

# Planning and Development (Conditional Environmental Significance Opinion – Namadgi National Park – Old Boboyan Road Upgrade) Notice 2017

Notifiable Instrument NI2017–663

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 – Namadgi National Park – Old Boboyan Road Upgrade) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

- (1) On 17 November 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 upgrade of Old Boboyan Road fire trail, on Block 39 Mount Clear, Block 17 Booth, and Blocks 3 and 10 Rendezvous Creek, within 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 the notice is notified.

Ben Ponton  
Chief Planning Executive  
12 December 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, 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 a fire trail known as Old Boboyan Road between the Yankee Hat carpark and Boboyan Road as described in the submission.

#### LOCATION

Block 39 District of Mount Clear, Block 17 District of Booth, and Blocks 3 and 10 District of Rendezvous Creek in 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 mitigation measures as provided in the documentation submitted, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Dr Annie Lane  
Conservator of Flora and Fauna

17 November 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*

The proposal may impact on a maximum of 2.64 ha of native vegetation.

*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 proposed works are within 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 15km of that part of the existing fire trail known as Old Boboyan Road between the Yankee Hat carpark in the Gudgenby Valley south to the Boboyan Road.

All works are within the previously disturbed area of the fire trail, and include:

- surface regrading 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 drainage;
- placement of additional rock in the stream crossing of the Bogong Creek tributary; and
- 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 6.6 km of the trail (max 2.64ha).

Trimming of vegetation will occur from north of the Naas Creek Valley grasslands moving north for a distance of approximately 6.6 km. These works are required to meet access, vehicle safety and bushfire suppression objectives. Vegetation that encroaches on the fire trail, and impedes access by fire units or obstructs the line of sight on corners, will be mulched with the use of machinery to approximately 2.0 m from the edge of existing fire trails, or to the outside of road drainage structures. This area is within the original construction footprint of the trail and much of the vegetation is re-growth.

Trimming works may require the felling of juvenile trees with a diameter of less than 20cm diameter (10cm for snow gums) at breast height. Branches of larger trees that overhang the trail will be pruned with a hand saw, chain saw or pole saw. These works will not involve any ground disturbance as the operator can selectively remove vegetation and avoid damage to any sensitive vegetation. A site visit on the 15<sup>th</sup> November 2017 showed that only minor vegetation removal is required.

### **Documentation Submitted**

- ESO Supporting Statement – Old Boboyan Road Upgrade;
- Numerous maps showing location of works etc.;
- Extract from Namadgi National Park Plan of Management;
- Form 1M.

### ***Natural conservation values present***

The supporting statement notes that the works will traverse the following vegetation communities:

- *Snow Gum Montane Woodland* (Snow gum-Candlebark tall grassy woodland, Black Sallee-grass/herb woodland) on ridges and northern aspect slopes;
- *Fen Sedge Montane Wet Tussock Grassland* (River tussock-Kangaroo grass-Rush wet tussock grassland, Sub-montane moist tussock grassland) in frost hollow valleys along the Naas River valley;
- *Broad-leaved Peppermint – Apple-box Tableland Woodland* (Apple box-Broad leaved peppermint tall shrub/grass open forest) on drier slopes with northerly aspect;
- *Narrow-leaved Peppermint – Ribbon Gum Montane Forest* (Ribbon gum-Robertson’s peppermint very tall wet sclerophyll open forest) in steeper incised moist valleys and southern/wetter slopes, and
- Derived native woodland in the former Boboyan Pines at the north of the alignment.

Old Boboyan Road passes by the Upper Naas Creek/Sheep Station Creek Swamp, an important wetland, however no works are required in this location.

Spotted-tailed quolls (*Dasyurus Macalatus*) are known to inhabit this area. As these are highly mobile, largely solitary animals, with a large home range, these works are unlikely to impact on this species.

The endangered Smoky Mouse (*Pseudomys fumeus*) has been known to occur within the rocky outcrops off to the side of Old Boboyan Road. No impact on these locations will occur due to their distance from the roadside.

Minimal works are required near the tussock grasslands along the Naas Creek valley with only some sheeting required to prevent ponding on the track. Along this grassland stretch there are accurate records for three protected plants and records for four others which could be present based on description of their locations.

The protected plants known to occur near works are:

- Small Snake Orchid (*Diuris subalpine*),
- Quillwort (*Isoetes muelleri*),
- Hookers Tussock Grass (*Poa hookeri*),
- Matted Parrot-Pea (*Dillwynia prostrata*),
- Behr’s Swainson-Pea (*Swainsona behriana*),
- Notched Swainson-Pea (*Swainsona monticola*), and
- Hairy Anchor Plant (*Discaria pubescens*).

The site inspection undertaken on the 15<sup>th</sup> November 2017 confirmed the location of the protected plants and that the works are unlikely to impact on these species with the implementation of an exclusion zone.

### **Impact on the Reserve**

The works will not impact on the natural or conservation values of the Namadgi National Park. The works are minor works only and within the previously disturbed areas. No increase in the visual impacts of the existing fire trail will occur. The documentation provides mitigation measures to ensure protected vegetation and cultural heritage sites will be impacted by the works. These are:

1. Machinery to be cleaned of weeds and mud when moving between sites. No vehicle refuelling is to be undertaken within vegetated areas.
2. Movement of machinery is to be limited to existing fire trails and access roads.
3. No habitat trees or trees with a trunk diameter of 20 cm (10 cm for snow gum (*Eucalyptus pauciflora*)) or greater are to be removed, especially those trees with hollows or standing dead trees.
4. For all protected plants as identified, exclusion zones will be established by the project officer in conjunction with Conservation Research botanist during a site visit.
5. For the 1.3km stretch of Old Boboyan Road at the western end on the on the south side of Naas Creek, all instances of Hairy Anchor Plant within 10m of the track edge are to be identified and flagged. Additional consideration and care will be taken in this area to prevent impacts on this plant. Any required buffers or site specific environmental management measures will be agreed by the project manager and Conservation Research.
6. All vegetation treatment areas are to be inspected with spatial data for known locations of protected plants and threatened fauna records to establish possible impacts sites and an appropriate buffer applied. A buffer of 100m is required due to age and accuracy of some records. This is interpreted to mean that where a record does not appear to be on a fire trail, but is within 100 m of a fire trail, that the mid-point of an intersect between the 100 m buffer and the trail shall be treated as the location of the record.
7. 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.
8. Spatial data to support the intersect analysis must be provided by Conservation Research to ensure most up to date data are used.
9. 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, 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 vegetation management, the botanist will then propose a larger buffer to be agreed by the project manager and Conservation Research.

10. 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 Research.
11. Within identified buffer areas Conservation Research will advise whether vegetation management is possible and of any restrictions on how the works are undertaken.
12. Vehicle manoeuvring, parking and equipment/material storage in any vegetated area is to be limited. Vehicle parking areas and stockpiles will be identified and agreed by the project manager and Conservation Research.
13. All material brought onto site will be from sources known to be free of weeds and pathogens. Rock for placement in waterways will be washed prior to being brought onto the site.
14. The placement of rock in waterways is to be undertaken in periods of low flow. Rock placed in waterways will not create a barrier to fish passage.
15. Erosions and sediment controls will be implemented where there is a risk of erosion from the works.

#### **Potentially Significant Environmental Impacts**

The major concern with any works is the potential for weed spread. To combat this, where works sites intersect with known weed colonies pre-treatment by chemical application or physical removal of plants and seed heads will occur to prevent the dispersal of seed by the tritter. This, along with vehicle hygiene practices (cleaning vehicles of mud, soil and plant material prior to moving between sites) will reduce the potential for the spread of weeds.

It has been determined that if the works are undertaken in a manner consistent with the mitigation measures as detailed in the submission and above, the works are unlikely to cause a significant adverse environmental impact.