

# Planning and Development (Conditional Environmental Significance Opinion – Multiple Blocks, Paddys River, Coree and Cotter River – Roadside Vegetation Management) Notice 2023

Notifiable instrument NI2023–229

made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Multiple Blocks, Paddys River, Coree and Cotter River – Roadside Vegetation Management) Notice 2023*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 4 April 2023, the Conservator of Flora and Fauna, pursuant to the *Planning and Development Act 2007* (the *Act*), section 138AB (4) (b), gave the Applicant a conditional environmental significance opinion in relation to construction, on Blocks 60, 143, 240, 322, 320, 323 Paddys River, Blocks 40 and 225 Coree, and Blocks 11, 20, 21 Cotter River, for the management of roadside vegetation within the conservation estate and some plantation areas within the ACT.

(2) In this section:

***conditional environmental significance opinion*** means the opinion in the schedule.

*Note* Under the Act, s 138AD (6), the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Craig Weller  
Delegate of the planning and land authority  
27 April 2023

## Schedule

See section 3(2)

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### 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 Mr Adam Mclachlan, Assistant Director.

#### 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 management of roadside vegetation within the conservation estate and some plantation areas within the ACT as described in the submission.

#### LOCATION

Works are proposed within the following blocks:

District/Division	Block	District/Division	Block
Paddy's River	322	Coree	225
Paddy's River	320	Coree	40
Paddy's River	323	Cotter River	20
Paddy's River	240	Cotter River	11
Paddy's River	60	Cotter River	21
Paddy's River	143		

#### 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 mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', with a stylized flourish at the end.

Bren Burkevics  
Conservator of Flora and Fauna

4 April 2023

## 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).

Sixteen 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*)
- Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Hooded Robin (*Melanodryas ucellate*)
- Painted Honeyeater (*Grantiella picta*)
- Brown Treecreeper (*Climacteris picumnus*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Smoky Mouse (*Pseudomys fumeus*)
- Broad-toothed Rat (*Mastacomys fuscus*)
- Spotted-Tailed Quoll (*Dasyurus maculates*)

Four plant species listed as threatened under the *Nature Conservation Act 2014*:

- Austral toadflax (*Thesium austral*),
- Pale Pomaderris (*Pomaderris pallida*),
- Baeuerlen's Gentian (*Gentiana baeuerlenii*)
- Brindabella Midge Orchid (*Corunastylis ectopa*).

The works will pass through most of the forest communities listed in the Namadgi National Park Plan of Management. The works will also take place in the vicinity of some lowland grasslands which are becoming overgrown with dominant shrubs including *Kunzea* and *Leptospermum* species.

The works area also include areas of Yellow Box – Blakely’s Red Gum Grassy Woodland (Box-Gum Woodland), an endangered ecological community.

Habitat for Rosenberg’s Monitor, Spotted-tailed quoll, and Smokey Mouse occurs in the areas affected by the works. Spotted-tailed Quoll, and Rosenberg’s Monitor are not expected to be impacted as mobile species, with large den requirements including tree hollows and cavities which are excluded from the vegetation treatment. Smokey Mouse inhabits rocky outcroppings, which are not affected by the treatment.

Greater Glider (*Petauroides Volans*) listed as vulnerable under the EPBC Act, is recorded for the treatment areas between the Cotter River and Mt Franklin Rd, however as the works do not generally remove mature trees, habitat will not be affected.

The works will intersect with 58 records of threatened or protected plants (based on desktop assessment of proposed treatments with a 100m each side buffer intersecting with protected plants records). These rare and threatened plants are a mixture of ferns, shrubs and forbs, with one tree and a few orchids. Many of these plants are persistent and will be present in the treatment area year-round.

*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 will impact on 34 ha of native vegetation.

*Part 4.3, item 3 proposal for development in a reserve;*

The works are located within blocks with National Park and Special Purpose Reserve overlays.

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**

Roads and fire trails within the ACT's reserve areas and conservation estate are critical to effectively performing land management activities and in suppressing wildfire. In addition to this, many of the roads are accessible to the public. The Strategic Bushfire Management Plan (2019-2024) supports the need for these works as it commits the ACT Government to:

*Government and private land managers will work together to provide a network of fire trails and helipads that provide safe and effective access for firefighting and fuel reduction operations.*

The proposal is for vegetation trimming along existing fire trails within the conservation estate and some plantation areas in the ACT. The works will take place in Namadgi National Park, The Lower Cotter Catchment, Paddy's River, Uriarra, and Tidbinbilla. The objective of the works is to maintain roads in line with the commitment under the Strategic Bushfire Management Plan (2019- 2024).

Vegetation management will occur where the current vegetation conditions create significant hazards to vehicles, as drivers have severely limited view around bends to identify other vehicles and hazards. Generally, vegetation will be trimmed to a depth of 2m from the road shoulder or the outside of road drainage structures, within the zone of disturbance from the original construction of the fire trails (also the area

subject to frequent disturbance from road maintenance and vehicle passage), and up to 4m in depth at sharp bends and switchbacks to further improve sight lines at these conflict points. The works will be undertaken with a mulching head mounted on an excavator. The mulching head can be carefully manoeuvred to selectively trim vegetation and cannot trim below a height of 100mm.

#### **Documentation Submitted**

- ESO Supplementary information – Vegetation Management of Fire Trails (2022-23);
- Schedule of blocks for vegetation management;
- Letter of Authorisation
- Maps showing the roads proposed for vegetation management;
- 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, 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 16 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*)
- Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
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- Brown Treecreeper (*Climacteris picumnus*)



- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-Winged Triller (*Lalage sueurii*)
- Smoky Mouse (*Pseudomys fumeus*)
- Broad-toothed Rat (*Mastacomys fuscus*)
- 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 four plant species are formally recognised as threatened: *Thesium austral* (Austral toadflax), *Pomaderris pallida* (Pale Pomaderris), *Gentiana baeuerlenii* (Baeuerlen's Gentian) and *Corunastylis ectopa* (Brindabella Midge Orchid).

There are 22 records for rare plants, 2 for threatened plants, and 34 point records for protected plants in the vicinity of the work sites.

### **Impact on the Reserve**

The works are proposed within previously disturbed areas only and should not increase the visual impacts of existing fire trails.

Generally, vegetation will be trimmed to a depth of 2m from the road shoulder or the outside of road drainage structures, within the zone of disturbance from the original construction of the fire trails (also the area subject to frequent disturbance from road maintenance and vehicle passage), and up to 4m in depth at sharp bends and switchbacks to further improve sight lines at these conflict points. The works will be undertaken with a mulching head mounted on an excavator. The mulching head can be carefully manoeuvred to selectively trim vegetation and cannot trim below a height of 100mm.

### **Potentially Significant Environmental Impacts**

The works have been limited to edges of existing roads and target specific elements of the vegetation structure to allow for safe passage by vehicles and other trail users and to provide a safer space for bushfire operations. The works do not extend outwards into the significant habitat areas further away from the trail edges and are also broken by areas of untreated vegetation in riparian zones and around important plants. The works do not impact on significant proportions of any of the vegetation

communities of habitats given in the context of the ACT's extents of these vegetation communities and the amount protected in our reserve structures.

No ground disturbance is to occur, and detailed mitigation measures have been included to ensure sensitive values are not significantly impacted. These include:

- Weed and pathogen hygiene measures
- Limiting movement of machinery to existing fire trails, access roads and turn around points
- Protocols to identify and buffer known threatened values, including inspection by qualified ecologist/botanist to record new sightings.
- Trees greater than 20cm diameter will not be felled and will only be pruned.

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