

Australian Capital Territory

Planning and Development (Conditional Environmental Significance Opinion – Block 240 Paddys River –Tidbinbilla Playground Extension) Notice 2018

Notifiable instrument NI2018–286

Made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 240 Paddys River - Tidbinbilla Playground Extension) Notice 2018*.

2 Conditional Environmental Significance Opinion

- (1) On 9 May 2018, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion, on Block 240 Paddys River, for the construction of an all abilities birds nest swing and a stone retaining wall within the existing playground at Tidbinbilla Nature Reserve.
- (2) In this section:

Conditional environmental significance opinion means the opinion in the schedule.

Note Under section 138AD(6) of the *Act*, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton
Chief Planning Executive
24 May 2018

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (the Act), I provide the following environmental significance opinion:

APPLICANT

Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Anthony Davis, Projects Officer.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA 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 installation of an all-ability Birds Nest Swing and the construction of a stone retaining wall within the Nature Discovery Playground at Tidbinbilla Nature Reserve as described in the submission.

LOCATION

Block 240 District of Paddys River – Tidbinbilla Nature Reserve

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

- That all vehicles and machinery are washed down prior to entering the reserve to protect the area from weed spread.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna



gfh May 2018

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

Part 4.3, 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.

The works are within an area of special purpose reserve.

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

An all-ability Birds Nest Swing will be installed in the Nature Discovery Playground next to the existing barbecue picnic area.

The Nature Discovery Playground was constructed as part of the rebuilding of Tidbinbilla after the devastation of the fires in January 2003. The playground opened in 2007 and has a flying fox, spider's web and dual slides, swings and cubby houses, as well as barbeques and picnic tables.

The existing stone retaining wall will be extended by approximately 30 metres to enclose the swing and a safety fall zone installed using approximately 75 square metres of wet pour rubber softfall. A 1.8 metre wide stone staircase will connect the swing to the rest of the playground to the south and will complement the existing ramp that runs off from the east.

A "Birds Nest Swing" is a multi-person swing that is round and sinks in like a nest. The swing is designed to be used by everyone of any age or ability but is especially designed to be accessible to people with limited mobility i.e.:

- A child who is not able to sit up on their own can lay down on the swing and be pushed by family or friends.
- A child that feels insecure in open space can be accompanied by a parent who can hold them while being pushed.
- The swing is designed so it can be positioned to facilitate transfer from a wheelchair.

Documentation Submitted

- Report titled Upgrades for the Nature Discovery Playground at Tidbinbilla Nature Reserve (April 2008);
- Form 1M.

Natural conservation values present

The swing is to be installed adjacent to the existing barbecue picnic area at the Nature Discovery Playground, an area of Tidbinbilla Reserve that has already been highly modified.

One tree is to be removed to facilitate the installation. This tree was planted as part of the playground construction and is not remnant vegetation. The site is subject to high public visitation rates.

Impact on the Reserve

The Discovery Playground is situated within the “Developed Recreation and Education” zone as provided in the Tidbinbilla Plan of Management 2012, which has an overlay provision in the Territory Plan of special purpose reserve. The management objectives for a special purpose reserve as provided by Schedule 3 of the Act is “to provide for public and community use of the area for recreation, education and research”. Installation of the swing and ancillary works is consistent with both the management objectives and Plan of Management.

The installation of the swing will have a positive impact on the reserve, extending the facilities available for use by people of all abilities and increasing accessibility of the reserve.

Potentially Significant Environmental Impacts

There are no potentially significant environmental impacts with the proposed works as the site for the works has been heavily modified, and suitable mitigation measures are to be in place i.e.:

- The Parks and Conservation Service project officer will induct contractors to the site and undertake periodic inspections ensuring that all PACS General Site Controls are adhered to.
- Machinery and materials will be stored in existing sheds and hard surface areas at the TNR depot site, and removed from site upon project completion.
- All vehicles and machinery will stay on formed management vehicle tracks only.
- Elements of the construction that can be prefabricated offsite will be to ensure minimal on-site construction work and reduce machinery used on site and speed up installation time on site.
- Construction will be limited during and following periods of heavy rainfall to avoid damage to the surrounding environment.
- All work will be undertaken in accordance with an approved CEMP.
- No work will be undertaken on weekends and the site will be fenced off during construction

A condition has been included that all vehicles and machinery must be washed down prior to entering the reserve to protect the area from weed spread.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.