ACT Government
Environment, Planning and Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION - Jacks Creek Crossing Rehabilitation (ESO 202400060)

In accordance with section 140 (4) of the *Planning Act 2023* (the Act), I provide the following environmental significance opinion:

APPLICANT

ACT Parks and Conservation Service, as represented by Mr Tom McElroy, Manager – National Parks and Catchments Projects.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 140 (4) 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 enhancement of an existing fire trail stream crossing at Jacks Creek on Yaouk Road. The proposal will encompass a new rock-armoured bed level crossing and will include the installation of a rock ramp fishway as described in the submission.

LOCATION

Works are located in Block 21 Cotter River district in Namadgi National Park.

MATTERS TO WHICH THIS OPINION APPLIES

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

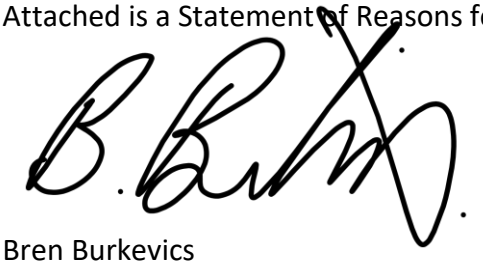
OPINION

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 s140 (4)(b) of the Act:

1. Conditions of approval including mitigation measures as stated in the application.
2. Avoid construction during November to December due to breeding time for the local fish species.
3. All staff undertaking earthworks must be made aware of the potential presence of Riek's Crayfish (*Euastacus rieki*) prior to commencing works.
4. Any crayfish (regardless of species) unearthed during works must be relocated 30-50 m upstream or downstream of works.
5. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

25 February 2025

STATEMENT OF REASONS
REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – requiring environmental impact statement, being:

Part 1.2, item 18 - proposal for development in a reserve, unless the proposal is for minor public works to be carried out by or for the Territory in accordance with a minor public works code approved by the conservator of flora and fauna under the Nature Conservation Act 2014*, section 318A;*

The proposed works are within Namadgi National Park.

The proponent is seeking an environmental significance opinion to remove the requirement for an environmental impact statement 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 for an opinion 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 development proposal is for the enhancement of an existing fire trail stream crossing at Jacks Creek on Yaouk Road, located in the Bimberi Wilderness area of Namadgi National Park (Namadgi). This project is a key deliverable under the Commonwealth funded Black Summer Bushfire Recovery Program. The proposal builds on similar rehabilitation works at Bimberi Creek delivered earlier in 2024 under approved ESO 202400030.

Jacks Creek crossing forms part of the critical fire trail network in Namadgi. The Creek drains a large hillslope catchment in the Bimberi Wilderness and discharges medium-high energy flows during significant rain events. The previous 2003 and 2020 bushfires have burnt off large areas of vegetation in Namadgi and resulted in increased runoff and erosion, which progressively damaged the stream crossing, making it unsafe for crossing. Previous bank stabilising works have also unintendedly created artificial weirs which became fish barriers and reduced riparian connectivity.

The proposed works chiefly involved the installation of a bed level crossing, constructed with large boulders embedded in the bed and approaches and finished at natural surface level. It will include a soldier course of rock bounding the width and toe of the approaches, repairing the 'tongue' incision into the approaches, with all rock used in the bed level crossing element sized 500-800 millimetres in diameter and approximately 300 millimetres high.

Integrated into the bed level crossing will be a modified rock ramp fishway, consisting of two graded pools spanning the width of the bed, separated by ridge rocks keyed vertically into the bed. The pools will be filled with river cobble to mirror the natural bed habitat.

All materials used will be stored in advance at the designated stockpile sites on Cotter Hut Road and transported to the works location using articulated dump trucks. Excavators will be used to load and unload the materials, as well as for the installation of the crossing works. Access to and from the site will be via a single route, commencing at Cotter Hut Road near Orroral Road and continuing to Yaouk Road, then southward beyond Cotter Hut to the Jacks Creek crossing location.

Documentation Submitted

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Letter of Authorisation
- Form 1M.

Natural conservation values present

Namadgi conserves a wide variety of ecosystems and contributes to regional ecological connectivity through its links to reserves within NSW. The proposal is within mapped subalpine woodland in the NC Act listed Bimberi Wilderness, specifically Black Sallee grass-herb woodland in drainage depression and moist valley flats.

At least 30 species listed as threatened under the NC Act have been recorded in Namadgi, of which the following species are known to occur within proximity to the proposal:

- Two-spined Blackfish (*Gadopsis bispinosus*)
- Mountain Galaxias (*Galaxias olidus*)
- Riek's Crayfish (*Euastacus rieki*)
- Broad-toothed Rat (*Mastacomys fuscus*)
- Smoky Mouse (*Pseudomys fumeus*)
- Greater glider (*Petauroides Volans*)
- Yellow-bellied glider (*Petaurus australis*)
- Spotted-Tailed Quoll (*Dasyurus maculatus*)
- Scarlet Robin (*Petroica boodang*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)

Two-spined Blackfish and Macquarie Perch are known to occur within the broader Cotter River Catchment, of which Jacks Creek is a tributary. The proposal is also within the known distribution of Riek's Crayfish and rare and genetically distinct Galaxias fish species.

The works area is within the larger habitat locations of arboreal mammal species including the Greater glider, Yellow-bellied glider, and the Spotted-tail quoll. Some reaches of Jacks Creek and similar streams and depressions throughout this part of Namadgi are identified as Smoky Mouse habitat.

Potentially Significant Environmental Impacts

The works area is covered by Wilderness overlay in the Territory Plan. The objectives of this overlay have been achieved through careful consideration of design and choice of materials. The works will improve the function of the trail using quarried stone, providing a natural appearance in accordance with the overlay objectives.

Protection of water quality by minimising impacts of erosion caused by management infrastructure and use (including creek crossings), is identified as a high priority in the *Namadgi National Park Plan of Management 2010*. Creek flows will be diverted around/through the site using water diversionary techniques outlined in the

proposal, and appropriately mitigates any unnecessary sediment entering the waterway by not working within the water. The proposed use of rock armouring is expected to stabilise the degraded crossing, decreasing further risk of sedimentation and downstream impacts to water quality and aquatic habitat values.

Works will be primarily confined to the existing road corridor, apart from the fishway component and the upstream armouring of the creek banks extending several meters. Materials will be unloaded on the trail itself, and on the disturbed verge. Vegetation disturbance is limited to several square metres and is minimal. No trees are within the vicinity of the works and no thinning or limbing is required to facilitate machine access.

The proposal will remove an existing barrier to fish passage and will directly improve habitat passage and movement for the vulnerable Two-spined Blackfish and potentially rare, genetically distinct Galaxias species. Impacts on riparian vegetation will be minimal and the site will be rehabilitated with translocation of reeds and sedges removed from the site.

Surveys will be undertaken prior to commencing works to minimise impacts on rare plants and Riek's crayfish. Staff should be made aware of the potential to encounter Riek's Crayfish, and a procedure to move any crayfish unearthed to suitable nearby habitat should be established.

The previously listed threatened mammals and birds may transit through the proposal site, however the site does not provide any unique habitat features for these species. Noting the works area is very limited in size relative to the surrounding habitat locations, and that it is mostly within a disturbed road corridor and dynamic stream environment, it is not considered that these works will adversely impact the Namadgi Smokey mouse population.

Works will be superintended by PCS and not private contractors. The team is well experienced in delivering constructions works in the reserve estate.

With the implementation of these mitigation measures, significant impacts to threatened species are unlikely to occur.

Conditions have been included to ensure that works will minimise impacts to the riparian corridor and avoid breeding timing of local fish species.

This opinion is granted subject to the following conditions made under s140 (4)(b) of the Act:

1. Conditions of approval including mitigation measures as stated in the application.

2. Avoid construction during November to December due to breeding time for the local fish species.

3. All staff undertaking earthworks must be made aware of the potential presence of Riek's Crayfish (*Euastacus rieki*) prior to commencing works.

4. Any crayfish (regardless of species) unearthed during works must be relocated 30-50 m upstream or downstream of works.

5. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.

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.