
**ENVIRONMENTAL SIGNIFICANCE OPINION - Tidbinbilla Skyline Trail
(ESO202400051)**

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 Ms Alison Mungoven, Project Officer.

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 to establish approximately 14km of dual-purpose walking track/fire access line on ridgeline connecting Fishing Gap to Johns Peak in Tidbinbilla Nature Reserve from funding under the Commonwealth's Disaster Ready Fund as described in the submission.

LOCATION

Works are located in Tidbinbilla Nature Reserve (Block 240 Paddy's River) and Namadgi National Park (Block 21 Cotter 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 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 submission.
2. 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.
3. Staff undertaking vegetation clearance and/or earthworks must complete induction prior to undertaking works, which includes identification of threatened and rare species noted in this ESO.
4. Direct impacts to threatened and rare species should be avoided through micro realignments, where possible.
5. Stockpiling should be within designated areas and not result in ecological impacts outside of the trail alignment.
6. Earthworks should be minimised within the drip zone of mature native trees and avoided within the drip zone of hollow-bearing trees.
7. Footbath stations must be installed and maintained for the life of the proposal to limit pathogen spread (Phytophthora, Chytrid, etc.). This includes ensuring disinfectants (e.g. bleach solution) are regularly topped up.
8. The proposed works may be subject to random compliance inspection by Conservation Officers as 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', with a stylized flourish at the end.

Bren Burkevics
Conservator of Flora and Fauna

9 December 2024

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*

Numerous threatened and rare species occur or have potential to occur along the proposed development, including:

- Hoary Sunray (*Leucochrysum albicans subsp. tricolor*)
- Up to 22 species of orchids including Common Elbow Orchid (*Thynniorchis huntianus*), Mountain Spider Orchid *Caladenia (Arachnorchis montana)* and Brown-Clubbed Spider Orchid (*Caladenia parva*), etc.
- Shiny Phebalium (*Leionema lamprophyllum subsp. obovatum*)
- Tingiringi Gum (*Eucalyptus glaucescens*)
- Tall Acrotriche (*Acrotriche leucocarpa*)
- Local and regional rare species including Small Royal Grevillea (*Grevillea diminuta*) and Long-leaf Waxflower (*Philothea myoporoides subsp. myoporoides*), etc.
- Gang-Gang Cockatoo (*Callocephalon fimbriatum*)
- Pilotbird (*Pycnoptilus floccosus*)
- Large-eared Pied Bat (*Chalinolobus dwyeri*)
- Spotted-Tail Quoll (*Dasyurus maculatus maculatus*)
- Broad-toothed Rat (*Masticomys fuscus morticus*)
- Greater Glider (*Petauroides volans*)
- Yellow-bellied Glider (*Petaurus australis australis*)
- Koala (*Phascolarctos cinereus*)
- Smoky Mouse (*Pseudomys fumeus*)
- Grey-headed Flying Fox (*Pteropus poliocephalus*)

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 require clearing of up to 2ha 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 Tidbinbilla Nature Reserve and 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 to establish approximately 14km of dual-purpose walking track/fire access line on ridgeline connecting Fishing Gap to Johns Peak in Tidbinbilla Nature Reserve (TNR) from funding under the Commonwealth's Disaster Ready Fund. Two spur trails will link the valley floor to the range and another will take walkers out to the 'Pimple' rock formation in Namadgi National Park (NNP).

The proposal is for the formalisation of an existing ~14 km informal walking track that has been used for several years. The formalisation of this track would provide several benefits, including improving safety of the track for hikers, reducing impacts from informal desire lines, and improving fire management access along the ridgelines.

Most of the works will be within the existing informal trail, with some realignments through undisturbed vegetation required to improve sustainability of the track. Some vegetation clearance and earthworks will be required to define the trail and manage drainage, with a conservative estimate of up to 2ha of native vegetation cleared around the track. Clearing will be limited to a maximum width of 1.5m and only in sections where necessary. Earthworks will be restricted to minor hand-tool works. Rocks may be brought in to act as swales or steps in steeper sections of the trail.

Documentation Submitted

- Explanatory note regarding supporting documentation for the application for an Environmental Significance Opinion;
- Biodiversity assessment – Skyline and Spurs Trail, Tidbinbilla, ACT;
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

Tidbinbilla Nature Reserve (TNR) spans over 6466ha over the western half of the ACT, and connects to Namadgi National Park (NNP) to form part of the Australian Alps National Parks, protecting much of the alpine, subalpine and montane environments of mainland Australia

Nearly 500 species have been recorded in TNR, with at least 14 species listed as threatened on the *Nature Conservation Act 2014*:

- Southern Brown Bandicoot (*Isoodon obesulus obesulus*)
- Southern Greater Glider (*Petauroides volans*)

- Brush-tailed Rock-wallaby (*Petrogale penicillata*)
- Koala (*Phascolarctos cinereus*)
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Hooded Robin (*Melanodryas cucullata cucullata*)
- Key's Matchstick Grasshopper (*Keyacris scurra*)
- Hoary Sunray (*Leucochrysum albicans tricolor*)
- Spotted-tailed Quoll (*Dasyurus maculatus maculatus*)
- Southern Whiteface (*Aphelocephala leucopsis*)
- White-winged Triller (*Lalage tricolor*)
- Scarlet Robin (*Petroica boodang*)
- Pilotbird (*Pycnoptilus floccosus*)
- Austral Toadflax (*Thesium australe*)

The proposed trail will mainly pass through Subalpine Snow Gum Woodland, with the lower slopes being composed of Kosciuszko Snow Gum-Mountain Gum Moist Forest. These areas are generally in good condition with minimal incursion of weeds and feral animals. Key habitat features that occur along the proposed trail include many mature hollow bearing trees, termite mounds, active and disused burrows, mistletoe and other foraging resources, coarse woody debris, and numerous areas with rock piles and crevices.

The following species listed on the *Nature Conservation Protected Native Species List 2023* are known or likely to occur along the track, including:

- Up to 22 species of orchids including Common Elbow Orchid (*Thynniorchis huntianus*), Mountain Spider Orchid *Caladenia* (*Arachnorchis montana*) and Brown-Clubbed Spider Orchid (*Caladenia parva*), etc.
- Shiny Phebalium (*Leionema lamprophyllum* subsp. *obovatum*)
- Tingiringi Gum (*Eucalyptus glaucescens*)
- Tall Acrotriche (*Acrotriche leucocarpa*)

Some local and regional rare species such as Small Royal Grevillea (*Grevillea diminuta*) and Long-leaf Waxflower (*Philotheca myoporoides* subsp. *myoporoides*) are also likely to occur along the track.

Several rare and threatened fauna have potential to occur along the alignment, including:

- Gang-Gang Cockatoo (*Callocephalon fimbriatum*)
- Pilotbird (*Pycnoptilus floccosus*)
- Large-eared Pied Bat (*Chalinolobus dwyeri*)
- Spotted-Tail Quoll (*Dasyurus maculatus maculatus*)
- Broad-toothed Rat (*Masticomys fuscus morticus*)
- Greater Glider (*Petauroides volans*)

- Yellow-bellied Glider (*Petaurus australis australis*)
- Koala (*Phascolarctos cinereus*)
- Smoky Mouse (*Pseudomys fumeus*)
- Grey-headed Flying Fox (*Pteropus poliocephalus*)

Potentially Significant Environmental Impacts

The ecological report accurately assesses the ecological values along the proposed walking track and provides appropriate suggested mitigation measures. Surveys have identified numerous rare and threatened species along the alignment, and the report accurately identifies additional species which have potential to occur. Important habitat features, such as hollow-bearing trees, burrows, rocky outcrops, etc., have been identified and adequately described.

The proposed trail alignment has been designed to avoid areas supporting threatened Hoary Sunray and disturbance-sensitive Common Elbow Orchid. Some clearance of Shiny Phebalium and Small Royal Grevillea (both rare or uncommon) cannot be entirely avoided through design, however the trail will be narrowed to 1m in these areas to limit disturbance. Most records are locally common orchids, which are protected under Item 16, but which are well represented in the broader landscape. Based on the avoidance of threatened flora and minimised impacts to rare species, the proposed trail is unlikely to significantly impact protected flora.

Habitat for the above fauna species occurs throughout the proposed trail. While the total area under consideration is large, the impact to any one area of habitat is relatively small, given the alignment follows an existing trail, has a very narrow footprint, and only minor clearing and earthworks are proposed. Provided impacts to important habitat features (e.g. hollow-bearing trees, burrows, etc.) are avoided and connectivity is maintained, the proposed trail is unlikely to result in a significant impact to protected fauna.

The trail has potential to act as a barrier for Smoky Mouse movement across the landscape. The applicant is encouraged to add some connectivity features to the design. These may be in the form of grates, pipes, rock stepping stones, or any other features which may facilitate movement underneath the track.

Avoidance and mitigation measures stated under the "Measures to minimise the impact on conservation values" within the ESO Supporting Statement are appropriate and required. The following measures are included as additional conditions to further minimise impacts to local habitat and the wider nature reserve.

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

2. 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.
3. Staff undertaking vegetation clearance and/or earthworks must complete induction prior to undertaking works, which includes identification of threatened and rare species noted in this ESO.
4. Direct impacts to threatened and rare species should be avoided through micro realignments, where possible.
5. Stockpiling should be within designated areas and not result in ecological impacts outside of the trail alignment.
6. Earthworks should be minimised within the drip zone of mature native trees and avoided within the drip zone of hollow-bearing trees.
7. Footbath stations must be installed and maintained for the life of the proposal to limit pathogen spread (Phytophthora, Chytrid, etc.). This includes ensuring disinfectants (e.g. bleach solution) are regularly topped up.
8. The proposed works may be subject to random compliance inspection by Conservation Officers as 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.