

Planning and Development (Conditional Environmental Significance Opinion – Block 12, Section 52 Coombs – Pedestrian Movement Network) Notice 2018

Notifiable instrument NI2018–557

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 12, Section 52 Coombs – Pedestrian Movement Network) Notice 2018*.

2 Conditional Environmental Significance Opinion

(1) On 20 September 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 in relation to construction, on Block 12, Section 52 Coombs, of a path network and lookout, including landscaping and rehabilitation works.

(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
5 October 2018

Schedule

(see section 2(2))

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

Red Box Design Group, as represented by Karin Kemp, Director.

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 construction of path networks and a lookout, as well as landscaping / rehabilitation works, within the Molonglo River Corridor along the eastern edge of Coombs residential estate as described in the submission.

LOCATION

Block 12 Section 52 Coombs, within Molonglo River Reserve

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

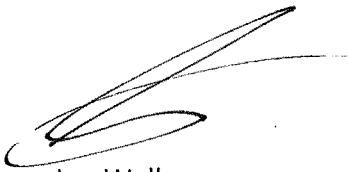
Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

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

- Works are to be in accordance with an approved Construction Environment Management Plan that includes:
 - the Fire Season Conditions for the Use of Plant and Equipment on the Parks and Conservation Estate (copy attached), and
 - shut down protocols for flood events and/or Scrivener Dam water releases.

- Prior to commencement of construction the proponent must submit a weed management plan to the satisfaction of the Parks and Conservation Service. This plan must contain with follow-up control commitments.
- All works, vehicles and storage of machinery is to be confined to the designated work area, unless otherwise authorised by the Parks and Conservation Service.
- Any fill or materials brought to the site is to be weed free.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

20 September 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 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Block 12 Section 52 Coombs contains

- Habitat for the Pink-tailed Worm-lizard (*Aprasia parapulchella*), listed as vulnerable under the provisions of the *Nature Conservation Act 1980* (NCA) and the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC), and
- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT, listed as critically endangered under the EPBC and endangered under the NCA.

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.

Molonglo River Reserve is currently reserved as a Special Purpose Reserve but the overlay provisions will be amended in the near future to change the area of works to a Nature Reserve in accordance with the Draft Plan of Management for the Molonglo River 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

Works include:

- The construction of a 3.0m asphalt shared path providing connectivity along the eastern edge of Coombs;
- Completion of the 3.5m sewer maintenance access track providing an engineered gravel surface suitable for access by ICON Water to the existing Sewer infrastructure;
- Construction of 1.5m concrete footpaths on the residential side of River Park boundary fence, and 1.5m gravel paths inside the River Park boundary fence connecting the Coombs residential areas to the open space corridor;
- Formalise the Equestrian trail to allow the continuation of the network (including a section of the Bicentennial National Trail). The trail will include a combination of mown grass trails and utilisation of the gravel sewer access track;
- Construction of a viewing platform;
- Re-grading of the large open area, east of Ken Tribe Street, and re-establishment with a mowable native grass mix and mixed native shrubs;
- Native shrub plantings to soften the retaining walls north of Harold White Avenue;
- Installation of seating to provide rest points along the route;
- Installation of lighting on the 3.0m shared path in areas that are not sufficiently illuminated by the existing roadside lighting;
- Completion of the Water Sensitive Urban Design swales and raingardens installed as part of the development of the adjoining urban area and currently in varying stages of completion. Works will include rectification of erosion and installation of additional rockwork to prevent future scouring, and replanting where required to supplement/ replace failed native grass plantings;

- Removal of redundant headwalls and pipes in the existing stormwater infrastructure and reinstatement with dryland grassing;
- Removal of eroded silt fencing and making good, including addressing of existing scour / erosion and removal of weeds / shrubs;
- Installation of vehicle restriction barriers using rocks and bollards to control entry in the site where not protected by the River Park fence;
- Installation of signage for park users such as equestrians and cyclists to promote courteous shared use.

Documentation Submitted

- Coombs 3a Pedestrian Movement Network and Open Space Stage II Report;
- General Arrangement Plan;
- Landscape Strategy Plans;
- Sediment and erosion control plan;
- Form 1M.

Natural conservation values present

While Block 12 Section 52 contains Pink Tailed Worm Lizard habitat and Natural Temperate Grassland the area of works is highly disturbed and no habitat or ecological community is present.

Impact on the Reserve

The impact on the reserve will be a positive impact. The construction of a network of path connections to all existing pram crossing into the adjacent residential area will provide controlled access and routes for pedestrians, cyclists and equestrians reducing the likelihood of adhoc paths being formed. These works will finalise the path network in this part of the reserve.

The proposed lookout on the high point of the site will provide a vantage point for views to the north and east, improving the visitor experience.

The landscaping / rehabilitation of those areas disturbed by previous civil construction works will stabilise the area and prevent further deterioration of the reserve. The choice of plants to be used in the landscaping are appropriate and likely to lead to biodiversity improvement. The only exception is the use of dryland grass mix, but in this case it will mainly be used in the sites of heavy pedestrian/horse traffic or where it has already been planted. Native grasses will be planted in the less trafficked area, closer to the river. Given the extent of African Lovegrass already in this area, the use of the dryland grass mix as described is appropriate.

No works are being carried out within the Molonglo River riparian zone reducing the likelihood of inadvertent damage occurring to any values in the area.

Potentially Significant Environmental Impacts

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

Works are to be in accordance with an approved Construction Environment Management Plan that includes:

- the Fire Season Conditions for the Use of Plant and Equipment on the Parks and Conservation Estate (copy attached), and
- shut down protocols for flood events and/or Scrivener Dam water releases.

Prior to commencement of construction the proponent must submit a weed management plan to the satisfaction of the Parks and Conservation Service. This plan must contain with follow-up control commitments.

All works, vehicles and storage of machinery is to be confined to the designated work area, unless otherwise authorised by the Parks and Conservation Service.

Any fill or materials brought to the site is to be weed free.

PARKS & CITY SERVICES (PACS)

PACS SAFETY ALERT 15/2013

Issued 09/04/2013

FOR ACTION BY: PACS Managers and Depot Supervisors
FOR ADVICE TO: All PACS Workers

WORKING IN EXTREME WEATHER CONDITIONS

(1) HOT WEATHER AND STORMS

ISSUE:

Working in extreme environment conditions such as (hot, cold, radiant temperature, humidity, wind & hail) without adequate control measures can create a number of adverse health effects ranging from discomfort to serious illness or death. Under the *Work Health and Safety Act 2011* PACS has a responsibility to provide a safe workplace for its workers.

SAFETY CONSIDERATIONS (Hot Weather and Storm Conditions):

Essential work may be carried out in accordance with the ACTPS Territory and Municipal Services Enterprise Bargaining Agreement 2011-2013 (section N2), essential work being garbage collection, safety responses (eg. storm/flood/fire damage) and/or issues involving public safety. Management must ensure work health and safety requirements are met by monitoring workers condition, throughout periods of extreme conditions and providing appropriate protective clothing and equipment to workers. When working in these situations workers should;

- Follow current work procedures and if none exist, risk assess the task, plan the day appropriately and where practicable, develop safe work procedures.
- Workers should try to avoid heavy work and defer non-essential work during the hottest part of the day, in accordance with directions from their managers / supervisors;
- Managers / supervisors should increase the number of rest breaks and wherever possible rotate staff throughout the day to work in shaded or temperature controlled environments;
- Ensure regular drink breaks are taken (for hydration) - individuals should drink 250 ml of water every twenty to thirty minutes and not rely on thirst as an indicator;
- Outdoor workers must use protective clothing, particularly covering the head. Head coverings should be wide brimmed hats, long sleeved shirts must be worn, wear sun glasses (or protective safety glasses) for eye protection, use SPF 30+ sunblock on exposed parts of the body;

Note: A worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard (Work Health & Safety Act 2011).

Workers should advise their manager / supervisor if they have a medical condition that would be exacerbated by exposure to excessive heat or cold. Suitable arrangements to meet the needs of the individual should be facilitated.

ACTIONS REQUIRED:

- Managers / Supervisors are to ensure they have identified, in advance, alternative jobs/tasks for workers when environmental conditions are extreme.
- Managers / Supervisors are to ensure all workers (this includes contractors), are made aware of this safety alert and sign the acknowledgement form.
- This Alert should be prominently posted on PACS Safety Notice Boards and be discussed at the next staff meeting
- Persons in control of a workplace are required to maintain a register, recording name and signature of staff reading and acknowledging the content and directions. On completion, a copy of the register should be posted to the PACS Safety and Support Officer, Level 4 Macarthur House.

SAFETY ALERT RELEASE INFORMATION:

- Released with the authority of Ross Burden Business Manager - Parks & City Services

R Burden 09/04/2013

- Additional information may be obtained from the Manager Divisional Support Group - Ext 54898.
- This Alert will remain current unless it is withdrawn by Executive Director PACS or superseded by a PACS Policy.

Fire season conditions for the use of plant and equipment on the parks and conservation estate

Principles:

1. Plant and equipment must be equipped and maintained in order to minimise the risk of igniting a fire, and have the capacity to extinguish a fire either on or caused by the machine.
2. Agencies must audit plant and equipment condition and compliance with these conditions.
3. Operations must be appropriately restricted during periods of extreme fire weather to minimise the risk of ignitions while not unnecessarily impeding productivity in accordance with the following conditions.

During the declared fire season:

1. All internal and contract plant (including but not limited to dozers, graders, backhoes, mulchers, slashers, front end loaders, chippers) and equipment (chainsaws, jackhammers, post-hole borers) must be:
 - Maintained and operated in a way that it will minimise the risk of a fire starting, or catch fire itself
 - Fitted with a securely fixed, spark free exhaust in good, serviceable condition
 - Free of excessive build-up of either surplus oils, dust impregnated with oil, and/or vegetative matter.
2. Every plant item must carry either a pressure operated water fire extinguisher to AS 1841 Pt 2, minimum capacity 16 litres, or a knapsack spray, minimum capacity 16 litres to extinguish fires started by the plant, unless it is supported by a chaser vehicle with either this equipment or a spray/slip on unit.
3. Every plant item must carry a serviceable powder type fire extinguisher to AS 1841, Pt 5, minimum capacity 0.9kg to extinguish fires on the plant. *Note that local experience indicates that the capacity of this extinguisher has not been sufficient to stop a fire on a machine that is burning hydraulic hoses and oil, and operators are advised to carry larger capacity extinguishers to protect their plant.*
4. Fuel must be stored consistent with AS 1940.
5. Refuelling must occur where the ground is clear of flammable material for a distance of not less than 1.5m from the edge of the machine.
6. Fuel and oils spills must be cleaned up, recovered or covered with not less than 5cm of non-flammable material.
7. If an incident occurs that requires the use of a fire extinguisher, the plant involved cannot continue operating until it has been inspected and deemed safe by the relevant agency supervisor and the extinguisher has been replaced/refilled.
8. The responsible Agency must inspect and record compliance with these conditions at the commencement of the fire season and on a regular basis within the fire season. The attached sheet may be used for this purpose.

Plant and equipment use during forecast and actual very high and above fire danger index and tobans

1. Where grass curing exceeds 70% and severe (or above) conditions are forecast, no mowing / slashing is to occur (the only exception is in irrigated areas)
2. Plant and equipment use that may cause accidental ignitions must be suspended when the local area FDI exceeds 25, except as permitted under conditions 5 to 9 below. The local area FDI may be based on weather data from nearby fire towers, weather stations or local observations. Fire towers will broadcast FDI on an hourly basis.
3. Supervisors are responsible for monitoring FDI and notifying internal and contract operators working on their estate when the FDI exceeds 25. This responsibility may be delegated to the contractor.
4. The Bureau of Meteorology Fire Weather Forecasts indicate the hours during which the FDI is expected to exceed 25. Machinery may operate from early morning until the time where the FDI is forecast to exceed 25.
5. Where machinery has operated for part of a day and subsequently been closed down by the FDI exceeding 25, a machine operator must remain on site for a period of not less than 30 minutes after the close down of the machine to ensure no fires ignite from their operations.
6. On days of TOBAN, graders, asphalt pavers, dozers, front-end loaders, rollers, brooms and backhoes may continue to work on ACT roads in urban areas only (within the built up areas of Canberra, and not in rural areas).
7. On days of TOBAN, bitumen spraying can continue in urban areas only (within the built up areas of Canberra, and not in rural areas) on ACT roads.
8. Field-based plant maintenance involving welding and oxyacetylene cutting may only be carried out where a tanker is on site and has watered the site down first.
9. No contractor will use a naked flame, this includes linemarking, asphalt laying and bitumen sealing works during TOBANs.