

Planning and Development (Conditional Environmental Significance Opinion – Block 240, Paddys River – Temporary Tidbinbilla Visitor Information Centre) Notice 2023

Notifiable instrument NI2023–653

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 – Temporary Tidbinbilla Visitor Information Centre) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 14 August 2023, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 240, Paddys River, of a temporary visitor centre for Tidbinbilla Nature Reserve.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

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

Craig Weller
Delegate of the planning and land authority
18 October 2023

Schedule

See section 3(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

ACT Property Group, as represented by Mr James Ferguson, A/g Assistant 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 a temporary visitor centre for Tidbinbilla Nature Reserve, as described in the submission.

LOCATION

Paddy's River Block 240 within Tidbinbilla Nature Reserve.

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 s138AB(4) of the Act:

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

2. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease unless the PCS Fire appliance stationed at Tidbinbilla is at the worksite.

Hot works activities must otherwise be deferred to be undertaken under less risky conditions and consideration given to what mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available during the declared bushfire danger period at <https://esa.act.gov.au/> for the proponent to assess risks.

Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

14 August 2023

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;

The following threatened species and communities are either present, or support potential habitat for these species within a 100m radius of the proposed development:

- Yellow Box-Blakely's Red Gum Woodland;
- Scarlet Robin (*Petroica boodang*);
- Gang-gang Cockatoo (*Callocephalon fimbriatum*).

Part 4.3, item 3 proposal for development in a reserve;

The proposed works occur within Tidbinbilla Nature 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

The Tidbinbilla Visitor Centre was unexpectedly closed on 26 May 2023 due to health and safety concerns. Staff based at the Tidbinbilla Visitor centre have temporarily been relocated to the Tidbinbilla Depot or other locations. Short to medium term temporary visitor services and staff accommodation is required until the completion of the new Tidbinbilla Visitor Centre, which is envisaged to occur within the next five years. It is proposed that a temporary visitor centre is constructed in the existing Tidbinbilla Visitor Centre carpark.

The temporary visitor centre building will include an access ramp, deck and stairs. The total footprint of the temporary building will be approximately 20m x 12m. Approximately 60 piers will be installed into the existing carpark bitumen to support the building. The entirety of the building itself will be located within the current carpark footprint.

An approximately 50m long trench will be required from the temporary building to the existing wastewater treatment tank. Power will be connected aboveground from an existing nearby power pole and will not require any trenching or disturbance.

Documentation Submitted

- ESO application support report – dated July 2023
- Confirmation of temporary building – dated 28 June 2023
- Letter of Authorisation
- Form 1M

Natural conservation values present

Tidbinbilla Nature Reserve is 6,466 hectares adjacent to the Namadgi National Park and is part of the Australian Alps National Parks system protecting much of the alpine, subalpine and montane environments of mainland Australia. Tidbinbilla Nature Reserve contains an area of 'national park' as well as an area of 'special purpose reserve' over those areas that have been developed for recreation, education and research (e.g. the Rock Wallaby breeding program and the Corroboree Frog breeding facility).

Vegetation communities in Tidbinbilla include subalpine snow gum on the exposed ridges to woodlands, grassland and shrublands in the valley, with tall wet forests in the moist sheltered gullies. These vegetation communities provide habitat for a wide range of native species. Box Gum Woodland, which is nationally listed as critically endangered and listed as endangered in the ACT, is present near to the proposed site.

Two threatened bird species have been recorded within a 100m radius of the proposed site and Rosenberg's Monitor (*Varanus rosenbergi*), listed as vulnerable in NSW, has also been recorded in the area.

Impact on the Reserve

The vast majority of the works being proposed are within the existing carpark at the Tidbinbilla Visitor Centre. Approximately 12 metres of trenching is required outside the existing carpark, resulting in a maximum of approximately 24m² area of disturbance. These works will be outside the tree protection zone of the mature eucalypt present on site and will not disturb any ground-storey vegetation.

Potentially Significant Environmental Impacts

The location of the temporary building and the avoidance of impact to adjacent trees and ground-storey vegetation means that significant environmental impacts are extremely unlikely.

The supporting documentation includes several important mitigation measures, including:

- The installation of temporary fencing to delineate Tree Protection Zones of any mature eucalypts, prior to any construction commencing;
- Appropriate weed control and contamination protocols to ensure no unintended impacts of the works or created spoil, as well as post-construction weed control; and
- Rehabilitation of the 24m² area of disturbance.

Additional conditions have been included to further protect the values of the reserve and reduce potential for fires to occur:

1. No work is permitted on site when a Total Fire Ban is declared.
2. On days of High fire danger rating (FBI 25 or greater) all hot works and works that could emit a spark must cease unless the PCS Fire appliance stationed at Tidbinbilla is at the worksite.

Hot works activities must otherwise be deferred to be undertaken under less risky conditions and consideration given to what

mitigations measures such as fire suppression equipment can be implemented. The daily rating and a four day outlook are available during the declared bushfire danger period at <https://esa.act.gov.au/> for the proponent to assess risks.

Hot works includes; welding, cutting, grinding, or other works involving open flames or which emit a spark such as excavating hard rock, slashing and brush-cutting.

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.