

Planning and Development (Conditional Environmental Significance Opinion – Blocks 1, 6, 25, 58, 76, 81 and 160, Tennant – Namadgi Walking Trail Alignments) Notice 2021 (No 1)

Notifiable instrument NI2021–187

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 – Blocks 1, 6, 25, 58, 76, 81 and 160, Tennant – Namadgi Walking Trail Alignments) Notice 2021 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 17 March 2021, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to the realignment and repair of walking trails in the Namadgi National Park and Bimberi Wilderness area, on Blocks 1, 6, 25, 58, 76, 81 and 160, District of Tennant.

- (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.

Brett Phillips
Delegate of the planning and land authority
24 March 2021

Schedule

See section 3(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

The ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by James Overall, Program Manager – Infrastructure Recovery.

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 realignment and repair of walking trails in the Namadgi National Park and Bimberi Wilderness area as described in the submission.

LOCATION

Three distinct areas are subject to the proposed works, being:

1. Mt Gingera (Bimberi Wilderness)
2. Australian Alps Walking Trail (between Mt Tennant and Honeysuckle Creek)
3. Mt Tennant

Work will occur on the following blocks in Table 1.

Table 1 Blocks subject to this ESO

District	Block	Location
Tennant	76	Mt Tennant
Tennant	1	Mt Tennant
Tennant	160	Mt Tennant
Tennant	81	Bushfolds Flat
Tennant	25	Namadgi National Park
Tennant	58	Namadgi National Park
Tennant	6	Namadgi National Park

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, 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:

1. Prior to entering the reserve vehicles and machinery must be cleaned and free of any plant material or soil.
2. No works are to occur on days of Total Fire Ban, when the Fire Danger Index exceeds 30, or when the ground is wet and boggy.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

17 March 2021

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;

Namadgi National Park contains:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT;
- Montane and Subalpine Bog (forming a significant component of the Commonwealth listed Alpine Sphagnum Bogs and Associated Fens).

Twelve animal species listed as threatened under the Nature Conservation Act 2014:

- Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Two-Spined Blackfish (*Gadopsis bispinosus*)
- Trout Cod (*Maccullochella macquariensis*)
- Macquarie Perch (*Macquaria australasica*)
- Murray River Crayfish (*Euastacus armatus*)
- Hooded Robin (*Melanodryas cucullata*)
- Brown Treecreeper (*Climacteris picumnus*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Smoky Mouse (*Pseudomys fumeus*)
- Spotted-Tailed Quoll (*Dasyurus maculates*)

Two plant species listed as threatened

- Baeuerlen's Gentian (*Gentiana baeuerlenii*); and
- Brindabella Midge Orchid (*Corunastylis ectopa*).

Part 4.3, item 3 proposal for development in a reserve.

All of the trails proposed for realignment and repair are within the Namadgi National and Bimberi Wilderness.

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

Namadgi National Park is located in the south and west of the ACT and covers 106,095 hectares or approximately 46% of the ACT. The western boundary of the park is the ridgeline of the Brindabella, Bimberi and Scabby Ranges. The south-eastern border of Namadgi follows the ridgeline of Clear Range. This proposal occurs in both Namadgi National Park and the Bimberi Wilderness.

1. Mt Gingera (Bimberi Wilderness)

This trail consists of a 1100m long approx. 500mm wide trail rising 190m vertically from Mt Franklin Rd to the top of Mt Gingera on the ACT/NSW border.

The existing timber steps were largely burnt by the Orroral Valley Fire in 2020 and the subsequent storm event caused localised scouring of the trail surface in addition

to the existing incised alignment. Braiding of the trail is obvious as well as previous re-alignments assumedly due to poor trail construction.

These works will provide for a limited recreational wilderness experience while seeking to minimise environmental disturbance. The proposal consists of the following:

- Helicoptering in suitably sized clean local granite rock (similar in appearance to that on site) and have an experienced trail builder install up to 500 new rock steps or water-bars on the existing alignment.
- A minor detour (30-50m) of a boggy area on the basis that the boggy area supports good butterfly diversity, is unsuitable for a walking trail due to incision and braiding, and the presence of an old bulldozer line adjacent which as a disturbed alignment would be more sensitive and sustainable when compared to the current boggy alignment.
- Some minor realignments (within 5m of existing trail) are proposed higher up on the trail where braiding and trail incision has been occurring due to poor trail alignment, drainage and steps.
- 80% of the track work will utilise an existing bared line.
- Motorised vehicle and machinery access will only occur along Mt Franklin road. The track will be hand built and not involve motorised equipment.
- The large number of Koppers logs (now partly burnt) and the steel pins holding them in, previously used on the track, and now partly burnt will be removed as part of the work.
- Multiple track lines and the boggy section will be rehabilitated using on site material.

2. Australian Alps Walking Trail (between Mt Tennant and Honeysuckle Creek)

A number of realignments of this 16km trail section are proposed. These are required due to the damage sustained during the fire and flooding where steps and drains have been burnt out. Rain has also created incisions down poorly aligned sections of trail. The realignments seek to lower the gradients by adjusting along contours thus reducing the need for steps and drains, improving the trail surface and reducing both up front repair and ongoing maintenance costs.

The realignments will be constructed as follows:

- By hand to a natural surface width no greater than 1000mm.
- Utilise local rock where available to create rock steps or drains.
- Involve the replacement of up to five timber (5) bridges/walkways with steel equivalents up to 8m long where the possibility of a rock hop crossing is not achievable and the requirement for a crossing is clear from a safety walker

experience perspective. None of these would require a handrail but would likely require the use of a helicopter to transport materials onto site.

- Require some clearing of woody vegetation to a width of no more than 2m by hand to create a trail ‘corridor’, and not involve clearing of any trees larger than 150mm DBH.

3. Mt Tennant

A new 2500m long trail is proposed on the upper slopes of Mt Tennant to allow walkers to avoid the Mt Tennant Firetrail and Mount Tennant Saddle Firetrail portion of the current walk. This trail would be constructed as follows:

- Constructed by hand tools only and be no wider than 600-800mm.
- raked in initially and then kept obvious by foot traffic.
- require approximately 200 rock steps to be constructed using local rock sourced from within 50m of the trail.
- will have been subject to a Cultural Heritage Assessment (CHA) with Representative Aboriginal Organisations having been on site to look at alignment and steps in particular due to a known cultural site in the vicinity.
- Will involve the installation of a small number of interpretive signs and bench seats, the locations of which will also be assessed as part of the CHA.
- Will require the clearing of ten partially fire damaged trees for safety reasons.
- Will avoid the clearance of any other trees or shrubs greater than 1m high. Pruning of branches would be undertaken where required so long as less than one third of the plant is removed.

Documentation Submitted

- Namadgi National Park Walking Trail maintenance and upgrades ESO report
- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion “Activities in a wilderness area”;
- List of blocks for walking track locations
- Form 1M.

Natural conservation values present

Namadgi National Park conserves a wide variety of ecosystems and contributes to regional ecological connectivity through its links to reserves within NSW. The ecosystems include:

- low open woodland covering much of the park with Snow Gum woodland in the high mountain areas;
- open grasslands and frost hollows on the eastern side of the park in the Orroral and Boboyan valleys;
- tall wet forests with Alpine Ash and fern gullies in sheltered locations, especially on the western side of the park;

- wetlands including sedge fens in the valleys and sphagnum moss bogs on the peaks that are important for water catchment and as habitat for the endangered Northern Corroboree Frog (*Pseudophryne pengilleyi*), and
- sub-alpine peaks and alpine communities above 1600m.

At least 35 species of mammals, 14 species or subspecies of frog, over 41 species of reptiles, four native fish species and over 130 species of birds have been recorded in Namadgi National park. There are 12 animal species listed as threatened under the Nature Conservation Act 2014:

- Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Two-Spined Blackfish (*Gadopsis bispinosus*)
- Trout Cod (*Maccullochella macquariensis*)
- Macquarie Perch (*Macquaria australasica*)
- Murray River Crayfish (*Euastacus armatus*)
- Hooded Robin (*Melanodryas cucullate*)
- Brown Treecreeper (*Climacteris picumnus*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Smoky Mouse (*Pseudomys fumeus*)
- Spotted-Tailed Quoll (*Dasyurus maculates*)

Three vegetation communities in Namadgi have been identified as requiring special protection and management. These are:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT
- Montane and Subalpine Bog (forming a significant component of the Commonwealth listed Alpine Sphagnum Bogs and Associated Fens)
- Black Cypress Pine Tableland Open Forest.

Several rare and unusual species occur in Namadgi, but only two plant species are formally recognised as threatened: *Gentiana baeuerlenii* (a sub-alpine herb) and *Corunastylis ectopa* (Brindabella Midge Orchid). Both are declared threatened under ACT and Commonwealth legislation.

The Ginini Flats Wetlands is included on the List of Wetlands of International Importance (Ramsar) in recognition of its significant ecological characteristics and is the only Ramsar Wetland in the ACT.

Impact on the Reserve

1. Mt Gingera

An ACT Government Senior Ecologist undertook a site inspection and observed the following environmental values on site:

The top third or so of the track passes through a thicket of the snow gum subspecies *Eucalyptus pauciflora* subsp. *debeuzevillei*, which although locally abundant at the top of some ACT peaks is considered to be a rare species. Most of the thicket was burnt with most stems re-sprouting at the base. The track weaves between trees and saplings and the works do not require the removal of any stems. Another locally rare species the Mountain Plum Pine (*Podocarpus lawrencei*) occurs on the top of the peak, but amongst boulders and above the level of track work. Cracks between and within boulders are a summer aestivation site of the Bogong moth but there has been a dramatic decline in numbers visiting, thought to be related to agricultural practices over the wintering grounds on the Liverpool and Western Plains. It was also noted that just before the saddle the existing track crosses a boggy area, which supports good butterfly diversity.

2. Australian Alps Walking Trail

This section comprises the existing trail up Mt Tennant then through to Honeysuckle Campground via Bushfolds flat and Booroomba Rock carpark. ACT Government vegetation mapping indicates a variety of vegetation community types along the trail with the following present within the proposed trail realignment areas:

- U18 or Mealy Bundy – Broad leaved Peppermint shrubby mid-high open forest
- u27 Snow Gum – Candlebark tall grassy woodland: Snow Gum – Candlebark tall grassy woodland
- u150 Broad-leaved Peppermint – Mountain Gum shrubby tall open forest
- u52 Ribbon Gum – Robertson’s Peppermint very tall wet sclerophyll open forest
- u178 Yellow Box ± Apple Box tall grassy woodland: Yellow Box ± Apple Box tall grassy woodland
- r2 River Tussock – Kangaroo Grass – Rush wet tussock grassland of footslopes, drainage lines and flats: River Tussock – Kangaroo Grass – Rush wet tussock grassland of footslopes, drainage lines and flats
- NG Native grassland

A number of the proposed realignments pass through Smoky mouse (*Pseudomys fumeus*) habitat but the trail as proposed in terms of construction (a more sustainable and stable alignment) is unlikely to have a significant impact on the habitat of this species given the amount of disturbance proposed. EPSDD Conservation Research ecologists have noted no concern about the habitat for Smoky Mouse being impacted by this work.

Crossing of Honeysuckle creek is required in a new location as the existing alignment has eroded badly and the bridge was destroyed. A new steel footbridge will be constructed, or a boulder hop arrangement will be formalised (boulder hop is the proponent's preference) to allow walkers to avoid impacting the grassland community in this location.

3. Mt Tennant

This new 2.5km trail passes through Dry Sclerophyll Forest classified as u18 or Mealy Bundy – Broad leaved Peppermint shrubby mid-high open forest and u52 or Ribbon Gum – Robertson's Peppermint very tall wet Sclerophyll open forest. The Trail proposed passes through a large boulder, rocky and open forest environment. The vulnerable Rosenberg's Monitor (*Varanus rosenbergi*) occurs in the area and utilises mounds of the termite species *Nasutitermes sp.*, however the proposed alignment would avoid damaging any mounds.

Furrowed Bedstraw (*Gallium Liratum*) plants identified during field visits would be avoided including two plants near the big rock lookout and about 20-30 plants at the base of the rock wall that is being considered as a location for the construction of steel steps.. The plant has only been recorded twice before in the ACT, in 1986 and 2008, both other ACT locations are on the NE slope of Mt Tennant. It seems to be reasonably common along the east coast of NSW and Victoria, and is also found in the Albury area. It is likely that it is more common in Namadgi but until further records are found the precautionary approach would be to treat it as locally rare. Like all native Galiums it has leaves in whorls of four, but it is of a creeping habit. While its leaves are ovate with a distinct leaf stalk. Images of this species for identification purposes can be found on [Canberra Nature Map](#).

All sites were inspected by a Senior Ecologist, Conservation Research, Environment and Planning Directorate to ensure that the walking trail works will not impact on any rare or threatened plants. The trails will purposefully avoid impacts on ecologically sensitive areas and protected plants.

Potentially Significant Environmental Impacts

The realignments have been well chosen to avoid any more than minor clearance of vegetation. Rare plants have been recorded close to the proposal but are unlikely to be impacted. While the presence of rare orchids can't be entirely dismissed there is a very low likelihood of the proposal impacting on rare plant species. The proposal includes weed and pathogen hygiene conditions.

Conditions have been included to ensure that the risks pertaining to spread of weeds, fire and damage of land outside the construction footprint are minimal:

1. Prior to entering the reserve vehicles and machinery must be cleaned and free of any plant material or soil.
2. No works are to occur on days of Total Fire Ban, when the Fire Danger Index exceeds 30, or when the ground is wet and boggy.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.