



ENVIRONMENTAL SIGNIFICANCE OPINION - Roadside Vegetation Management (ESO 202500005)

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 (PCS), as represented by Mr Tyrone Compton, Assistant Director, Planning, Fire Management Unit.

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 cyclical vegetation management along existing roads and fire trails in the PCS estate to maintain roads to ensure access for land management purposes, and to clear vehicle sight lines along fire trails which are impeded by vegetation regrowth as described in the submission.

LOCATION

Works are proposed at the following locations:

Reserve	Block	District	Location(road)
Namadgi National Park	6, 21	Cotter River	Mount Franklin Road
Namadgi National Park	6, 91, 331	Tennent, Paddys River	Smokers Trail
Namadgi National Park	3, 10, 12, 17, 23, 39	Rendezvous Creek, Booth, Mount Clear	Old Boboyan Road
Namadgi National Park	39	Mount Clear	Waterholes Fire Trail / Settlers Track

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. Individual work plans must be reviewed and agreed to by the Office of Nature Conservation Fire Ecology team prior to work commencing. Plans are to mark out protected plants and exclude riparian areas. Work in areas of significant ecological importance is to be done by hand.
3. All works should avoid areas known to support Brindabella Midge Orchids (*Corunastylis ectopa*) with a buffer of at least 100m.
4. Works must be undertaken in accordance with the measures outline in the ESO submissions and the *Ecological Guidelines for Fire, Fuel and Access Management Operations*.
5. Movement of machinery is to be limited to existing fire trails and access roads. Machinery is to be cleaned of weeds and mud when moving between sites.
6. Mature native trees (trees with a DBH >20cm DBH) must not be removed without a tree clearance plan endorsed by the Office of the Conservator.
7. No habitat trees are to be removed, especially hollow bearing trees or standing dead trees, unless they present a clear danger to crews.
8. Trees containing hollows must be avoided by works, to limit disturbance to nesting animals. Where impacts to hollow-bearing trees cannot be avoided, a management strategy must be provided to the Office of the Conservator for endorsement prior to works.
9. Soil disturbance should be limited by ensuring works are undertaken during appropriate conditions. Works following high rainfall should be avoided, where possible.
10. Access to the site must be granted to Conservation Officers if a compliance inspection is requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics'.

Bren Burkevics
Conservator of Flora and Fauna

27 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 17 – proposal involving -

- (a) the clearing of more than 0.5ha of native vegetation in a native vegetation area, other than on land in a future urban area; or*
- (b) the clearing of more than 5.0ha of native vegetation in a native vegetation area on land in a future urban area*

The proposal will impact on approximately 23.72 ha of native vegetation.

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;

Part of 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

This project is for cyclical vegetation management along existing roads and fire trails in the PCS estate to maintain roads ensuring access for land management purposes and clear vehicle sight lines along fire trails which are impeded by vegetation regrowth. Much of the vegetation proposed for removal is re-growth from previous trail and vegetation management. Current vegetation conditions create significant hazards to vehicles, as drivers have severely limited view around bends to identify other vehicles and hazards.

Vegetation will be trimmed along approximately 59.3 km of existing roads. Works will be confined to the original trail footprint to a depth of 2m each side, and up to 4m in depth around sharp bends and switchbacks to improve sight lines, for a total treated area of approximately 23.72 ha.

Works will be undertaken with a mulching head mounted on an excavator to cut and mulch woody regrowth on the fire trails. The operator can selectively remove vegetation at a height of between 100mm and 200mm and retain groundcover (grass and low shrubs). Work will take place when the fire trail is accessible and dry enough to ensure excavator tracks do not damage the road surface.

Mature trees greater than or equal to 20cm diameter (10cm for snow gums) at breast height will be retained and only removed if they pose a hazard to the road network. Removal will only occur with approval from a district officer or the Office of Nature Conservation. Trees may be pruned of branches which overhang the trail and encroach on the road footprint with a hand saw, chainsaw or pole saw.

Documentation Submitted

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Letter(s) of Authorisation
- 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.

Nearly 600 species have been recorded in Namadgi, with at least 30 species listed as threatened under the *Nature Conservation Act 2014*:

- Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Brown Treecreeper (*Climacteris picumnus*)
- Diamond Firetail (*Stagonopleura guttata*)
- Hooded Robin (*Melanodryas cucullata*)
- Little Eagle (*Hieraaetus morphnoides*)
- Painted Honeyeater (*Grantiella picta*)
- Pilotbird (*Pycnoptilus floccosus*)
- Scarlet Robin (*Petroica boodang*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- White-throated Needletail (*Hirundapus caudacutus*)
- White-winged Triller (*Lalage tricolor*)
- Macquarie Perch (*Macquaria australasica*)
- Trout Cod (*Maccullochella macquariensis*)
- Two-Spined Blackfish (*Gadopsis bispinosus*)
- Key's Matchstick Grasshopper (*Keyacris scurra*)
- Murray River Crayfish (*Euastacus armatus*)
- Broad-toothed Rat (*Mastacomys fuscus*)
- Brush-tailed Rock-wallaby (*Petrogale penicillata*)
- Greater Glider (*Petauroides volans*)
- Koala (*Phascolarctos cinereus*)
- Smoky Mouse (*Pseudomys fumeus*)
- Spotted-tailed Quoll (*Dasyurus maculatus*)
- Austral Toadflax (*Thesium austral*)
- Brindabella Midge Orchid (*Corunastylis ectopa*)

- Dwarf Violet (*Vioa improcera*)
- Hoary Sunray (*Leucochrysum albicans* var. *tricolor*)
- Kiandra Greenhood (*Pterostylis oreophila*)
- Pale Pomaderris (*Pomaderris pallida*)
- Mountain Skink (*Liopholis montana*)

Potentially Significant Environmental Impacts

The Namadgi National Park Plan of Management (2010) identifies the maintenance of fire trails to specified standards as an ongoing high priority action. The proposed works, including mitigation measures, are generally consistent with the *Ecological Guidelines for Fire, Fuel and Access Management Operations*. Works will be confined to the original trail footprint, and much of the vegetation is re-growth post construction. Protected species and communities have been identified and appropriate mitigation measures have been included in the proposal. The project will have minimal impacts to protected values.

There is potential for the southern limit of the works to overlap with one of only two known populations of the critically endangered Brindabella Midge Orchid. This is outside of the proposed works footprint, but worth noting given the importance of this population and noting that plants occur directly within the Boboyan Road reserve. As this species is not easily detected (not visible outside of flowering period and difficult to detect when flowering), it is unlikely to be accurately identified and avoided by works. Given this, works should avoid all areas known to support this species, with a buffer of at least 100m (Figure 1).

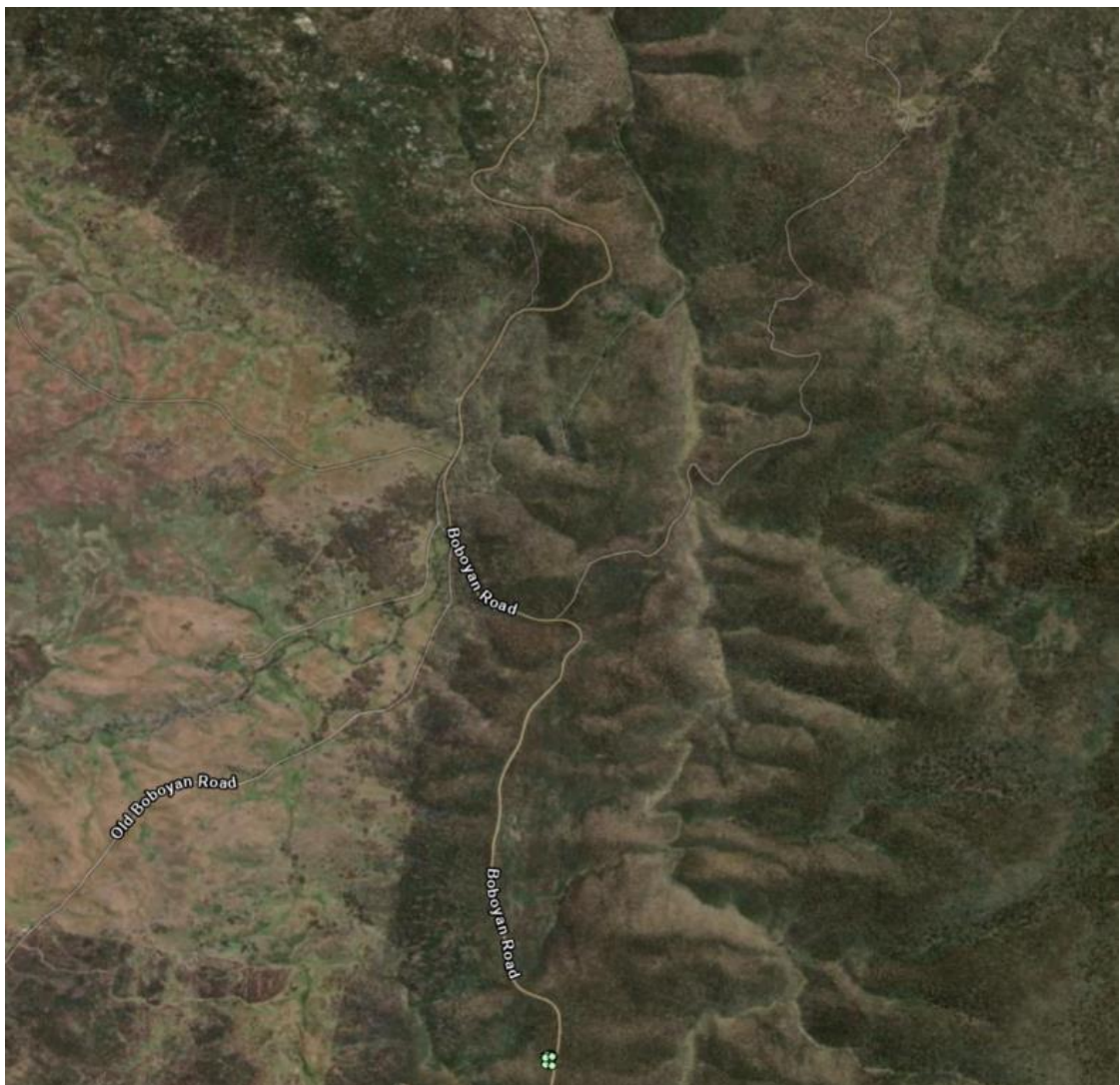


Figure 1 - Boboyan Rd - Brindabella Midge Orchid Population

A trained botanist will assess the areas to be treated prior to works commencing to check for the presence of previously recorded plants, record new sightings and establish buffer areas where required to manage the impact on these sites and the threatened Brindabella Midge Orchid.

Conditions have been included to ensure that works minimise vegetation and soil disturbance to the wider reserve areas.

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. Individual work plans must be reviewed and agreed to by the Office of Nature Conservation Fire Ecology team prior to work commencing. Plans are to mark out protected plants and exclude riparian areas. Work in areas of significant ecological importance is to be done by hand.
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9. Soil disturbance should be limited by ensuring works are undertaken during appropriate conditions. Works following high rainfall should be avoided, where possible.
10. 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.