**Environmental Scoping of Issues – LCCC Proposal Ingledene**

1. **Introduction - Environmental Issues**

A preliminary environmental scoping exercise was undertaken by members of the Smiths Road community to identify potential environmental impacts arising from motor rally activities by the Light Car Club of Canberra (LCCC) on the Ingledene block (Block 108, Tennent). The preliminary environmental scoping has shown that a wide range of potential adverse environmental impacts are likely to result from rallying activities. At least some of these impacts are likely to be significant and therefore require detailed consideration under ACT and Commonwealth environmental impact assessment legislation, before a decision is made on future land use on the Ingledene block.

1. ***Environmental Sensitivity of the Area***

The area applied for by the LCC for use as a motor rally course lies close to the Murrumbidgee River, which is a significant environmental and recreational resource for the people of Canberra and the surrounding region. The ACT Government recognises the importance of the Murrumbidgee River Corridor (MRC). Within the ACT the MRC contains five nature reserves, eight recreation reserves, a European heritage conservation zone and rural leases.

The Ingledene block is surrounded by Gigerline Nature Reserve. It is bounded by Angle Crossing Road to the north and east, the ACT/NSW border to the south, and Smiths Road to the west. Water runoff from the area feeds directly into the Murrumbidgee River, via Reedy Creek and smaller water courses. Although outside Gigerline Nature Reserve Block 108, Tennent is zoned with a nature reserve ‘Overlay’ for management purposes. The Block is also subject to a grazing licence. This slightly unusual land tenure applies to various leased and unleased land in the ACT with the primary intention of protecting land from development.

Immediately upstream of the ACT the MRC has long-held special status in terms of development control and environmental protection. For example, the 2002 Yarrowlumla Local Environment Plan (LEP) (now repealed) stated:

*Despite any other clause, consent must not be granted to the development of Murrumbidgee River corridor land unless the consent authority has considered the following impacts and is satisfied that they can be minimised:*

*(a) soil erosion or other land degradation,*

*(b) loss of scenic amenity,*

*(c) loss of important vegetation systems or wildlife habitats,*

*(d) cumulative impact of development.*

The Cooma Monaro LEP 2013 has also recognised the environmental sensitivity of the adjoining NSW land in this section of the Murrumbidgee River Corridor. The land immediately to the south of Block 108 is zoned E3, Environmental Management, which has the following management objectives to control and manage land use and development:

***Objectives of E3 zone***

*• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*

*• To provide for a limited range of development that does not have an adverse effect on those values.*

*• To provide for low-density development that will have minimal impact on the natural environment and demand for services and infrastructure.*

The Ingledene area and the adjoining land in NSW, was severely burnt in the 2003 Canberra bushfires. Since then land in and around Block 108 has had relatively little management effort and it currently has large areas of weed infestation, including Blackberries, Briar Rose, St Johns Wort, Pattersons Curse, and *Pinus radiata* wildlings. The block is slowly regenerating with many native species re-establishing, however, weed control and soil conservation measures are urgently needed.

1. ***Licence for the Use of Public Land***

It is understood that the LCCC has applied for a Long Term Licence for the Use of Public Land in the Ingledene Homestead area. *“Any person, business or community group that wishes to use public land or unleased Territory land continuously for a period longer than two years is required to enter into a licence agreement with the Land Custodian and the ACT Planning Authority (ACTPLA) in accordance with Section 302 of the Planning and Development Act.(PDA)”*

Although ‘*Applicants are urged to discuss their proposal with the land custodian prior to lodging an application with ACTPLA’* it is understood that there is no explicit requirement for environmental impact assessment to be undertaken prior to issue of a licence under the ACT PDA (unlike the requirements for a DA). However, if significant adverse environmental impacts are likely to occur, formal EIA procedures would be expected to apply (refer 6.1 below).

1. ***Environmental impacts***

The following generic environmental impacts on both the biophysical and socioeconomic environments are likely to result from motor rally activities on the Ingledene block.

* Soil erosion and sedimentation will result from rally activities on the block and these are likely to have wide ranging impacts on the Murrumbidgee River Corridor, including short and long term impacts on water quality in tributaries (e.g. Reedy Creek) and the Murrumbidgee River. Impacts are likely to include: increased gullying, increased water turbidity, spread of weed seeds, , disruption of breeding cycles; and modifying, destroying, removing or decreasing the availability of quality of habitat to the extent that species (particularly fish and amphibians) are likely to decline.
* Pollution (oils, fuel, tyre residues)will have impacts on the aquatic environment, including acute or chronic effects on frogs, fish and aquatic macro invertebrates in the downstream watercourses feeding into the Murrumbidgee River.
* Pollution from accidents and spills could also lead to undesirable impacts on Tharwa’s water supply, which is drawn from the Murrumbidgee River downstream of the motor rallying area.
* Increased traffic on Smiths Road, Sunshine Road and Angle Crossing Road. These roads are gravel, with narrow sections, tight corners and some dangerous cambers. The main access road is Smiths Road which is slowly being upgraded; however, none of these rural roads are designed or constructed for the increased vehicle usage (particularly vehicles towing car trailers) that the motor rally events will bring.
* There will be a serious impost on the landholder who currently grazes his cattle on Block 108. Stock will need to be removed prior to rallying events – between 6-9 times per year.
* It is considered that there will be unacceptable noise impacts on nearby residents (closest residence is approximately 600m from the block). There are several other residences within 1-2 km of the block which will be impacted by noisy rallying events. Noise will also adversely impact grazing stock on and adjacent to the block.
* There will be an increase in dust impacts on the natural environment and nearby residents from rally events and increased traffic on Smiths Road.
* Motor rally activities have the potential to significantly impact bird species by road kill and noise, disrupting breeding cycles, leading to a long term decrease in the size of populations.
* There is a risk of increased road kill of mammals (kangaroos, wallabies and wombats) and destruction of road edge habitat of smaller mammals during road works and construction of new roads/tracks.
1. **Ecological Surveys of Gigerline Nature Reserve**

The LCCC licence area lies on and is adjacent to Gigerline Nature Reserve, part of the Murrumbidgee River Corridor. A survey of reptiles, amphibians and mammals in the Gigerline Reserve was undertaken by the ACT Parks and Conservation Service in 1995. The survey did not cover bird species. The results of the survey showed that the Gigerline Reserve contained several species of amphibians, reptiles, and mammals that were considered rare or uncommon in the ACT. These included:

* Bribron’s toadlet *(Pseudophryne bibronii)*
* Rosenberg’s monitor *(Varanus rosenbergi)*
* Burton’s legless lizard.*(Lialis burtonis)*
* Grey’s skink *(Menetia greyii)*
* Black-headed snake *(Suta spectabilis)*
* Great pipistrelle *(Falsistrellus tasmaniensis)*
* White striped mastiff bat *(Tadarida Australia)*
* Common dunnart *(Sminthopsis murina)*
* Eastern wallaroo *(Macropus robustus)*

The Pink-tailed legless lizard (*Aprasia parapulchella)* was also recorded from several habitats in the Reserve. This species is now listed as Vulnerable under Commonwealth, NSW and ACT legislation.

It is not known if any follow-up surveys, including surveys of vegetation species and ecological communities, in Gigerline Reserve have been undertaken since 1995. Therefore, a detailed ecological survey of all areas potentially impacted by motor rallying activities should be undertaken to determine if any species protected under both Commonwealth and ACT legislation are at risk of significant adverse impacts from the LCCC activities.

Impacts on archaeological and other heritage sites should also be investigated.

1. **Environmental Impact Assessment Processes**
	1. ***ACT Planning and Development ACT***

Amongst other things, the Act states that ‘An environmental impact statement is required if ...’:

* *the development is listed in Schedule 4 of the*[*Planning and Development Act 2007*](http://www.legislation.act.gov.au/a/2007-24/default.asp) *(and)*
* *the Minister for Planning has asked for an EIS.*

Based on the preliminary environmental scoping undertaken by concerned residents in the Smiths Road community, and the results of the fauna survey conducted by the ACT Government in 1995, revealing the presence of several ‘uncommon or rare’ species in the Gigerline Nature Reserve, it appears there are potentially some triggers under Schedule 4 Part 4.3 for undertaking an EIS for motor rallying activities proposed by the LCCC on Block 108.

One or more of the following items may trigger an EIS for the proposal:

**Schedule 4 Part 4.3** **Development proposals requiring EIS—areas and processes**

*Item 1. Proposal that is likely to have a significant adverse environmental impact on 1 or more of the following, unless the conservator of flora and fauna provides an environmental significance opinion indicating that the proposal is not likely to have a significant adverse environmental impact:*

*(a) a critically endangered species;*

*(b) an endangered species;*

 *(c) a vulnerable species;*

 *(d) a conservation dependent species;*

*(e) a provisionally listed threatened species;*

*(f) a listed migratory species;*

*(g) a threatened ecological community;*

*(h) a protected native species;*

 *(i) a Ramsar wetland;*

*(j) any other protected matter*

Comment: most of the above list may apply. An environmental significance opinion may be required from the Conservator.

*Item 3. Proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact*

Comment: Block 108 is largely surrounded by Gigerline Nature Reserve, and is subject to a Nature Reserve Overlay (applied in the Territory Plan as a variation under the Planning & Development Act to various leased and unleased lands), so any adverse impacts from the proposed motor rally activities will directly impact the Reserve. An environmental significance opinion may be required from the Conservator.

*Item 4. Proposal that is likely to have a significant adverse environmental impact on— (a) a domestic water supply catchment; or (b) a water use purpose mentioned in the territory plan (water use and catchment general code); or (c) a prescribed environmental value mentioned in the territory plan (water use catchment general code) of a natural waterway or aquifer*

Comment: The Murrumbidgee River is used to supplement Canberra’s water supply from Angle Crossing. Although this water intake area is unlikely to be directly impacted by the proposal, Tharwa’s water supply is also sourced from the Murrumbidgee. This is approximately 7.5 km downstream from the Reedy Creek confluence with the Murrumbidgee River.

* 1. ***Commonwealth Environment Protection and Biodiversity Conservation Act - Matters of National Environment Significance (NES)***

A search of the Protected Matters data base under the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Act revealed that potentially 35 threatened and migratory species and three ecological communities may be potentially impacted by rallying activities on the Ingledene block. A preliminary review of these protected matters suggests that they are not all relevant to the area and the LCCC activities; however, as a minimum, the following protected matters require more detailed examination to determine if the proposal is likely to be a controlled action under the Act:

* White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland - Critically Endangered Ecological Community
* Trout Cod *(Maccullochella macquariensis)* - Endangered
* Macquarie Perch *(Maccullochella peelii)* - Vulnerable
* Murray Cod *(Macquaria australasica) –* Endangered
* Pink-tailed Worm-lizard, Pink-tailed Legless Lizard *(Aprasia parapulchella)* - Vulnerable

Comment: It is possible that other matters protected under the EPBC Act may be adversely impacted by the proposal. Further research and field surveys may be required to determine this. If an action is likely to have a significant adverse environmental impact on matters of NES it must be notified to the Commonwealth Minister for the Environment.

1. **Conclusion**

From this preliminary scoping of environmental issues it is clear that there is potential for significant adverse environmental impacts to result from the proposed motor rallying activities on Block 108. The block lies within the Murrumbidgee River Corridor, is adjacent to an important ACT nature reserve, potentially contains protected species, and adjoins land zoned as environmentally sensitive in NSW.

Detailed studies into the environmental values of the area, including flora and fauna species and ecological communities protected under both Commonwealth and ACT legislation, are required. The potential adverse impacts of motor rally activities on these environmental values should be assessed before a decision is made on the granting of a licence to the LCCC for use of the Ingledene area. From this preliminary scoping it appears that the proposal may be a controlled action under the EPBC Act, and require an EIS under ACT legislation.

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