
ENVIRONMENTAL SIGNIFICANCE OPINION – MULTIPLE BLOCKS – SOUTHERN BORDER FENCE (ESO 202500048)

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 Tim Wells, Project Manager.

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 reinstating 60 km of damaged fence lines along the southern border of Namadgi National Park as described in the submission.

LOCATION

Works will be undertaken in the following locations:

- Blocks 6, 24, 28, 50, 51, 52, 60, 68 Booth
- Blocks 39, 40 Mount Clear

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

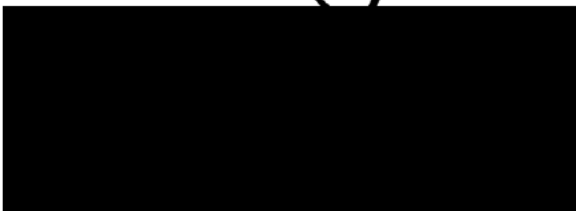
Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO and the Ecological Impact Assessment, they are unlikely to cause a significant adverse environmental impact.

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

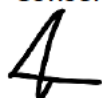
1. Conditions of approval including mitigation measures as stated in the application and EIA.
2. Access to the site must be granted to Conservation Officers if a random compliance inspection is requested by the Conservator of Flora and Fauna.

3. The proposed work is located on Bushfire Prone land and the ACT Bushfire Management Standards is to be adhered to, specifically all fences and gates to be made of either hardwood or non-combustible material only.
4. The final alignment should be micro-aligned to avoid damage to native fauna burrows and removal of trees with a Diameter at Breast Height greater than 20cm. Ground disturbance should be limited within the root zone of large trees, with fence posts avoiding large roots.
5. Fencing should be designed to allow movement through the fence and limit death or injury to local fauna by entanglement. The following measures should be adopted where possible:
 - Limit barb. Plain wire should be prioritised for the top wire, to limit fauna entanglement.
 - Limit strands of wire on the lower portion of fencing to allow for movement of wombats and other smaller mammals across the fence line.
 - Improve visibility of fencing (e.g. using spinners), focusing on the top strand and targeting creek lines which are likely to facilitate increased fauna movement.
6. The number of cuts made to fallen timber must be minimised to that necessary only to clear a 2-metre workspace either side of fence line, and to enable this timber to be relocated safely.
7. Fallen timber must be relocated to within the Namadgi National Park boundary, no greater than 200 metres from where it was sourced.
8. Natural Temperate Grassland must not be impacted by the development.
9. Threatened flora surveys must be undertaken before construction begins, during the key flowering period for threatened flora species likely to occur.
10. A Construction Environment Management Plan is developed including the considerations listed at Section 3 of the EIA.

Attached is a Statement of Reasons for the decision.



Conservator of Flora and Fauna

 December 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 proponent included this item in their application, however, due to the change of scope this item no longer applies.

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 reinstating approximately 60 km of boundary fencing between Namadgi National Park and adjoining freehold land in New South Wales, which was damaged during the January 2020 Orroral Valley Fire.

The Southern Border Fence is comprised of three key sections: Clear Range, Careys Fire Trail, and Grassy Creek. The Clear Range border fence is 22km in length and runs from north to south along the Clear Range Fire Trail. Careys Fire Trail border fence is 9km in length and runs from east to west along Careys Fire Trail. The Grassy Creek border fence is 9km in length and runs from east to west along the Grassy Creek Fire Trail. The proposed works include:

Clear Range

- Hand clearing (hand tools, chainsaws) vegetation impacting the boundary fence to enable contractors to undertake fencing works in an efficient and safe manner.
- Depending on assessed fence condition, reinstating or removing and replacing 22km of boundary fence along the Namadgi and NSW border.
- It is noted that, based on field visits, it is anticipated most of the fence will be in a repairable condition.

Careys Fire Trail

- Hand clearing (hand tools, chainsaws) vegetation impacting the boundary fence to enable contractors to undertake fencing works in an efficient and safe manner.
- Depending on assessed fence condition, reinstating or removing and replacing 9km of boundary fence along the Namadgi and NSW border.
- It is noted that, based on field visits, it is anticipated most of the fence will be in a repairable condition.

Grassy Creek

- Hand clearing (hand tools, chainsaws) vegetation impacting the boundary fence to enable contractors to undertake fencing works in an efficient and safe manner.
- Removing 4.5km of fire damaged boundary fence along the Grassy Creek FT border.
- Installing a new boundary fence along the Namadgi and NSW border.
- It is noted that the first 4.5km of the fence line from Boboyan Road is in serviceable condition, however the remaining 4.5km is badly damaged and majority unrepairable, requiring the removal and installation of a new fence.

Documentation Submitted

- Ecological Impact Assessment and Environmental Significance Opinion Supporting Document for the repair of the fire affected Namadgi National Park boundary fence (EIA) (Capital Ecology 16 June 2021)
- Environmental Significance Opinion – Supporting Statement
- Unanticipated discovery protocols
- Anticipated discovery protocols

- Letter of Authorisation – southern border fence
- 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 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 rieki*)
- Key's Matchstick Grasshopper (*Keyacris scurra*)
- Hoary Sunray (*Leucochrysum albicans* var. *tricolor*)
- Dwarf Violet (*Vioa improcera*)
- Spotted-tailed Quoll (*Dasyurus maculatus*)
- Yellow-bellied Glider (*Petaurus australis*)
- 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 fence alignment passes through the following 10 PCTs:

1. Alpine Ash – Mountain Gum ± Snow Gum wet sclerophyll open forest
2. Apple Box – Broad-leaved Peppermint tall shrub-grass open forest primarily on granitoids
3. Black Sallee grass-herb woodland in drainage depression and moist valley flats
4. Broad-leaved Peppermint – Candlebark tall dry sclerophyll open forest of quartz-rich ranges
5. Mountain Gum – Snow Gum ± Robertson’s Peppermint grass-forb very tall woodland to open forest
6. Native grassland
7. Ribbon Gum – Robertson’s Peppermint very tall wet sclerophyll open forest
8. Snow Gum – Candlebark tall grassy woodland
9. Snow gum – Mountain gum – *Daviesia mimosoides* tall dry grass-shrub subalpine open forest
10. Sub-montane moist tussock grassland.

Potentially Significant Environmental Impacts

The proponent has submitted a revised scope which significantly reduces the proposed amount of clearing. The original 6m clearance corridor has been abandoned, and hand tools will be used to undertake minimum clearance of native vegetation.

The repair of the boundary fence lines will ultimately contribute to maintaining the significant ecological and cultural values within Namadgi National Park through limiting access of threats (i.e. vertebrate pests, stock). The impact area is unlikely to have a significant impact on native values in the context of the broader landscape.

The design of the fence (no barbed wire or mesh) and clearance under the bottom strand will minimise obstruction to fauna movement and limit injury from entanglement.

Appropriate mitigation measures have been provided in the Environmental Significance Opinion Supporting Statement and EIA that will ensure the protection of the ecological values on site during the pre, during and post construction stages.

Conditions have been included to further ensure the protection of the environmental values during the project.

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. The proposed work is located on Bushfire Prone land and the ACT Bushfire Management Standards is to be adhered to, specifically all fences and gates to be made of either hardwood or non-combustible material only.
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8. Natural Temperate Grasslands must not be impacted by the development.
9. Threatened flora surveys must be undertaken before construction begins, during the key flowering period for threatened flora species likely to occur.
10. A Construction Environmental Management Plan is developed including the considerations listed at Section 3 of the EIA.

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 as outlined in both the EIA under Section 3 'Measures to Avoid, Minimise and Mitigate Impacts on Biodiversity' and the Environmental Significance Opinion Supporting Statement under 'Measures to minimise the impact on conservation values', they are unlikely to cause a significant adverse environmental impact.