks and Conservation Service, must be in place prior to commencement of works.
- No chemical spraying of trittered areas to reduce native plant regrowth is to occur. The only use of herbicides allowed is to be in targeted weed control.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

3/ March 2017

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

removal of 63m² of grass and trim track side vegetation down to a height of 200 mm over an area of approximately 0.85 ha

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.

The works are located the Namadgi National Park.

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 upgrade of the southern section of the existing Naas Valley Fire Trail between Boboyan Road and Horse Gully Hut to improve access to the south-eastern ranges of Namadgi National Park. Approximately 9.2km of trail is to be upgraded to allow passage of rigid float trucks for future maintenance activities and to reduce time to begin fire suppression activities in the event of a fire.

The Fire Trail is the edge of the area that was burn in the 2003 bushfires. Vegetation on the north side of the trail is regrowth and has a higher proportion of mid-storey shrubs and fallen timber. To the south the forest is older and there is less mid-storey vegetation. The fire trail provides a strategic break between these vegetation groups, allowing for appropriate management of different growth forms.

The works include:

- regrading of the track surface in places to correct erosion or the camber of the track surface;
- placement of additional gravel in boggy sections (sheeting);
- replacement of rollover drains with culverts to improve access;
- removal of a rock from the road batter slope;
- widening of four corners to provide sufficient clearance for passage of trucks;
- placement of additional rock in 3 creek crossings;
- track side vegetation trimming to a height of 200 mm using an excavator mounted mulcher (tritter) to a width of 2m either side of the track for 2.1 km of the trail (0.85ha), and
- removal of one gate and cavaletti (no longer required).

Documentation Submitted

- Report titled ESO Application – Naas Valley Trail Upgrade (southern section) ;
- Scope of Works for BOP 14/15 P&R 186 Upgrade of Naas River Fire Trail;
- Location Map;
- Map of fire trail upgrade works
- Map of fire trail upgrade vegetation management areas;
- Form 1M.

Natural conservation values present

The report notes that the works will traverse the following communities (made up of the indicated vegetation classifications):

- *Snow Gum Montane Woodland* (Snow gum-Candlebark tall grassy woodland, Black Sallee-grass/herb woodland) in frost hollow valleys at southern end of alignment around Mt Clear campground;
- *Fen Sedge Montane Wet Tussock Grassland* (River tussock-Kangaroo grass-Rush wet tussock grassland) in frost hollow valleys at southern end of alignment around Mt Clear campground;
- *Broad-leaved Peppermint – Apple-box Tableland Woodland* (Apple box-Broad leaved peppermint tall shrub/grass open forest) on northerly aspects in central part of alignment;
- *Narrow-leaved Peppermint – Ribbon Gum Montane Forest* (Ribbon gum-Robertson's peppermint very tall wet sclerophyll open forest) on north-east to south facing slopes in small areas in north of alignment, and
- Native Grassland around the Mt Clear campground in the south of the works area.

The works will also pass through Rosenberg's Monitor (*Varanus rosenbergi*) habitat.

Impact on the Reserve

While the works will pass through native grasslands and forests, there is expected to be minimal permanent impact on these communities as the works are minor in nature and contained within previously disturbed areas.

Road upgrades will be undertaken from Mount Clear Campground to Horse Gully Hut (approx 8.3 km). The majority of these works are wholly within the existing disturbed area and will result in no additional soil disturbance. Widening is required at four locations to allow sufficient space for rigid float vehicles to negotiate corners which will result in approximately 63m² of vegetation being removed (grasses, shrubs and 1 significant tree).

Temporary stone and gravel stockpiles are required to facilitate the works. These will be small areas not larger than 25m² each and will be placed in locations specifically selected to minimise disturbance.

As works will be undertaken within previously disturbed areas they will not impact on the natural or conservation values of the Namadgi National Park and will not unduly increase the visual impacts of existing fire trails. All vegetation management works (trittering) will be within the area that was previously disturbed by the trails construction and maintenance.

Protected vegetation will be protected by measures identified in the report e.g.:

- All sites where a protected plant or threatened species overlaps with the treatment area or buffer must be inspected in the field by a trained botanist. Site inspection is to extend along the trail at least 100 m either side of the indicated coordinates and a minimum of 5 m in from the road edge.
- If the species/habitat of concern occurs within 5 m of the edge of the trail, and therefore within the working zone and potential impact zone of the tritter, the botanist will determine its distribution at the site and the boundary will be buffered by 10 m. If the botanist is of the opinion that a 10 m is inadequate to protect the target unit from the effects of the mulching, the botanist will then propose a larger buffer to be agreed by the project manager and Conservation, Planning and Research.
- In the event that the targeted species cannot be found at the referenced location due to seasonal constraints, and the species is likely to be affected by the works in the vicinity of the record then a suitable buffer and site specific environmental management measures will be agreed by the project manager and Conservation, Planning and Research.
- Within identified buffer areas Conservation, Planning and Research will advise whether vegetation management is possible and of any restrictions on how the works are undertaken

The southern section of the Naas Valley Fire Trail provides essential access to other fire trails which run the length of the south-eastern ACT/NSW border. These fire trails are the last defensible line from which to arrest the spread of wildfire originating in the ACT into NSW and allow for the arrest of fire from NSW impacting on the Namadgi National Park. The control and suppression of wildfire is important for public safety and for managing the cultural, environment, conservation and aesthetic values of the park as set out in the plan of management.

Rosenberg's Monitor is a mobile species and unlikely to be impacted by the works.

The works will improve accessibility to remote areas in the park, and will enhance the fire fighting capabilities of the Parks and Conservation Service for the protection of the natural and cultural assets of the Park.

Potentially Significant Environmental Impacts

There are six records of protected plants in the vicinity of the works (with levels of accuracy which could place them close to the works) but provided all works are in accordance with the mitigation measures as provided in the report, then the potential for significant environmental impacts is low.

There is an emerging problem with weed spread within Namadgi National Park which can be exacerbated when vegetation is disturbed or slashed. A comprehensive weed management program will help address this issue where this work is to be undertaken.

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.