ENVIRONMENTAL SIGNIFICANCE OPINION - Mount Tennent Walking Track Resilience Improvement (ESO202400021)

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

APPLICANT

Environment Planning and Sustainable Development Directorate, as represented by Mr Adam Henderson, 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 the maintenance and upgrade of a section of the Mount Tennent Walking Track in Namadgi National Park, and involves the installation of multiple rock steps, replacing timber infrastructure with steel or rock, and the construction of earth drainage features.

LOCATION

The site is located in Namadgi National Park at Blocks 1 and 203 TENNENT.

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. Identify rare flora sites (particularly orchids) in proximity (<10m) of the walking track as provided by the Office of the Conservator of Flora and Fauna. Ensure all sites are flagged prior to works being undertaken to alert work crews. Avoid any soil disturbance and removal or smothering of vegetation around flagged areas.

3. No work is permitted on site when a Total Fire Ban is declared.

4. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease, and defer the activities to be undertaken under less risky conditions and consideration must be given to what mitigations measures such as fire suppression equipment can be implemented. Hot works include welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

5. 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.

Bren Burkevics
Conservator of Flora and Fauna

31 May 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 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 wants the application for the development approval assessed in the merit track 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 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 maintenance and upgrade of a section of the Mount Tennent Walking Track in Namadgi National Park, and involves the installation of multiple rock steps, replacing timber infrastructure with steel or rock, and the construction of earth drainage features.

This project forms one of the deliverables under the Commonwealth funded Black Summer Bushfire Program Recovery, for which the ACT Government, with ACT Parks and Conservation Service (PCS) as the lead agency, is contracted to deliver by end of March 2025.

The objectives of the project are:

- Maintain the section of walking track so that it is environmentally sustainable and using resilient materials.
- Ensure the standard of the track is consistent with the Australian Walking Track Grading System - Grade 4.
- Improve visitor experience and sustainability by improving track walking experience.

Proposed works include:

- Replace ageing timber posts with Corten or weathered steel at the start of the walk at Naas Road. Replace marker arrows.
- Remove timber infrastructure, including 20m boardwalk and two 3m footbridges and replace with similarly dimensioned steel structures and/or rock hops.
- Remove existing timber steps and install up to 200 rock steps. Rock is provided for this purpose as virgin excavated flat layered bluestone.
- Along the first 350m of track from Naas Road, occasional shaping of the track surface will be undertaken to construct cross drainage features (e.g. swales / cross banks).
- Install steel track marker posts where necessary.

Proposed works are to be implemented by a specialist walking track contractor, using hand tools and small machinery, likely including a mini-excavator (1 tonne), skid-steer (Bobcat), motorised wheelbarrow, and side-by-side ATV.

A helicopter may be required to drop rock steps at higher locations along the track where vehicle/plant access is not possible.

Documentation Submitted

- Environmental Significance Opinion Supporting Statement;
- Letter 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.

Several ecological values are present within proximity to the Mount Tennent Walking Track, including Yellow Box / Blakely's Red Gum Grassy Woodland and numerous rare native plants (mostly orchids).

The Mount Tennent walking track passes through Blakely's red gum (*Eucalyptus blakleyi*) – yellow box (*E. melliodora*) box-gum grassy woodland for the first 350m. It then passes through a drooping she-oak (*Allocasuarina verticillata*) low woodland and mealy bundy (*E. nortonii*)– broad-leaved peppermint (*E. dives*) open forest.

Yellow Box / Blakely's Red Gum Grassy Woodland is an endangered ecological community listed under the national *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and the ACT *Nature Conservation Act 2014 (NC Act)*.

At least 23 species listed as threatened have been recorded in Namadgi National Park:

- Brown Treecreeper (*Climacteris picumnus*)
- Spotted-tailed Quoll (*Dasyurus maculatus*)
- Two-Spined Blackfish (*Gadopsis bispinosus*)
- Painted Honeyeater (*Grantiella picta*)
- White-throated Needletail (*Hirundapus caudacutus*)

- Key's Matchstick Grasshopper (*Keyacris scurra*)
- White-winged Triller (*Lalage tricolor*)
- Mountain Skink (*Liopholis montana*)
- Trout Cod (*Maccullochella macquariensis*)
- Broad-toothed Rat (*Mastacomys fuscus*)
- Hooded Robin (*Melanodryas cucullata*)
- Parantennaria (*Parantennaris uniceps*)
- Greater Glider (*Petauroides volans*)
- Scarlet Robin (*Petroica boodang*)
- Koala (*Phascolarctos cinereus*)
- Pale Pomaderris (*Pomaderris pallida*)
- Smoky Mouse (*Pseudomys fumeus*)
- Pilotbird (*Pycnoptilus floccosus*)
- Diamond Firetail (*Stagonopleura guttata*)
- Silky Swainson-Pea (*Swainsona sericea*)
- Austral Toadflax (*Thesium austral*)
- Dwarf Violet (*Vioa improcera*)
- Rosenberg's Monitor (*Varanus rosenergi)*

Potentially Significant Environmental Impacts

The proposed development is confined to the existing track footprint and not at a scale to negatively impact on the surrounding environment. Proposed works are intended to improve the track's resilience against disturbance and are not expected to result in an expansion of the track into the surrounding environment.

Rare flora (mostly orchids) is present within proximity to the walking track and may be impacted by the works if not identified and protected during the works. The Office of the Conservator will provide known locations of rare flora to the applicant for flagging and protection.

The applicant has also identified the following mitigation measures to minimise impacts on conservation values, including:

- All development works are confined to the existing track footprint.
- Encroaching vegetation will be only selectively removed as necessary to facilitate the works – no established upper stratum vegetation will be removed.
- Local rock for steps to be sourced only within the existing track footprint.
- External rock for steps to be virgin excavated from quarries to ensure they are clean of potential pathogens and weed propagules. Post work monitoring for invasive weed species is part of routine operational requirements.

- All machinery and materials must be thoroughly cleaned and free of soil and plant material prior to entering the park.

Conditions have been included to ensure that impact of works are minimised and will not affect rare flora within proximity.

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

2. Identify rare flora sites (particularly orchids) in proximity (<10m) of the walking track as provided by the Office of the Conservator of Flora and Fauna. Ensure all sites are flagged prior to works being undertaken to alert work crews. Avoid any soil disturbance and removal or smothering of vegetation around flagged areas.

3. No work is permitted on site when a Total Fire Ban is declared.

4. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease, and defer the activities to be undertaken under less risky conditions and consideration must be given to what mitigations measures such as fire suppression equipment can be implemented. Hot works include welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

5. 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.