



## **ENVIRONMENTAL SIGNIFICANCE OPINION 202500018 - BLOCK 331 PADDYS RIVER – WOODS RESERVE AND GIBRALTAR FALLS VISITOR UPGRADES AND WALKING TRAILS**

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

### **APPLICANT**

PLANIT STRATEGIC Pty Ltd, as represented by Hope Watson, Senior Environmental and Town Planner.

### **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 Woods Reserve and Gibraltar Falls Visitor Upgrades and Walking Trails as described in the submission.

### **LOCATION**

Block 331, Paddys River

### **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 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. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
3. A Construction Environmental Management Plan (CEMP) must be endorsed by the Conservator of Flora and Fauna prior to commencing the action.
4. Crossing structures appropriate for small mammals (e.g. small culverts, elevated grating) must be installed at appropriate locations across the walking trail to Snake Rock swimming hole.
5. If any native vertebrate fauna are found on the works area, work must stop immediately, and the animal moved to a safe location in adjacent habitat.
6. If any trees contain stick nests at the time of clearing a fauna spotter must be present when the trees are removed.
7. The works area is within a Fire Prone Area. All works to cease on days of Total Fire Ban (TOBAN) days and where agency Fire Danger Index (FDI) restrictions apply to plant/machinery.
8. Important breeding habitat features, including mature native trees (DBH >50cm) and hollow-bearing trees and burrows, must be clearly marked out prior to construction works and avoided by vegetation clearing and earthworks.
9. Pre-construction flora surveys should be undertaken prior to construction (as per the ESO mitigating actions). A minimum 2 m construction avoidance buffer should be established around any threatened flora detected within the development footprint.
10. Post-construction weed control must be undertaken for a minimum of 24 months or as specified in the rehabilitation plan.
11. Any fill imported onto the sites must be certified Virgin Excavated Natural Material (VENM).
12. Growing medium, compost or mulch imported to the site must be sterilised to ensure that no soil borne pathogens are introduced to the reserve.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read "B. Burkevics". The signature is fluid and cursive, with a prominent vertical stroke at the end.

Bren Burkevics  
Conservator of Flora and Fauna

8 April 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 16 - proposal that is likely to have a significant adverse environmental impact on 1 or more of the following:*

- (a) a critically endangered species;*
- (b) an endangered species;*
- (c) a vulnerable species;*
- (d) a conservation dependent species;*
- (e) a regionally threatened species;*
- (f) a regionally conservation dependent species;*
- (g) a provisionally listed threatened species;*
- (h) a listed migratory species;*
- (i) a threatened ecological community;*
- (j) a protected native species;*
- (k) a Ramsar wetland;*
- (l) any other protected matter*

Within the broader area of the proposed work the following communities may be present:

Six communities listed as endangered under the Nature Conservation Act 2014:

- Southern Brown Bandicoot (*Isodon obesulus obesulus*)
- Key's matchstick Grasshopper (*Keyacris scurra*)
- Southern Greater Glider (*Petauroides volans*)
- Brush-tailed Rock Wallaby (*Petrogale penicillata*)
- Koala (*Phascolarctos cinereus*)

Seven communities listed as Vulnerable under the Nature Conservation Act 2014:

- Magpie Goose (*Anseranas semipalmata*)
- Dusky Woodswallow (*Artamus cyanopterus*)
- White-bellied Sea-Eagle (*Haliaeetus leucogaster*)
- Scarlet Robin (*Petroica boodang*)
- Flame Robin (*Petroica phoenicea*)
- Freckled Duck (*Stictonetta naevosa*)
- Austral Toadflax (*Thesium australe*)

Five species listed as threatened under the Nature Conservation Act 2014:

- Eastern Pygmy Possum (*Cercartetus nanus*)
- Eastern Shrike-tit (*Falcunculus frontatus*)
- Olive Whistler (*Pachycephala olivacea*)
- Long-nosed Potoroo (*Potorous tridactylus*)
- Little Buttonquail (*Turnix velox*)

*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 1.32ha 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;*

The proposed works are within Namadgi National Park.

*Part 1.2, item 25 - proposal that is likely to result in a key threatening process under the Nature Conservation Act 2014*

The proposed works will result in the removal of two living mature native trees and five deceased mature native trees.

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 project proposes work to two areas within Namadgi National Park (NNP), Woods Reserve and Gibraltar Falls, as well as the addition of a walking trail to link the sites.

The proposed works at Woods Reserve will comprise of the demolition of existing inadequate facilities, tracks and services, tree removal and earthworks. The demolished facilities will be replaced with new upgraded facilities which will include access for people with disability and bring Woods Reserve in line with National Park campsite standards under the Namadgi National Park (NNP) plan of management. The project will also include a formalised drainage swale to address ongoing maintenance and management issues with plumbing and storm water drainage as well as a larger asphalt carpark and speed humps, new larger picnic shelters with barbecues and formal campsites with firepits that can accommodate vehicle camping. Small gabion retaining walls will be used to batter campsites and avoid tree removals.

Proposed works at Gibraltar Falls are for a new lookout which would utilise an existing natural rock platform and small informal track leading from the existing walking trail from the falls to Woods Reserve. The project aims to reduce the likelihood of members of the public accessing high risk areas adjacent to Gibraltar Falls by providing alternate recreational opportunities for walking and viewing the falls while limiting direct access to the site. Works will include minor vegetation clearing and the installation of barrier fencing to the lookout and handrails where the path steepens.

Further to the above the proposal includes the construction of approximately 2.5km of new walking trails connecting Gibraltar Falls lookout to Woods Reserve on the western side of Gibraltar Creek and connecting Woods Reserve to Snake Rock swimming hole on the eastern side of the creek. The walking trail footprint will be to

a width of 2m, however this will vary across the alignment to suit the topography of the land and avoid any significant ecological features like mature trees. Barriers with concrete footings and hand rails will be installed in steep areas of trail as detailed in the submitted design plans.

#### **Documentation Submitted**

- Environmental Significance Opinion Woods Reserve Visitor Upgrades, Gibraltar Falls and Walking Trails supporting report
- Letter(s) of Authorisation
- Form 1M.
- Report for Environmental Significance
- Cultural Heritage Assessment and Statement of Heritage Effect
- Aboriginal Cultural Heritage Assessment
- Detail Design Woods Reserve Rev H
- Detail Design Walking Tracks and Lookout Rev B

#### **Natural conservation values present**

Namadgi National Park and the surrounding area 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 23 species listed under the *Nature Conservation Act 2014*:

- Smoky Mouse (*Pseudomys fumeus*)
- Broad-toothed Rat (*Mastacomys fuscus*)
- Greater Glider (*Petauroides volans*)
- Brush-tailed Rock-wallaby (*Petrogale penicillata*)
- Koala (*Phascolarctos cinereus*)
- Hooded Robin (*Melanodryas cucullata*)
- Mountain Skink (*Liopholis montana*)
- Trout Cod (*Maccullochella macquariensis*)
- Riek's Crayfish (*Euastacus riewi*)
- Key's Matchstick Grasshopper (*Keyacris scurra*)

- Hoary Sunray (*Leucochrysum albicans* var. *tricolor*)
- Dwarf Violet (*Vioa improcera*)
- Spotted-tailed Quoll (*Dasyurus maculatus*)
- Southern Whiteface (*Aphelocephala leucopsis*)
- Brown Treecreeper (*Climacteris picumnus*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Painted Honeyeater (*Grantiella picta*)
- White-winged Triller (*Lalage tricolor*)
- Scarlet Robin (*Petroica boodang*)
- Pilotbird (*Pycnoptilus floccosus*)
- Diamond Firetail (*Stagonopleura guttata*)
- Two-Spined Blackfish (*Gadopsis bispinosus*)
- Austral Toadflax (*Thesium austral*)

The intact forested areas of Namadgi National Park and Gibraltar Creek riparian zone provide ecological connectivity over a wide area of habitats for a range of fauna, including birds and arboreal and terrestrial mammals. The site is considered likely to be important in providing breeding habitat for a wide range of fauna, including the Gang-gang Cockatoo given its location in the broader region and known distribution of the species.

Several rare or important plants have been recorded within or in very close proximity to the subject site, some of which belong to the orchid family, of these *Paraprassophyllum jeaneaganiae* is likely to occur close to the proposed works sight and is listed as threatened.

### **Potentially Significant Environmental Impacts**

The impacts of the proposal have been well considered in the application and the scope has been refined in consideration of protected matters and reducing the number of trees to be removed. The project will require the removal of 13 living trees of which eight are native and two are mature native trees however, of the 154 mature native trees onsite only two are being removed and both of these trees have been confirmed as not containing hollows or nests. A further five non-native trees and 10 dead trees/stumps will also be removed. This project is not considered as contributing to a key threatening process under the *Nature Conservation Act 2014*.

The construction of the walking trail and lookout section of the project have been well planned and refined to avoid impacts and further tree removals and will utilise stone steps and granite stone log cross drains to suit the topography of the site. The endangered Gang-Gang Cockatoo has been recorded within the vicinity of the walking trails, however the likely impacts of the proposed development are considered small scale and no hollow bearing trees suitable for use by Gang Gang

Cockatoos are being removed. Small mammal Agile Antechinus have been recorded in the development area and these mammals can be reluctant to cross clearing such as trails and roads. The use of crossing structures will reduce the possibility of trails fragmenting populations of small mammals. The use of small culverts or sections of elevated grating across well vegetated areas, such as drainage lines, can improve the likelihood that small mammals will cross linear barriers. A condition has been included requiring the use of these types of structures where appropriate.

A total of 1.32ha of native fauna is to be removed during the development however removal of vegetation within the riparian corridor has been avoided and no instream works are proposed. Some rare and important plants have been recorded at the site including several orchid species including *Paraprasophyllum jeaneaganiae* and *Caladenia parva*, however impacts to these communities have been included in the mitigation measures and pre-clearance surveys will be carried out to identify the orchids' locations and implement temporary fencing, exclusion zones and minor trail realignments to ensure any populations present are not disturbed by the works.

Overall, this project aims to increase visitor safety to the area and address ongoing maintenance and drainage issues at the Woods Reserve campground. The impacts of the proposal have been well considered, and the impacts will be short term and not have a lasting negative impact to the surrounding values.

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. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.
3. A Construction Environmental Management Plan (CEMP) must be endorsed by the Conservator of Flora and Fauna prior to commencing the action.
4. Crossing structures appropriate for small mammals (e.g. small culverts, elevated grating) must be installed at appropriate locations across the walking trail to Snake Rock swimming hole.
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8. Important breeding habitat features, including mature native trees (DBH >50cm) and hollow-bearing trees and burrows, must be clearly marked out prior to construction works and avoided by vegetation clearing and earthworks.
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10. Post-construction weed control must be undertaken for a minimum of 24 months or as specified in the rehabilitation plan.
11. Any fill imported onto the sites must be certified Virgin Excavated Natural Material (VENM).
12. Growing medium, compost or mulch imported to the site must be sterilised to ensure that no soil borne pathogens are introduced to the reserve.

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.