

Planning and Development (Conditional Environmental Significance Opinion – Block 363, Paddys River – Mouat Tree Shelter and Interpretive Structure) Notice 2017

Notifiable Instrument NI2017–444

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 363, Paddys River – Mouat Tree Shelter and Interpretive Structure) Notice 2017*.

2 Conditional Environmental Significance Opinion

- (1) On 19 July 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 the construction of a piece of public artwork at the Namadgi Visitor Centre, on Block 363, District of Paddys River, that will act as a shelter and interpretive structure for the Mouat Tree.
- (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 (Delegate)
11 August 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

Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Brett McNamara, Regional Manager, National Parks and Catchments.

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 construction of a piece of public artwork at the Namadgi Visitors Centre that will also act as a shelter and interpretive structure for the Mouat tree as described in the submission.

LOCATION

Block 363 District of Paddys River – Namadgi Visitor’s Centre

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only the development proposal as described in the application.

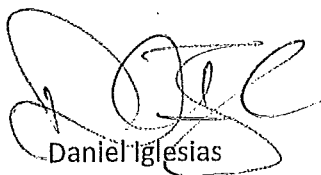
OPINION

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 in accordance with the mitigation measures as provided in the application.

Attached is a Statement of Reasons for the decision.



Daniel Iglesias
Conservator of Flora and Fauna

14 JULY 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 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

One community listed as endangered will be impacted by the proposed works:

- Yellow Box – Blakely’s Red Gum Grassy Woodland (Box-Gum Woodland), listed as critically endangered pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered pursuant to the Nature Conservation Act 2014 (NC Act); and

Species listed under the provisions of the NC Act (but not listed nationally) found in the vicinity of the works are:

- Several NC Act listed woodland birds including Scarlet Robin (*Petroica boodang*), Hooded Robin (*Melanodryas cucullata cucullata*), Varied Sitella (*Daphoenositta chrysoptera*), and White-winged Triller (*Lalage sueurii*).

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 Namadgi Visitor’s Centre is within an area of special purpose 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

The construction of a piece of public artwork that will also act as a shelter and interpretive structure for the Mouat tree, a border marker reference tree that was airlifted to the Visitors Centre in 2014.

The Mouat tree was marked by Surveyor Mouat and his team in 1915 during the original survey of the NSW-ACT Border. As only about 4% of the original reference trees marking the border are left standing, and many of these are deteriorating, the Mouat tree was airlifted from the southern border region of the ACT and placed in the grounds of the Namadgi Visitors Centre to preserve it for future generations and to make it accessible for education purposes. After conservation work was completed in 2016 the tree was erected as the centrepiece for an interpretative exhibition.

This proposal is to construct a structure that resembles the tent that Harry Mouat camped in whilst marking the NSW-ACT Border, with the Mouat Tree as the centrepiece from which visitors can learn the story of surveying the territorial border.

A new crushed granite walking track will be added to the existing walking trail network to provide access to the structure.

Documentation Submitted

- Mouat Tree Shelter – Namadgi National Park Visitor Information Centre (parks and Conservation Service, March 2017)
- Mouat Tree Shelter Project Brief (Greenline Pty Ltd 31 Jan 2017);
- Mouat Tree Interpretation Shelter Works Plan (Parks and Conservation Service, January 2017);

- Letter of support from Transport Canberra and City Services ;
- Form 1M.

Natural conservation values present

The vegetation within the work area meets the Commonwealth definition of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland and is mapped as community U19 Blakely's Red Gum – Yellow Box Woodland within the recent ACT vegetation mapping. The woodland around the Visitors Centre is of high connectivity value being a key link between Namadgi National Park, and the Murrumbidgee River and then onto Rob Roy Range. Several bird species listed as threatened in the ACT are reasonably regularly recorded in the woodland patch including White-winged Triller, Varied Sitella, Scarlet Robin, and Hooded Robin.

In comparison to Box Gum woodland across the ACT the woodland has moderate diversity and condition, and no threatened or rare species were observed on a site visit by a Government ecologist, and none have been recorded in the immediate vicinity of the works.

Impact on the Reserve

Impacts on the natural values of the area will be minimal. The disturbance pad for the construction of the shelter will be approximately 135 square metres, and the new walking track connection to the existing woodland walking trail will disturb approximately 30 square metres.

All works are restricted to a previously disturbed grassed area, with only minimal trimming of trees (branches < 5 cm diameter) will be undertaken to facilitate construction (if required). No trees will be removed.

Machinery and materials required for the construction will be stored in existing sheds/hard surface areas at the depot located at the Visitors Centre. Machinery access to the site will be via a variety of different routes to ensure minimal disturbance footprint, and no construction activity will be undertaken when the ground is wet.

The construction of an interpretive shelter to educate visitors on the history of surveying the territorial border is in accordance with the Management Objectives for a special purpose reserve, being 'to provide for public and community use of the area for recreation and education' (Schedule 3 of the *Planning and Development Act 2007*).

While the structure is very distinctive and may be visible from a distance, it has been designed to resemble the tent that Harry Mouat camped in whilst marking the NSW-

ACT Border, using neutral colours and with gaps in the design to allow the natural landscape to be seen through the structure.

Potentially Significant Environmental Impacts

The site has been well chosen to avoid any more than minor clearance of previously disturbed vegetation. The total disturbance footprint is low.

The potential for significant environmental impacts is low provided all works are in accordance with the mitigation measures as provided in the documentation being:

- Machinery will access the site along existing trails or alternating routes to minimise soil disturbance.
- Work will be stopped in wet conditions.
- Plant and equipment will be stored on existing surfaces at the Namadgi PCS depot.
- Facilities have been sited to minimise existing tree disturbance.
- Path is located to avoid the need for retaining walls, footings and minimising excavation.
- All vehicles and machinery will only be on site while required, inside the fenced area or on the trails.
- All work will be undertaken inside the protective fence zones.
- The contractors will be briefed on access restrictions to other treed areas and other ecological concerns.
- The contractors will be required to undertake work according to the PCS works plan, which will be supervised by the Mouat Tree delegated ranger.

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.