

Planning and Development (Conditional Environmental Significance Opinion – Block 363, Paddys River – Cultural Scar Tree Installation) Notice 2018 (No 1)

Notifiable Instrument NI2018-330

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 – Cultural Scar Tree Installation) Notice 2018 (No 1)*.

2 Conditional Environmental Significance Opinion

- (1) On 12 June 2018, 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 363, District of Paddys River at the Namadgi National Park Visitor Information Centre of a cultural scar tree interpretive installation and associated landscape work.

- (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
22 June 2018

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 Anthony Davis, Projects 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 relocation and installation of an Aboriginal scarred tree and associated landscaping at the Namadgi National Park Visitor Information Centre as described in the submission.

LOCATION

Block 363 District of Paddys River - Namadgi National Park Visitor Information Centre.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

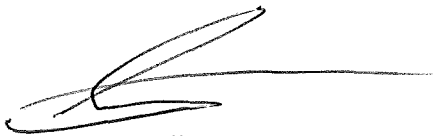
Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

- That all vehicles and machinery are washed down prior to entry to the site;
- Machinery and materials will be stored in existing sheds and hard surface areas at the depot site, and removed from site upon project completion.

- All vehicles and machinery will stay on formed management vehicle tracks only.
- Construction will be limited during and following periods of heavy rainfall to avoid damage to the surrounding environment.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Ian Walker
Conservator of Flora and Fauna

12 June 2018

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 National Park Visitor Information 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

An Aboriginal scarred tree that was felled some time ago (possibly in the 1970's) and is in poor condition, is to be relocated from Outward Bound at Tharwa Village to the Namadgi National Park Visitor Information Centre. The tree will undergo conservation treatment and used as the centre of an interpretative display adjacent to the existing woodland walk and Mouat Tree shelter.

The tree will be cradled horizontally 0.5 – 1.0m off the ground on supports made from locally sourced rocks. This will protect the tree from insect, rot and fungal attack and conserve the tree for future generations.

Associated landscaping and interpretive signage will be installed and the display will include the use of an existing fallen tree as informal seating. Works will include the construction of a new path of decomposed granite to join with the existing paths at the Centre.

Documentation Submitted

- Cultural Scar Tree Interpretive Installation and Landscape Works at the Namadgi National Park Visitor Information Centre (April 2018)
- 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. Minor excavation work will be carried out by Parks and Conservation Service staff, including the removal of several small saplings. The total area of disturbance will be 0.04ha

Machinery and materials required for the construction will be stored in existing sheds/hard surface areas at the depot located at the Visitors Centre. Vehicles and machinery required for the works will access the site on exiting management tracks, and no construction activity will be undertaken when the ground is wet.

The construction of an interpretive display to educate visitors 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*).

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:

- Personnel involved on the project have specialised expertise in design, engineering and construction.

- The Parks and Conservation Service project officer will induct contractors to the site and undertake periodic inspections ensuring that all PACS General Site Controls are adhered to as stipulated in Appendix I.
- Machinery and materials will be stored in existing sheds and hard surface areas at the depot site, and removed from site upon project completion.
- All vehicles and machinery will stay on formed management vehicle tracks only.
- Elements of the construction that can be prefabricated offsite will be to ensure minimal on-site construction work and reduce machinery used on site and speed up installation time on site.
- Construction will be limited during and following periods of heavy rainfall to avoid damage to the surrounding environment.
- All work will be undertaken in accordance with an approved CEMP

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.