



# **Agricultural Subdivision**

Block 5 Section 103 SYMONSTON, ACT

## **Application for EIS Exemption**

under Section 211 of the  
*Planning and Development Act 2007*

October 2019

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## Attachments (refer separate reports)

[Ecological Impact Assessment \(Capital Ecology, 2018\)](#)

[Addendum regarding the significance of impacts under the ‘worst case scenario’ \(Capital Ecology, 2019\)](#)

[Aboriginal & Historical Cultural Heritage Assessment \(Past Traces, 2018\)](#)

[Traffic Assessment \(Sellick, 2018\)](#)

[Water Quality \(Sellick, 2018\)](#)

[Bushfire Assessment \(Blackash, 2018\)](#)

## Glossary of Terms

The following terms and acronyms occur within this document

ACT NC	ACT Nature Conservation Act 2014
ACTPLA	ACT Planning & land Authority
CEEC	'critically endangered' listed ecological community
DA	Development Approval
DP	Deposited Plan
EAR	Environmental Assessment Report
EEC	Endangered Ecological Community
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPSDD	Environment Planning and Sustainable Development Directorate
ESCP	Erosion and Sediment Control Plan
ESO	Environmental Significance Opinion
GHG	Greenhouse Gas
GIS	Gas Insulated Switchgear
Ha	Hectare
LALC	Local Aboriginal Land Council
LMA	Land Management Agreement
MNES	Matters of National Environmental Significance
MSDS	Material Safety Data Sheet
NCP	National Capital Plan
NES	National Environmental Significance
PAD	Potential Archaeological Deposit
P&D Act	ACT Planning and Development Act 2007
RAO	Representative Aboriginal Organisations
REF	Review of Environmental Factors
s211	Section 211 of the ACT Planning and Development Act 2007
SAA	Standards Association of Australia
SAC	Statement Against Criteria (of the Territory Plan)
SPC	Symonston Precinct Code
SWMP	Soil and Water Management Plan
TEC	Threatened Ecological Community
TCCS	ACT Transport Canberra & City Services Directorate
TP	Territory Plan
WMP	Waste Management Plan
WMS	Work Method Statement

## Summary

The Lessee of Block 5 Section 103 Symonston is seeking approval for subdivision of the subject site into 8 parcels for small scale agriculture use.

The site has an area of approximately 36ha and is adjacent to Hindmarsh Drive, Mugga Lane and Narrabundah Lane. It is currently used as an agricultural property and contains four (4) dwellings. At present the property has eight (8) access points from adjacent roads. The site also contains a number of mature remnant eucalypts, a small area (approx. 3ha) of native grasslands and a small area (approx. 2ha) of Box-Gum Woodland. All of the understorey on the property has been heavily grazed over many years and includes large areas of introduced pasture.

The existing Crown Lease and Land Management Agreement (LMA) for the site contains provisions permitting only certain types of agricultural enterprise and prohibits the removal of trees without prior written consent from the Territory.

Whilst the subdivision alone does not have any direct impact on environmental values, the Environmental Planning and Sustainable Development Directorate (EPSDD) has determined that the Development Application is required to be lodged in the “impact track” for assessment because of the potential for cumulative impacts associated with future development consequences; particularly in relation to loss of native vegetation. Whilst this proposal will not result in clearing of native vegetative, this s211 application assesses the cumulative impacts of clearing native vegetation.

Future works like development of a dwelling or green house will be subject of a future DA.

This proposal does not trigger an assessment or referral under the EPBC Act.

This submission seeks an exemption under s211 of the *ACT Planning and Development Act 2007* from the need to prepare an Environmental Impact Statement (EIS) for the development. A DA has been lodged concurrently.

The application for exemption is based on a number of recent technical studies that cover the ecology and environmental values of the site, as well as traffic, stormwater, WSUD, heritage, visual and bushfire assessment. These studies sufficiently identify and address the potential impacts of the proposed development.

The s211 Exemption application summarises the proposed development and identifies potential cumulative impacts associated with possible future development of the site. Two scenarios are assessed in detail including;

- Direct impacts from the development application
- Future cumulative impacts which would clear native vegetation on the site.

These scenarios are subject to detailed risk assessments where appropriate. The assessment is based on EPSDD Guidelines and range of mitigation measures are identified that further reduce any potential future cumulative impact.

Mitigation measures include provisions in the new Crown Leases and Land Management Agreements for each of the 8 blocks.

This submission concludes, based on a detailed assessment of site conditions, environmental values, assessment of potential cumulative impacts, and the application of appropriate mitigation measures as outlined, that the development will not have a significant adverse environmental impact.

It is therefore recommended that EPSDD accept this s211 Exemption application to enable assessment of the DA.



## 1.0 Introduction

### 1.1 Purpose & Background

Development approval is sought by Symcanfin Pty Ltd (the 'Proponent') as the lessee of Block 5 Section 103 Symonston for an eight (8) block small scale agricultural subdivision and minor access driveways, with a lease variation that would permit a single residential dwelling on each block.

Pre-lodgement discussions with the Environmental Planning and Sustainable Development Directorate (EPSDD) have determined that a development application (DA) for the above proposal must be lodged as an "impact track" assessment.

The proposal is considered by EPSDD to have the potential, through cumulative impacts, to result in the clearing of more than 0.5ha of native vegetation. Under normal circumstances this potential impact would require preparation of an Environmental Impact Statement (EIS). However, under section 211 of the *ACT Planning and Development Act 2007* (P&D Act) there is provision for the applicant to prepare and lodge an application for EIS exemption on the basis that the investigation required by an EIS has already been completed.

Accordingly, a number of relevant environmental studies have been conducted on behalf of the lessee by qualified consultants to examine the direct impacts of the development and to consider the consequences of possible future cumulative impacts on the environment in a scenario where all native vegetation is cleared on the site.

This report summarises the proposed development and rationale for the development, describes the existing site and makes an assessment of possible cumulative impacts using established EPSDD methodology and information contained in a number of technical studies commissioned by the Proponent. The investigation and supporting documentation demonstrate that the proposed development will not have any significant adverse environmental impacts and that any possible future adverse cumulative impacts could be addressed by a range of appropriate mitigation measures. The risks associated with future development scenarios are addressed in Section 5.0 of this report, (summarised below in Table 1).

The s211 exemption application should also be read in conjunction with a DA lodged concurrently with ACT Planning and Land Authority (ACTPLA) for assessment in the impact track.

Table 1: Risk Assessment Scenario Summary

Scenario	Section within the report	Scenario summary
1	5.3	Direct impacts from the proposed development
2	5.4	Cumulative Impacts from further actions that can occur only with impact track or ESO assessment by way of future development applications

## 1.2 Summary Project Description

The proposal is for the creation of eight (8) small scale agricultural sites that permit an ancillary residential dwelling on each block.

This development will require a surrender and regrant of the existing crown lease, issue of new leases (8), construction of new and upgraded driveway crossovers as well as minor road works and rural fencing works.

The DA does not seek approval for construction of any new residential dwellings or other structures. However, it is possible that future lessees may seek approval for construction of a residential dwelling and this prospect together with unspecified land use changes permitted by the lease and the zoning has been included in this s211 assessment under the cumulative impact scenario.

Approval for any future structures will need to be obtained via a subsequent DA process by individual lessees.

## 1.3 s211 Exemption Request

An exemption under s211 of the *ACT Planning and Development Act 2007*, from the requirement for an EIS is sought on the grounds that recent relevant studies have fully investigated the possible impacts of the proposed development. These impacts are subsequently addressed, and a number of appropriate mitigation measures have been proposed that could be included as conditions of development approval to address any perceived adverse environmental impacts.

The 'triggers' for an EIS under the *ACT Planning & Development Act 2007* are outlined in "*Schedule 4 Development proposals in impact track because of need for EIS*", the trigger relevant to this proposal is summarised below:

- Under Part 4.3 of the *ACT Planning and Development Act 2007*, Development proposals requiring EIS—areas and processes include;
  - Item 2:** A proposal involving "*the clearing of more than 0.5ha of native vegetation in a native vegetation area, other than on land that is designated as a future urban area under the territory plan, unless the conservator of flora and fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact*".

While the initial subdivision does not propose any activities which would directly trigger Schedule 4, Part 4.3, Item 2 of the *ACT Planning and Development Act 2007*, there is potential that once subdivided, the lessees of each of the eight lots may independently clear up to the 0.5ha limit without triggering an EIS process. This in turn could lead to cumulative land clearance above the 0.5ha threshold across the site. In a scenario where such clearing takes place, this would have a significant adverse environmental impact through the loss of native vegetation and associated habitat values. The proposed subdivision therefore has the potential, through cumulative impacts, to trigger Part 4.3 Item 2 of the P&D Act: "the clearing of more than 0.5 ha of native vegetation in a native vegetation area".

To address the environmental impacts, the submission includes:

- a s211 document including a statement of objectives for the project, a description of the nature of the project, a description of the natural conservation values of the site, relevant environmental and heritage legislation, a preliminary risk assessment, and identification of mitigation measures
- maps and plans of the proposed development and site features including site location, subdivision boundaries, contours, heritage values and habitat areas.
- specialist reports, assessments and studies conducted to date in relation to the proposed development site.
- DA for the proposed development lodged in the impact track



A detailed risk assessment has been undertaken by the consultant team in accordance with *Australian Standard AS/NZS IOS 31000:2009 Risk Management – Principles and Guidelines* for all actions associated with the proposed development in the study area.

The risk assessment process is described in Section 5.0 below and includes an overall summary risk assessment for the proposed development and the cumulative impact scenario.

## **1.4 Site Overview**

The site is located in Symonston and is bounded by Hindmarsh Drive, Mugga Lane and Narrabundah Lane.

Site details are summarised in Section 3.0 below.

## **1.5 Project Team**

The Proponent has engaged a professional consultant team to assist with preparation of this report and related studies.

Specific technical studies lodged with the DA and s211 submission include:

- Ecological Impact Assessment (Capital Ecology, Sept 2018)
- Addendum regarding the significance of impacts under the cumulative scenario (Capital Ecology, Mar 2019)
- Driveway crossover plans (Sellicks, Dec 2018)
- Traffic & Site Access Impact (Sellicks, Dec 2018)
- Erosion & Sediment Control (Sellicks, Dec 2018)
- WSUD report (Sellicks, Dec 2018)
- Aboriginal & Historical Cultural Heritage Assessment (Past Traces, Dec 2018)
- Bushfire Risk Assessment (Blackash Pty Ltd, Dec 2018)
- Valuation report (Knight Frank, May 2018)
- Planning Report & SAC (Purdon Planning, Jun 2018)

## 1.6 Previous Reports

The following table outlines all technical studies prepared for this submission. All studies were prepared specifically for the proposal by qualified individuals within the 18 months prior to lodgement.

Table 2: Previous Reports

Title and Topic of Study	Author	Qualified Person	Date/Age	Directly related to proposal?	Public consultation Required?
Ecological Impact Assessment	Capital Ecology	Yes	September 2018 – 12 Months	Yes	No
Addendum to EIA	Capital Ecology	Yes	March 2018 – 18 Months	Yes	No
Driveway Crossover Plans Designs	Sellick Consultants	Yes	June 2018 – 15 Months	Yes	No
Traffic and Site Access Impacts	Sellick Consultants	Yes	December 2018 – 10 Months	Yes	No
Erosion and Sediment Control	Sellick Consultants	Yes	December 2018 – 10 Months	Yes	No
Water Sensitive Urban Design (WSUD)	Sellick Consultants	Yes	December 2018 – 10 Months	Yes	No
Aboriginal & Historical Cultural Heritage Assessment	Past Traces	Yes	December 2018 – 10 Months	Yes	No
Valuation Report	Knight Frank	Yes	May 2018 – 16 Months	Yes	No
Bushfire Risk Assessment	Blackash Pty Ltd	Yes	December 2018 – 10 Months	Yes	No
Planning Report and & SAC	Purdon Planning	Yes	December 2018 – 10 Months	Yes	No

Figure 1: South Canberra Context



Source: Purdon Planning, 2018 (ACTMapi 2017 aerial photo)

Figure 2: Local Area



Source: Purdon Planning, 2018 (ACTMapi 2017 aerial photo)



Figure 3: Subject Site



Source: Purdon Planning, 2018 (ACTMapi 2018 aerial photo)

## 2.0 Description of the Proposed Development

### 2.1 The Proposal

The proposed development is a subdivision of Block 5 Section 103 Symonston into eight (8) separate blocks each with the same lease purpose clause being agriculture with ancillary dwelling.

This development will require a surrender and regrant of the Crown Leases, the construction of new and upgraded driveway crossovers to access the subdivision, as well as minor road works and rural fencing.

The DA does not seek approval for any construction of residential dwellings or other structures. A future DA will need to be lodged if any additional structures are proposed post subdivision approval.

A formal survey plan will be prepared and lodged with the ACT Survey Office as a condition of development approval.

The EPBC Woodlands is not impacted as part of this proposal.

## **2.2 Project Objectives**

The project aims to provide an opportunity for a small-scale agricultural land allotment which is rare in the ACT and is in high demand where it exists. The current lease is not fit for this purpose.

- The existing site is too small to continue livestock and other large-scale farming at a commercial scale
- The location of the site adjacent to an urban area with access to some services makes it ideal for higher order agricultural use
- Similar small-scale agricultural offerings elsewhere in the ACT (e.g. Pialligo) have resulted commercially successful operations
- The combined lease under a single title does not facilitate diverse management and the accompanying investment and innovation that could be generated through this development
- The residential component is necessary to allow an option for onsite living for prospective buyers for each new lease

Subdivision of the site into 8 holdings would facilitate small scale land holders to invest at a manageable scale in realising the potential of the land. This will result in a diverse and innovative agricultural precinct that will contribute to the ACT economy, strengthen the reputation and depth of the ACT's local culinary scene by providing local produce at commercial scales, and contribute to the employment-based objectives of the Eastern Broadacre Study.

These objectives can be achieved without causing significant adverse environmental impacts.

## **2.3 Justification**

The proposed subdivision, Crown Lease variation and associated works are consistent with the objectives and principles of the National Capital Plan (NCP), Territory Plan (TP) and the Symonston Precinct Code (SPC).

The most significant attributes of the existing lease and the use of the site will remain unchanged, with no change to the purpose clause and allowable uses other than the number of houses per block (propose 1 dwelling per subsequent lease as part of the subdivision).

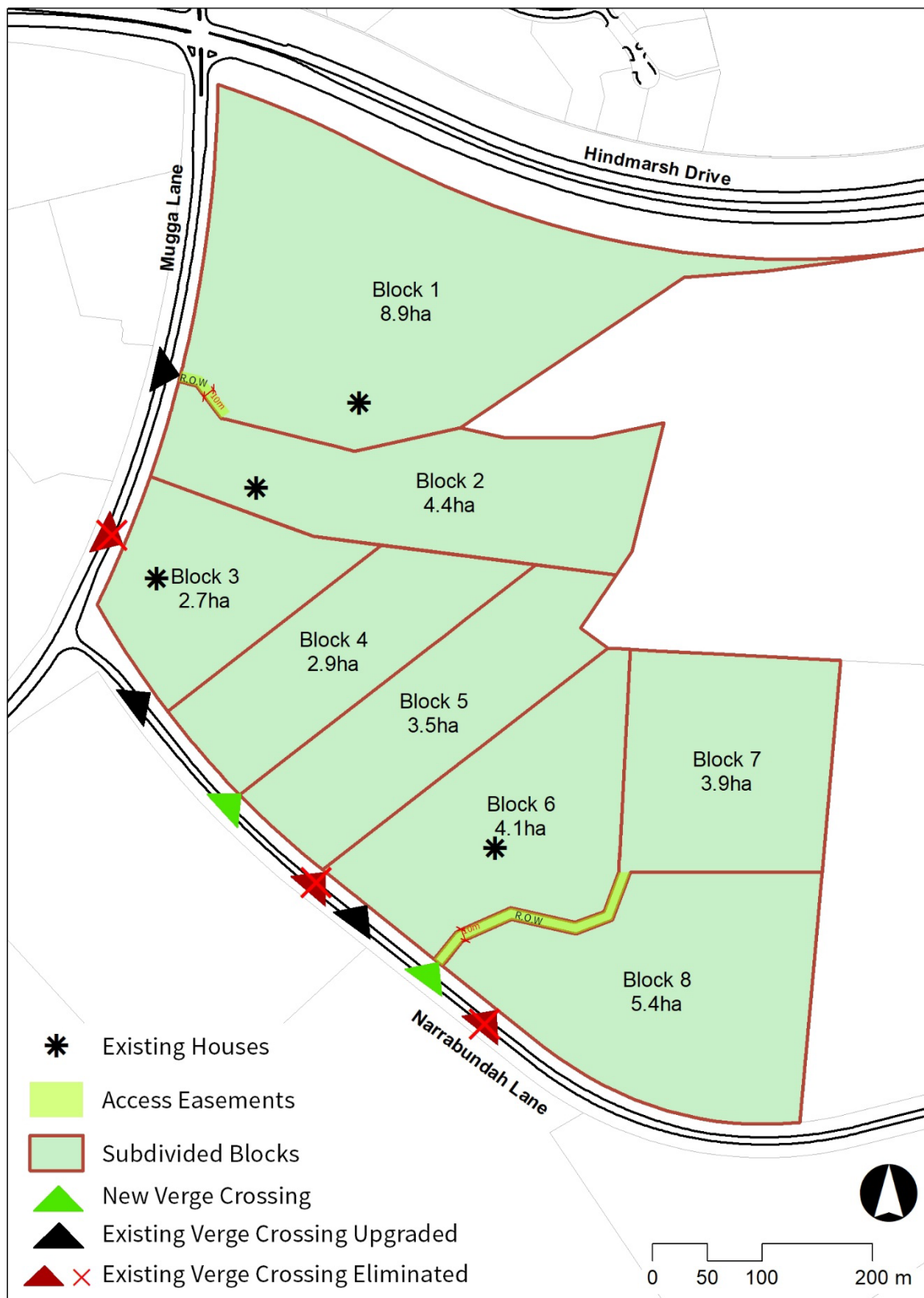
The subdivision design provides adjacent road access to all but two properties, where a right-of-way (ROW) access is proposed. The new properties range in size from 2.7 to 8.9 ha (subject to survey) and respect existing water courses. No native vegetation is disturbed in the subdivision.

The net effect of the proposed development will be a possible increase of four dwellings at some future stage, and provision for 3 horses per lease. Any additional dwellings beyond the existing four houses will be the subject of future (and separate) development approval by the Lessee(s).

It is not intended to upgrade existing utility service provisions other than to make provision for separate water and electricity metering to each property.

The proposed development will not fundamentally change the rural character of the area and will have no significant visual impact. There will also be no significant adverse impacts on surrounding land uses, heritage values, environmental values or traffic flow as a result of the lease variation.

Figure 4: Proposed Subdivision Plan



Source: Purdon Planning, 2019



## 3.0 Site Conditions

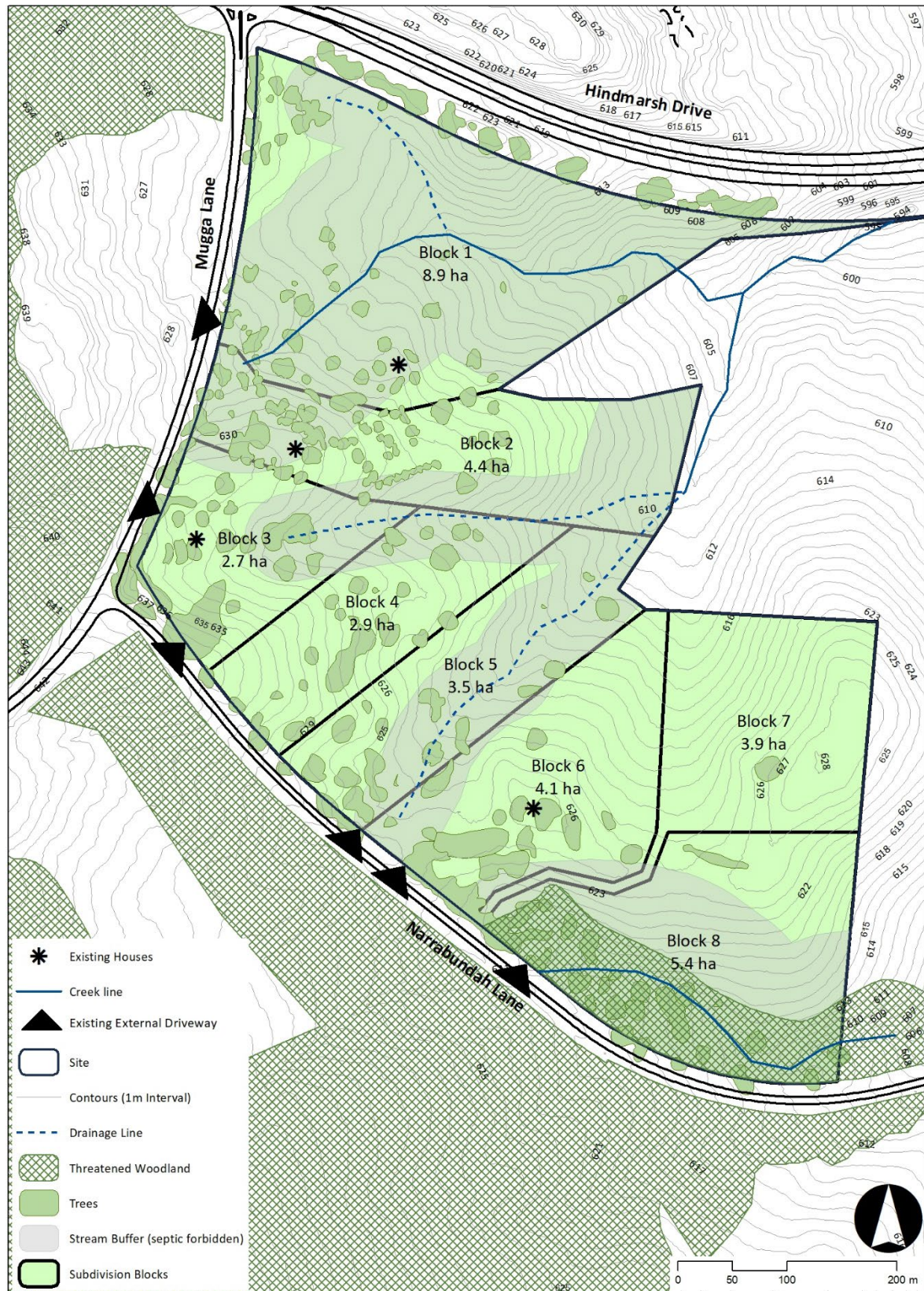
### 3.1 Summary

The following is a 'snapshot' of key site features. Additional details are provided in the following sections.

Location	The subject site is located between Hindmarsh Drive, Mugga Lane and Narrabundah Lane in Symonston.
Cadastral	Block 5 Section 103, Symonston, ACT.
Site area & Dimensions	Site area totals 357,905m <sup>2</sup> (35.8 hectares). The site has an irregular shape, with frontages of approximately 600m to Hindmarsh drive, 500m to Mugga Lane and 800m to Narrabundah Lane and an irregular edge to Blocks 1 & 6 on the eastern boundary.
Current Use	The site is currently occupied by a teaching farm including livestock handling and display facilities. It also contains four (4) approved residential dwellings. The majority of the land area is grazed by a variety of stock.
Adjacent Land Uses	The site is bordered on 3 sides by roads. The eastern boundary abuts two other farms including the historic Mugga Mugga homestead. North of Hindmarsh Drive are the suburbs of Narrabundah and Red Hill with residential areas, a golf course and a church located immediately opposite. To the west is a secure mental health facility, and correctional facility. To the south is the Callum Brae nature reserve and private leased land. Other land uses in the area include: two mobile home parks, AGSO, TGA, an animal pound and kennels, Murrays Bus Depot, and further afield the Mugga Lane waste disposal facility.
Topography and drainage	The site is undulating with a moderate fall towards the north east. A slight ridge runs along the southern edge of the site. Both sub-catchments on site drain into Jerrabomberra Creek and onward to Lake Burley Griffin via Jerrabomberra Wetland. There are several minor drainage lines and erosion gullies across the site (Figure 5 and Figure 6).
Access	The site has multiple access points off Mugga lane and Narrabundah Lane servicing the existing 4 residential dwellings and paddocks. There is no access off Hindmarsh Drive.
Easements	There is a sewer easement running across the northern third of the block with a single 4m wide corridor entering from the east splitting into three halfway across the block forming a trident shape.
Vegetation	The site contains a range of vegetation including some large native and introduced trees. Grassed areas on the site show evidence of long-term grazing, intensive pasture improvement, and other disturbance.
Endangered Ecological Communities (EEC)	The south-east corner of the site has a patch of critically endangered Box-Gum Woodland. This runs in a band about 80m x 350m from the eastern boundary along Narrabundah Lane.

Threatened Species	No threatened species have been identified as present on this site.
Heritage	There are no heritage-listed places or objects on this site. Recent heritage investigations (Past Traces, 2018) has identified 3 Aboriginal heritage sites (scarred tree; artefacts deposit & PAD) within Block 5 but none meet any of the criteria for listing to the ACT heritage Register. Mugga Mugga cottage on Block 6 to the east is a heritage listed site.
Bushfire Risk	The site is located within a declared 'Bushfire Prone Area' (ACTmapi).
National Capital Plan	This site is not in a National Capital Plan (NCP) designated area and it is not subject to any NCP regulations or overlays. Hindmarsh Drive is not a main avenue or approach route.
Territory Plan	The subject site is zoned as NUZ1 – Broadacre. There are no overlays on this site.
Crown Lease	The site is currently leased to Symcanfin Pty Ltd, with a Crown Lease that commenced on 27 June 2001 for a term of 99 years. A Land Management Agreement has been prepared for the current lessee.

Figure 5: Site Features & Proposed Subdivision



Source: Purdon Planning



## 3.2 Site Assessment and Development Proposal

### 3.2.1 Drainage & Water Quality

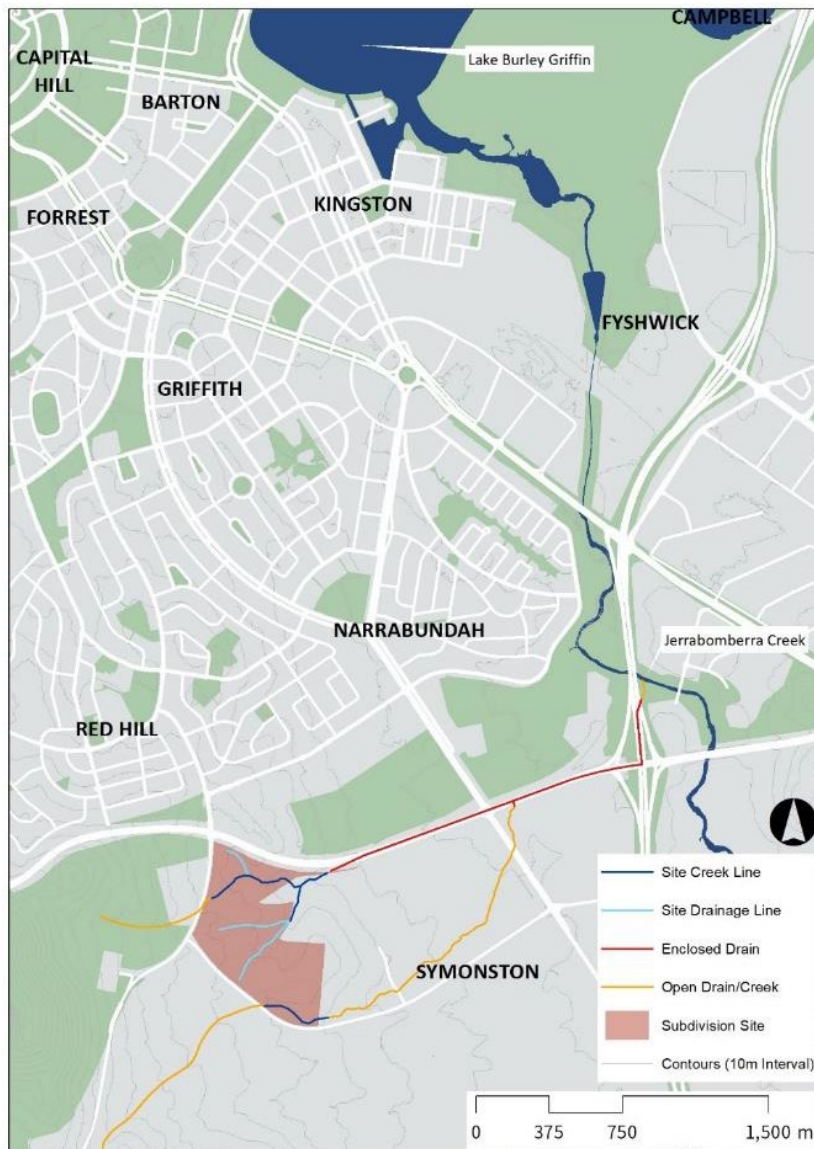
The subdivision plan is cognisant of existing landforms, drainage lines and vegetation including high value woodlands in the south east corner of the site. The plan ensures that possible future development will maintain environment quality in accordance with Territory requirements.

The subdivision pattern has been designed to ensure there is no impact to protected EPBC Woodland.

The site contains two gullies and several minor drainage lines (Refer Figure 6). There are no permanent water courses on the site. Both gullies remain entirely within a single block in the proposed subdivision plan.

While some proposed boundaries cross minor drainage lines, the subdivision has been designed to place the crossings high on the slope profile. These drainage lines rarely carry water in these areas and do not contain vegetation communities that are distinct from the surrounding landscape, suggesting their management needs are unlikely to be particularly specific.

Figure 6: Watershed Plan



Source: Purdon Planning

### 3.2.2 Natural Conservation Values

Capital Ecology Pty Ltd were engaged to undertake ecological surveys and prepare an Ecological Impact Assessment (EIA) to identify and assess the significance of the impacts that the proposed development may have upon the biodiversity values of the subject land and surrounds. The following tasks were undertaken by Capital Ecology:

- A desktop review of databases and relevant literature.
- Two field surveys on 23 August 2018 and 10 September 2018, to record and assess the ecological values of the study area, and to assess and map the vegetation and habitat for threatened species within the study area.
- The preparation of a Likelihood of Occurrence Assessment which addresses all threatened ecological communities, threatened flora species and threatened fauna species with the potential to occur within the study area.
- An assessment of the potential impacts, and the likely significance of these impacts, upon the listed significant biota identified as occurring or potentially occurring within the study area.
- Preparation of advice and recommendations regarding the impact avoidance, minimisation, mitigation, and/or offset measures that may be required to facilitate approval of the proposed subdivision by the ACT Government.

The study concluded that the area supports two ACT plant community types; *PCT-ACT01 Tablelands Tussock Grassland* and *PCT-ACT16: Yellow Box-Red Gum Tableland Grassy Woodland*. The study area was further categorised into five discernible Vegetation zones (refer Figure 7):

- PCT-ACT01 Tablelands Tussock Grassland
  - ACT01 Zone1 -ExoticDom – LowDiversity (Exotic Pasture)
- PCT ACT16: Yellow Box-Red Gum Tableland Grassy Woodland
  - ACT16 Zone1 -NativeDom – Canopy – Regen – Low-Mod Diversity (EPBC BGW)
  - ACT16 Zone2 -ExoticDom – Canopy - LowDiversity
  - ACT16 Zone3 -NativeDom – LowDiversity (Native Pasture)
  - ACT16 Zone4 -ExoticDom – LowDiversity (Exotic Pasture)

Zone 1 in the second community type (PCT ACT16) was determined to be consistent with the definition of the Box-Gum Woodland threatened ecological community as listed pursuant to the Commonwealth EPBC Act and ACT NC Act. This patch remains entirely within one block in the proposed subdivision for ease of management and is not affected.

No EPBC Act and/or NC Act listed threatened flora species were recorded within the study area. The study area has a low possibility of providing habitat for three EPBC and/or NC Act listed flora species, with a negligible chance for all others.

No EPBC Act and/or NC Act listed threatened fauna species were recorded within the study area. However, in addition to many common native birds, several EPBC Act and/or NC Act listed birds, and numerous other species considered conservation dependant in the region, may forage and potentially breed in the study area.

The feature of greatest potential habitat significance for these species is the remnant eucalyptus trees present on the site.

It has been advised by Capital Ecology that the ground storey currently present in Zones other than PCT-ACT16 Zone 1 are unlikely to support any listed species as they have been heavily modified and are closely grazed by domestic, feral and native animals.

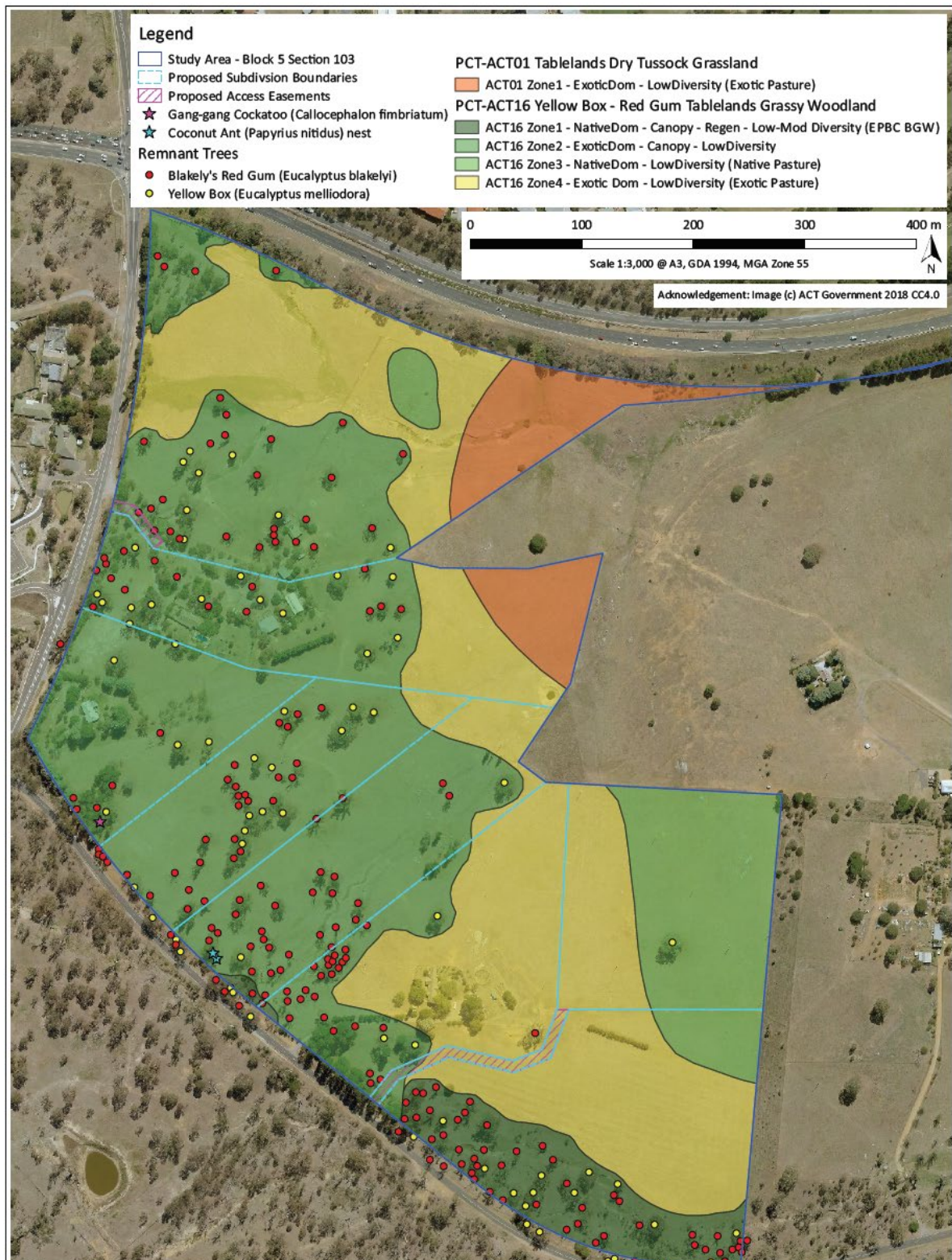
The following provides a summary assessment against the key requirements outlined in the EPSDD *Guide to Preparation of an Application for an Environmental Significance Opinion*. This assessment is based on the information provided in the report by Capital Ecology:

- **Existing Processes or Natural Systems of the ACT** – The site is not considered important in maintaining existing processes or natural systems of the ACT. The area of the proposed works does not comprise places of importance to maintaining hydrological and nutrient cycles or to a species' life cycle processes of breeding, feeding, nursery and habitat. The local area provides some potential for habitat linkages facilitating species movements/migration routes and corridors. However, the proposed subdivision will not provide an additional impediment to the movement of local fauna. The subdivision and the associated construction of fences and driveways will not disturb habitat values.
- **Richness of Diversity of Flora, Fauna or Landscapes** – The site does not exhibit unusual richness of diversity of flora, fauna or landscapes. As described in the EIA, a total of 29 flora species were recorded comprising 12 native species and 17 exotic species. The habitat present across most of the site is considered unsuitable for many regional EPBC and/or NC listed birds and reptiles due to the lack of mid-storey and shrub storey vegetation, highly modified exotic ground storey, and the lack of moderately intact rocky habitat or other ground storey habitat features. This site is not considered to have a high or an "unusual" richness of species diversity.
- **Uncommon, Rare or Endangered Flora, Fauna, Communities, Natural Landscapes or Phenomena** – Details on flora and fauna are provided above.
- **Principal Characteristics of Landscapes, Environments or Ecosystems** – The site of the proposed subdivision is not considered to exhibit any special landscape or landform characteristics.
- **ACT Natural History** – Due to the high degree of habitat modification, it is considered that the site is not important having regard to the potential for the site to contribute to the wider understanding of the ACT's natural history, by virtue of its use as a research site, teaching site, type locality, reference or benchmark site.

Nature conservation values are further considered in the risk assessments conducted in Section 5.0 of this report. The risk assessments have been peer reviewed by Capital Ecology, and the risk scenarios discussed have been addressed by Capital Ecology in the EIA and the Addendum to the EIA, included with this submission.



Figure 7: Vegetation Survey Mapping



Source: Capital Ecology, 2018

### **3.2.3 Heritage Values**

The site itself contains no heritage listed places or items (ACTmap1 2018), although it is adjacent to Block 6 Section 103 which contains Mugga Mugga homestead.

A recent study by PastTraces (2018) undertaken for this s211 submission has identified three Aboriginal heritage sites. These sites do not meet any of the criteria for listing to the ACT Heritage Register. However, the sites are protected under the *Heritage Act 2004* and can only be impacted with approval of the ACT Heritage Council.

Also, due to the proximity of the site to the homestead, there is a possibility that historical artefacts may be present on the site. However, the heavily modified nature of the site, with evidence of ploughing, heavy grazing and vegetation removal in many areas means these artefacts are unlikely to be present.

The study by Past Traces concluded that proposed subdivision was found to have no impact on any of these values. All three identified Aboriginal heritage sites have been avoided by the proposed works.

In the event that during construction additional values are discovered an unexpected discovery plan has been prepared. This plan lays out a procedure to ensure any unknown items are preserved if found.

### **3.2.4 Traffic & Site Access**

A traffic impact assessment has been undertaken for the proposal and this s211 submission by Sellick Consultants and has concluded that the proposed development will not generate significant traffic flow to or from the site.

TCCS has been consulted as part of preliminary site planning. Future development resulting from the lease variation may, based on TCCS standards, generate eight (8) peak period vehicle trips per hour, the threshold for the requirement of a Traffic Management report (10) is not met.

The traffic report also confirms that revised site access/egress will not generate any safety concerns and will reduce traffic flow onto Mugga Lane. The existing site has two (2) "formal" driveways from Mugga Lane servicing 3 existing dwellings and one (1) "formal" driveway on Narrabundah Lane serving existing dwellings. There are also 3 farm gates on Narrabundah Lane. The DA proposes to reduce the number of driveway crossovers on Mugga Lane by one (1) with the remaining "common" driveway to serve two (2) existing dwellings on Blocks 1 & 2.

It is proposed to upgrade two (2) existing crossovers on Narrabundah Lane and create two new crossovers. Other farm gates will be removed.

The proposed subdivision will retain the same number of crossovers on Narrabundah Lane (total 4) to service six individual blocks. Each of the crossovers will be relocated or upgraded (Figure 4).

### **3.2.5 Agricultural uses**

The proposed Crown Lease purpose clause retains “agriculture” as the primary use with one dwelling per block. Agriculture is defined in the lease as follows:

*“Agriculture” means broadacre animal farming, crops and pasture production, and horticulture for commercial wholesale production, but does not include animal husbandry or any cultivation or animal farming carried out primarily for the personal enjoyment of, or consumption by, the owner(s) or occupant(s) of the land;’*

The size of individual blocks proposed in the subdivision will not prevent the use of the land for “agricultural” purposes as defined in the lease.

Examples of agricultural uses for “commercial” purposes that could be feasible on the proposed blocks include a variety of forms of horticulture, floriculture, vegetable production, orchards and the like. These uses are discussed in more detail below:

#### **Horticulture:**

Many hand-harvested high-yield vegetables deliver yields that make them commercially viable on blocks of this size. Small scale operations generally succeed by specialising in heritage varieties or specialty products that focus on a local market. Examples of labour-intensive vegetables that grow well on a small scale in Canberra’s climate include:

- Garlic
- Onion
- Specialty tomatoes
- Asparagus
- Capsicum

(Sources: NSW DPI – Horticulture gross margin budgets, Profitable Plans Digest; The best specialty crops for small growers).

#### **Floriculture:**

Flowers often require much more careful tending than large scale crops and lend themselves to small farms. While many of the mainstream flower varieties (roses, tulips) are dominated by large growers, more niche products like the following may be viable:

- Lavender
- Willow
- Foliage for decorative arrangements (e.g. Ferns, cherry blossom sticks)
- Edible flowers (for the fine dining industry)

There are examples of flowers being commercially viable on farms as small as 2 acres (0.8 hectares) far smaller than the smallest blocks proposed.

*(Sources: ABC - Australian slow flower movement blooming fast as consumers catch on to 'grown not flown' message, Profitable Plans Digest; The best specialty crops for small growers)*

#### **Other agricultural uses:**

Other examples of broadacre commercial production that has the potential to be viable on small blocks such as these include:

- Bee Keeping (apiary)
- Free range animal farming- (for example meat rabbits)
- Vineyards
- Orchards

As bees are free to move, bee keeping operations can be commercially viable with operational areas as small as a house block. Vineyards for wine production can be viable on sites as small as 5 acres (2 hectares).

*(Sources: Australian Government, RIRDC, Commercial Beekeeping in Australia)*

#### **Impacts of agricultural uses:**

None of the uses listed above require any clearing of canopy trees to take place on any or all the eight (8) sites. For many of the possible uses, such as bee keeping and free-range animal farming, remnant vegetation is an asset as it provides flowers and shade. In most parts of the site the understory is highly modified, with exotic improved pasture, so a switch to another agricultural use would not have a significant impact.

However, some uses, such as vineyards or orchards may generate some clearing on the site, and in the worst possible conditions may involve a leaseholder seeking to clear a block of most or all native vegetation in order to construct green houses or other agricultural infrastructure. Such an action (construction of new structures) would require separate Territory approval by way of DA. Furthermore, if any other Schedule 4 item under the *Planning & Development Act 2007* which have not been considered in this s211 report were proposed, then these would also require further DA from the Territory Government via an assessment process. Any native vegetation clearing actions is considered a cumulative impact for the purpose of the s211 assessment, and as such has been addressed in 5.4 of this report.

#### **3.2.6 Residential Dwelling Sites**

This DA does not include any application for construction of dwellings or other structures. However, the subdivision layout has been designed to ensure there is ample space on each block to site a house and its associated curtilage without impacting any ecological or heritage values.

The EPA mandates a 100m buffer along creeks and waterways and a 40m buffer around minor drainage lines as exclusion zones for the installation of septic tank systems outside these buffer zones (refer Figure 5).

The subdivision plan considers this, it also considered the general amenity of future residents, including future service connections, house sites and internal access driveways.

#### **3.2.7 Bushfire Risk**

The site is located within a bushfire prone area. However, the site is serviced by town water supply, has sealed road access for fire trucks from three (3) sides, and is close to an existing rural fire service depot. In addition, the site's understorey has been intensively managed for many years and contains low fuel loads.

A Bushfire Risk Assessment has been undertaken by BlackAsh for the existing dwellings and four hypothetical dwellings that may be constructed as a result of the subdivision. It determined that a bushfire asset protection zone of 20m should be maintained around current and future dwellings on the site.

No clearing of trees or other vegetation will be required to achieve this standard. This is because the entirety of the current site is currently at or below the fuel load standards of an asset protection zone, due to heavy grazing and the lack of under and middle storey vegetation.

As such, no impacts on environmental or other values will be required to ensure bushfire management standards are met by future development.

Bushfire management measures can also be included in the future Land Management Agreements (LMAs) for the subdivided sites.

### **3.2.8      *Waste Disposal***

Existing arrangements for waste collection services will be retained. If any new dwellings are proposed, then approval for alternate or amended waste disposal systems/locations will need to be considered as part of a future DA to the Territory.

### **3.2.9      *Utility Services***

No changes are proposed to existing services other than separate water and electricity meters to each block.

### **3.2.10    *Site Contamination***

The site is not recorded on the register of contaminated sites under section 21(A) of the *Environment Protection Act 1997*.



## 4.0 Statutory Context

This section outlines key elements of Commonwealth and ACT legislation relevant to the proposed development.

### 4.1 Commonwealth EPBC Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), actions that have, or are likely to have, a significant impact on a Matter of National Environmental Significance (MNES) require approval of the Commonwealth Minister for the Environment and Energy. Approval from the Commonwealth is in addition to any approvals under ACT legislation.

Based on the assessment presented in the attached EIA (refer separate report), it is concluded that, with the implementation of the proposed measures to avoid, minimise and mitigate impacts upon biodiversity values, the proposed development is unlikely to significantly impact upon any MNES as listed pursuant to the Commonwealth EPBC Act, and therefore referral of the proposed action to the Commonwealth Minister for the Environment is unwarranted.

*The works under the current DA do not trigger the requirement for a referral under the EPBC Act. If future clearing of EPBC matters is proposed a referral under the EPBC Act will be required.*

### 4.2 Australian Capital Territory (Planning and Land Management) Act 1988

The *Australian Capital Territory (Planning and Land Management) Act 1988* (PaLM Act) establishes the National Capital Authority (NCA) and the National Capital Plan (NCP).

#### 4.2.1 National Capital Plan

The National Capital Plan applies to land within Designated Areas. The National Capital Authority have confirmed that this site is not within a Designated Areas. A Works Approval will not be required for the subdivision.

*National Capital Authority Works Approval is not required for this development*

### 4.3 Nature Conservation Act 2014

The *Nature Conservation Act 2014* makes “provision for the protection and conservation of native animals and native plants, and for the reservation of areas for those purposes”.

The following two ecological communities are listed as endangered pursuant to the ACT NC Act.

Natural Temperate Grassland – No part of this study area supports the NC Act listed Threatened Ecological Community (TEC). Those parts identified as having once supported natural grassland are extremely modified and do not contain the necessary native vegetation to qualify them as NC native grassland.

Yellow Box – Blakely's Red Gum Woodland – Zone 1 is identified in the EIA as meeting the criteria for this community under the NC Act.

*The proposed works are considered to be consistent with the provisions of the Nature Conservation Act, provided that the proposed avoidance, minimisation and mitigation measures are implemented.*



#### **4.4 Heritage Act 2004**

The *ACT Heritage Act 2004* outlines provisions for places or objects to be determined as having heritage significance.

No Aboriginal or historical heritage sites or areas of Potential Archaeological Deposit (PAD) were identified within the project area from the desktop review. However, based on a site visit with Representative Aboriginal Organisations (RAOs) a total of three sites were identified including a possible scarred tree (subject to arborist assessment) and small artefact scatter, and a PAD. As discussed in section 3.2.3, the assessment by Past Traces concluded that none of these items will be impacted by the proposed development.

*The proposal is consistent with the provisions of the Heritage Act 2004.*

#### **4.5 Tree Protection Act 2005**

The *Tree Protection Act 2005* outlines provisions for 'Protected Trees' which include:

Registered Trees - are trees on the 'Tree Register' that have been identified as being exceptional for natural or cultural heritage values; landscape and aesthetic values; or scientific values

Regulated Trees - located on leased Territory land in an area declared as a Tree Management Precinct and is either:

- 12m or more in height; or
- greater than 1.5m in circumference (approx. 0.5 m in diameter) or more at 1m above ground level; or
- with two or more trunks and the total circumference of all the trunks, 1m above ground level, is 1.5m or more; or
- 12m in crown width or more.

The Act applies to land within a "Tree Management Precinct". The subject site is outside a tree management precinct and therefore, the provisions of the Act do not apply.

*The provisions of the Act do not apply to the subject site. Notwithstanding this, no trees that would meet the definition of a protected tree (regulated or registered) are affected by Subdivision and associated works.*

#### **4.6 Environment Protection Act 1997**

Under Schedule 1 (Section 1.2) of the *Environment Protection Act 1997* (EPA Act), the proposed works do not trigger the requirements for Environmental Authorisation from the Environment Protection Authority.

*The proposal is consistent with the provisions of the Environment Protection Act 1997.*

#### 4.7 Water Resources Act 2007

Under Section 42 of the *Water Resources Act 2007*, the carrying out of a “waterway work” (constructing or altering a water structure; or doing other work in or on a waterway) requires a licence. This includes situations where infrastructure or utility services cross a waterway.

A “Waterway” is defined as the bed that the water in the waterway normally flows over or is covered by, and the banks that the water in the waterway normally flows between or is contained by. However, waterway does not include land normally not part of the waterway that may be covered from time to time by floodwaters from the waterway. As such, the existing overland flow paths would not be considered waterways.

*There is no requirement for any “waterway works” as part of the project, as such; the proposal is consistent with the provisions of the Water Resources Act 2007*

#### 4.8 Pest Plants and Animal Act 2005

A species may be declared a pest species under the *Pest Plants and Animal Act 2005*. Under the Act, weed species are defined by declaration of the Minister.

Seventeen exotic plant species were recorded within the study area during the survey. Whilst the majority of the exotic species are common and/or considered low-risk species in the ACT and region, the following species are listed as Weeds of National Significance (Commonwealth) and/or as pest plant species in the ACT:

Paterson's Curse *Echium plantagineum*  
African Love Grass *Eragrostis curvula*  
St John's Wort *Hypericum perforatum*  
Serrated Tussock *Nassella trichotoma*  
Radiata Pine *Pinus radiata*  
Orange Firethorn *Pyracantha angustifolia*  
Briar Rose *Rosa rubiginosa*  
Blackberry *Rubus fruticosus*  
Blue Periwinkle *Vinca major*

Six exotic fauna species were recorded during the field survey;

European Rabbit *Oryctolagus cuniculus*  
Red Fox *Vulpes vulpes*  
European Brown Hare *Lepus europaeus*  
Common Myna *Acridotheres tristis*  
House Sparrow *Passer domesticus*  
Common Starling *Sturnus vulgaris*

Each of these species is commonly encountered on such peri-urban sites, however the rabbit infestation is relatively severe with several active warrens observed along the drainage line in the north of the study area. Control of these rabbits via warren fumigation will occur prior to sale of the newly created blocks.

*The proposed works are considered to be consistent with the provisions of the Pest Plants and Animals Act, provided that the proposed avoidance, minimisation and mitigation measures are implemented.*

## 4.9 ACT Planning and Development Act 2007

The ACT *Planning and Development Act 2007* defines ‘development’ and sets out circumstances where development may be exempt from the need to gain development approval. Where development approval is required, the P&D Act establishes assessment tracks (i.e. Code, Merit, Impact) for the assessment of any development approval (DA).

### 4.9.1 Territory Plan

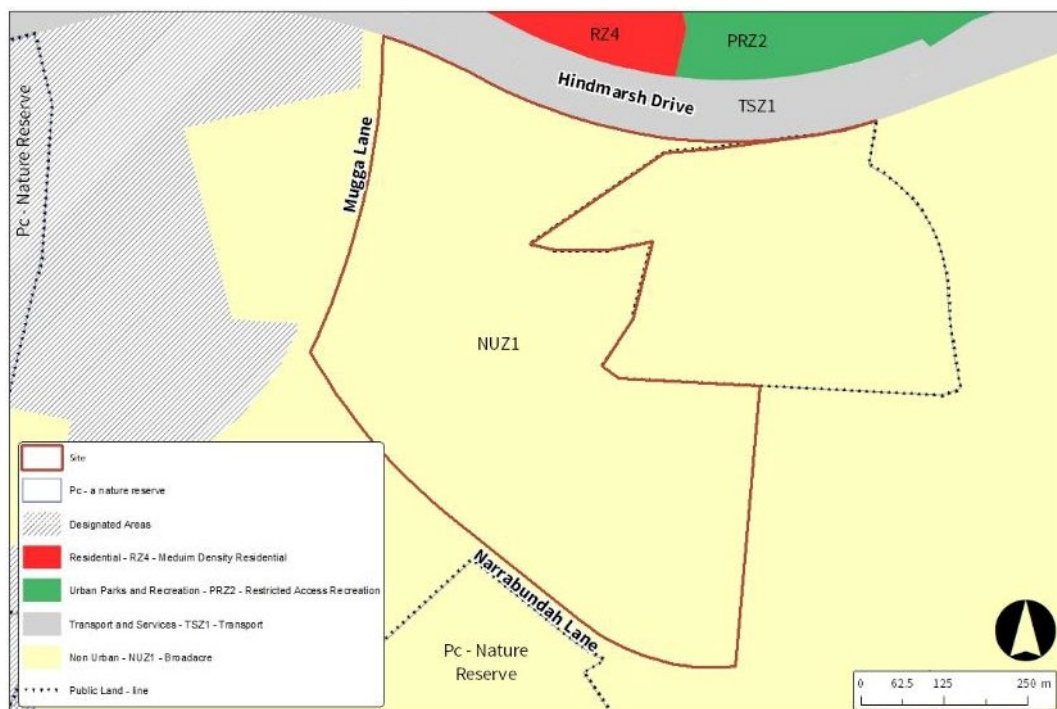
The subject site is currently zoned as NUZ1 – Non-Urban Broadacre Zone (Figure 7). The objectives of the zone are as follows:

#### Zone Objectives

- Make provision in a predominantly rural landscape setting for a range of uses which require larger sites and/or a location outside urban area*
- Make provision for activities requiring clearance zones or protection from conflicting development*
- Ensure that development does not adversely impact or visually intrude on the landscape and environmental quality of the locality*
- Ensure, where appropriate, that development and the use of land does not undermine the future use of land which may be required for urban and other purposes*

*The proposed lease variation and subdivision is consistent with the objectives of the NUZ1 zone. The proposed primary use will remain agricultural with an ancillary residential dwelling on each block. Agricultural uses are not suited to an urban setting. Agricultural management has low environmental and visual impacts and represents a continuation of the current land management practices. The proposed use will not impact the potential future use of the land.*

Figure 8: Territory Plan Extract



Source: ACTmapi

#### 4.9.2 Symonston Precinct Map and Code

The site is subject to additional Territory Plan requirements under the Symonston Precinct Map and Code.

The subject site is located within the RC2 area and is subject to the restrictions of MT2 (Merit Track) and PD2 (Prohibited Development)

There are several relevant provisions from the Symonston Precinct Code that affect the subject site.

Table 1 summarises Element 2 of the Code referring to potential **subdivision**, noting that there is no mandatory rule preventing subdivision.

Table 2 outlines **permitted uses** for the site under the NUZ1 Zoning and the Symonston Precinct Map and Code. Items underlined in the table are relevant to the proposed development.

*Based on the above, it is concluded that the actions and uses included in this application are all allowable within the precinct.*

Table 3: RC2 Mugga Lane Rural Area

Element 2: Site	
2.1 Subdivision	
There is no applicable rule.	C3 Subdivision of existing leases is generally not permitted.
<p><i>Comment: C3 Makes provision for ACTPLA to consider subdivision of the site under certain circumstances on a merit based assessment. Pre-application discussion with ACTPLA confirmed in-principle support for subdivision subject to the following conditions:</i></p> <ul style="list-style-type: none"> <li>- No major increase in development density</li> <li>- No increase in verge crossings</li> <li>- Subdivision to respect landform and drainage patterns</li> <li>- Retention of agricultural purpose for the land</li> </ul>	

Table 4: Permissible Uses (with consent)

<u>agriculture</u>	<u>minor road</u>
<u>ancillary use</u>	<u>minor use</u>
animal husbandry	nature conservation area
consolidation	outdoor recreation facility
<u>demolition</u>	parkland
development in a location and of a type identified in a precinct map as additional merit track development	service station
educational establishment	sign
farm tourism	<u>subdivision</u>
major road	temporary use
	<u>varying a lease (where not prohibited, code track or impact track assessable)</u>



#### **4.9.3 EIS Triggers**

Under Clause 123 of the ACT *Planning and Development Act 2007*, developments listed in Schedule 4 are development proposals likely to have significant adverse environmental impacts which could potentially trigger an EIS.

This proposal triggers the following Schedule 4 Item:

- ***Part 4.3 Development proposals requiring EIS—areas and processes Item 2: the clearing of more than 0.5ha of native vegetation in a native vegetation area***

While the proposal does not propose the clearing of any native vegetation, future development resulting from the subdivision may lead to multiple lessees separately clearing in excess of 0.5 hectares of native vegetation which would result in a cumulative impact. This impact is considered as part of cumulative impact scenario in Section 5.4.

This s211 submission concludes that:

- There is sufficient information provided to identify and assess the impacts of the proposed activity on the environment
- Possible future clearance of native vegetation is unlikely to have a significant ecological impact given the location of the site adjacent to much larger geographic areas of woodland habitat (Callum Brae and Mount Mugga) and removal of vegetation can be controlled by the introduction of a range of mitigation measures (detailed below).
- Proposed mitigation measures can prevent the cumulative impacts from occurring.

These conclusions are based on the following considerations:

- The thoroughness of the Ecological Impact Assessment and Heritage Report, including the appended documents
- The low-to-moderate impacts are assessed in Section 5.0.
- The mitigation measures are detailed in Section 6.0.

An exemption under s211 of the *Planning & Development Act 2007* from the requirement for an EIS is therefore sought on the grounds that the impact of the proposed development has been sufficiently addressed in relevant studies and the commitment by the Proponent to implement appropriate mitigation measures, to ensure the proposal is not likely to have a significant adverse environmental impact.

#### **4.10 Eastern Broadacre Study**

The Eastern Broadacre Study was released in 2010 and investigated the suitability of a corridor stretching from Mt Majura to the Hume industrial area for employment generating development.

The subject site was studied as part of the “Mugga Precinct”. The study noted that previous studies, including the Canberra Spatial Plan, had identified the area north of Narrabundah Lane as potentially suitable for institutional, office, or warehouse use.

The study concluded that the Mugga Precinct could be developed to provide “employment, tourism and recreational opportunities that are unlikely to cause significant land use conflict with current or future uses.” It is understood that the site and surrounding Mugga Precinct is part of the land that is currently subject to strategic assessment under the EPBC Act.

The proposed subdivision will not impede use of the site for a range of other permitted uses either on individual blocks or with subsequent consolidation.

Figure 9: Location within Eastern Broadacre Area



#### 4.11 ACT Planning Strategy 2018

The ACT Planning Strategy 2018 makes mention of the Eastern Broadacre study but without specific reference to the subject site. It is noted that Eastern Broadacre is intended to include a range of industrial uses on flat land.

The subject site is located on the western side of the study area (refer Figure 9) and would not be readily suitable for large scale industrial uses because of its undulating topography and proximity to established residential areas. However, the proposed subdivision is not regarded as restricting medium to larger scale land uses.

## 5.0 Risk Assessment

This section assesses risks to environmental values posed by development scenarios resulting from this subdivision. The risk assessment has been conducted using EPSDD methodology with input from the project team, including Capital Ecology.

### 5.1 Risk Scenario Summary

Purdon Planning consider there to be two (2) risk scenarios that can result from development on the site. Each of these scenarios are addressed in more detail later in the report, and where appropriate are subject to in depth risk assessment.

It should be noted that this assessment does not consider scenarios which would require a lease variation (change of land use) beyond the scope of this DA, or a Territory Plan variation.

Table 5: Risk Scenario Summary Table

Scenario		Summary
1	Proposed development direct impacts  (Section 5.3)	<p>Very minor impacts resulting directly from the actions of the development approval.</p> <p>These actions are limited to the re-alignment of driveway entries, and the installation of farm fences between the new blocks.</p> <p>Any additional actions or changes to land management policy require consent from the Territory.</p> <p>The risks posed by these actions were not considered significant enough to warrant a full risk assessment.</p>
2	Cumulative Impacts from further actions that can occur only with future DA or ESO assessment  (Section 5.4)	<p>This scenario addresses those impacts associated with future Lessee's potentially clearing in excess of 0.5 hectares of native vegetation on each block causing cumulative environmental impacts on the site.</p> <p>The potential significant risks posed by such actions are considered in this assessment.</p>

### 5.2 Risk Assessment Methodology

A *Request for Exemption to Provide an Environmental Impact Statement* under Section 211 of the P&D Act requires a Preliminary Risk Assessment (PRA) to be undertaken in a manner consistent with the guidance document *Preparation of an Application for Scoping - Preparation of an Application for an Environmental Significance Opinion* produced by EPSDD.

The elements used to perform the PRA are shown in the tables below:

- risk assessment (**likelihood** of impact) (Table 6)
- risk assessment (**consequence**) (Table 7)
- risk assessment matrix (**likelihood and consequence**) (Table 8)

Table 6: Risk Assessment Matrix (Likelihood of Impact)

Likelihood	Description	Probability	Community attitude
Remote	May occur, but only in exceptional circumstances	<1%	Few people interested
Unlikely	Not expected to occur in most circumstances	1-20%	Some people affected
Possible	May Occur	21-49%	Many people affected
Likely	Probably will occur	50-85%	Most people affected
Almost Certain	Expected to occur	>85%	Almost everyone affected

Source: Preparation of an Application for an Environmental Significance Opinion (EPSDD) – Table 1

Table 7: Risk Assessment Matrix (Consequence – example only)

Consequence	Minimal	Minor	Moderate	Major	Catastrophic
<b>Magnitude</b>					
Spatial	A single pool	A reach or river or part of a catchment	Multiple reaches or whole catchment	Multiple catchments	Whole of basin
Intensity	Low level behavioural, lifespan or condition effect	Acute impacts on some species	Moderate impacts on growth, recruitment or survival rates	Lethal impacts on some species	Lethal for individuals or communities
<b>Temporal</b>					
Duration	Single incident or transient event	Short term impact, single generation	Medium term	Long term, multiple generations	Permanent
Timing	Occurs outside breeding times	Occasional interruption of feeding or breeding	Interrupts one life cycle	Regularly interrupts life cycle	Permanent interruption of life cycle
<b>Ecological</b>					
Values	Previously disturbed areas	Parkland	Nature conservation area	Conservation area, listed species or other conservation feature of ACT significance	Wilderness, nationally threatened species or other conservation feature of national significance
Sensitivity	Will recover completely	Will recover with some changes	Moderate change to ecosystem functioning	Significant change to ecosystem functioning	Will not recover
<b>Social</b>					
Number of people	Some people indirectly impacted	Some people directly impacted or several indirectly	Several people directly impacted or many indirectly	Large number of people directly impacted	Loss of life
Heritage	Impact on item of minimal significance	Impact on multiple items of low significance	Impact on significant item	Impact on multiple significant items	Major impact on protected item
Political	Single negative press article	Multiple negative press articles	Significant public interest	Leads to an inquiry	Change of government
Economic	Minimal losses	Several thousand dollars lost revenue or remediation costs	Half million dollars in lost revenue or remediation costs	One million dollars in lost revenue or remediation costs	Several million dollars in lost revenue or remediation costs

Source: Preparation of an Application for an Environmental Significance Opinion (EPSDD) – Table 1



Table 8: Risk Assessment Matrix (Combined Likelihood and Consequence)

Consequence	Minimal		Minor	Moderate	Major	Catastrophic
Likelihood						
Remote	Negligible		Negligible	Very Low	Low	Medium
Unlikely	Negligible		Very Low	Low	Medium	High
Possible	Very Low		Low	Medium	High	Very High
Likely	Low		Medium	High	Very High	Significant
Almost Certain	Medium		High	Very High	Significant	Significant

Source: Preparation of an Application for an Environmental Significance Opinion (EPSDD) – Table 4

### 5.3 Proposed Development Risks

This section assesses the risk to environmental values that is posed ONLY by the works directly included in or permitted by the proposed Subdivision DA, including:

- Reconfigured access driveways
- Fences dividing the eight blocks

It should be noted that the Subdivision DA does not include the construction or demolition of any dwellings or any other structures.

Cumulative impacts from the proposal are considered in Section 5.4 below.

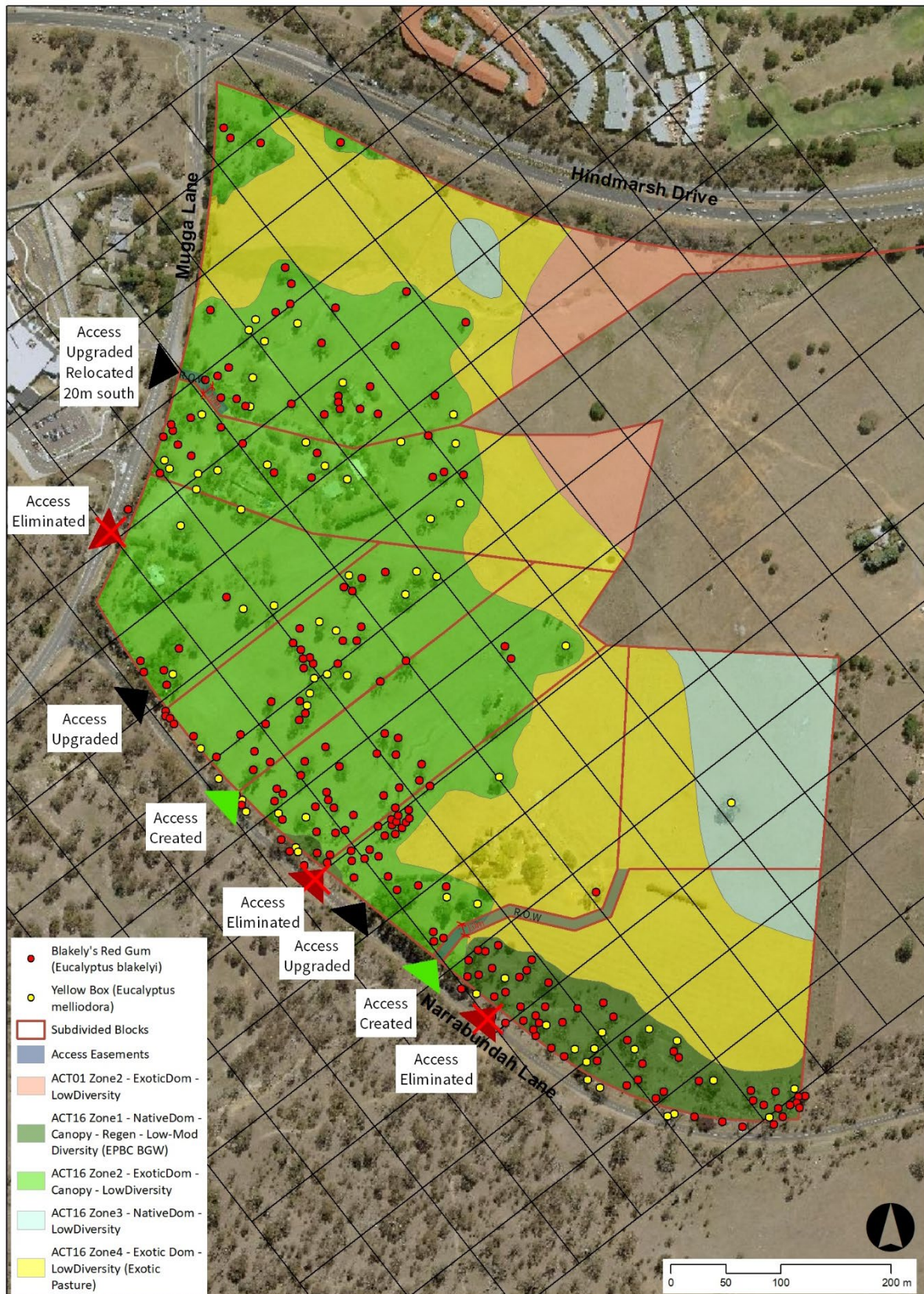
Due to the very minor direct impact of these actions, a full risk assessment is not considered warranted. An overview of impacts to each element identified in the other risk assessments is provided below:

Table 9: Impacts of Proposed Development

Loss of threatened ecological community	No impacts from the proposal; no works proposed in the area containing threatened ecological communities.
Loss of habitat of threatened species	No impacts from the proposal; works will not impact any identified habitat values.
Loss of fauna	No impacts from the proposal; works will not impact any identified fauna habitat values.
Impacts on Migratory Fauna	No impacts from the proposal; works will not impact any identified habitat values for migratory fauna.
Loss of Rare and Uncommon Flora	No impacts from the proposal; works will not impact any areas that may contain Rare or Uncommon Fauna.
Loss of 'Native Vegetation'	No impacts from the proposal; works will not impact any areas that contain native ground cover. Works do occur in areas with native canopy; however, the works do not impact any native trees.
Weed invasion	Minor impact from the proposal; site is already significantly infested with weeds so likelihood of new species colonising the site is low. Existing management regime will continue. Subdivision will be subject to conditions of new Land Management Agreement (LMA).
Loss of Aboriginal Cultural Heritage Items	No impacts from the proposal; works will not impact any areas that contain artefacts or scar trees.
Loss/Damage to Historical Item	No impacts from the proposal

Traffic / Access Impacts	Minor impacts from the proposal; Initial subdivision will not increase traffic to the site. Access changes have been implemented at the suggestion of TCCS and will reduce impacts on Mugga Lane.
Water contamination	No impacts from the proposal; no changes to land use, minimal ground disturbance.
Erosion and Sedimentation	Minor impacts from the proposal; minor ground disturbance around proposed driveways. Driveway designs consider drainage arrangements.
Impact on Waterways	No impacts from the proposal; no changes to land use, no new crossings over waterways.
Bushfire	No impacts from the proposal; no changes to land use, no fire sensitive assets proposed.
Air quality	No impacts from the proposal; no changes to land use.
Noise	No impacts from the proposal; no changes to land use.
Visual Impact	No impacts from the proposal; no changes to land use.
Soil contamination	No impacts from the proposal; no changes to land use.

Figure 10: Native Vegetation



source: Purdon Planning, Capital Ecology 2018



## 5.4 Cumulative Impacts Risk Assessment

This section assesses the risk to elements of the environment that is posed by hypothetical actions that may occur due to events set in motion by the subdivision DA. It should be noted that actions discussed in this section would require separate approval from EPSDD and in many cases would require EPBC referral before they could take place, however, for completeness they have been assessed as part of this report.

Note, this assessment does not assess any triggers outside of Schedule 4, Part 4.3, Item 2; *the clearing of more than 0.5ha of native vegetation in a native vegetation area*. For example, it does not consider the EPBC Box Gum Woodland as it is not a triggered Schedule 4 Item in this proposal.

This assessment is based on the risk assessment matrix and process adopted by EPSDD, and further advice provided by Capital Ecology (see *Addendum to EIA* attached).

The cumulative impacts discussed in this section considers the removal native vegetation, including native grasses and trees, from the site, resulting in a complete loss of ecological values.

Examples of scenarios that might prompt this sort of outcome would be a leaseholder or leaseholders who desired to completely occupy the site with an agricultural use consistent with the crown lease and zoning. This might include uses such as vineyards, olive groves or horticulture involving large scale green houses and terracing of the site (see Section 3.2.5). Figure 11 Shows part of a site in the same section of Symonston which gives an example of what this development might look like on the landscape.

This scenario does not include uses that would requiring a re-zoning or variation to the Symonston Precinct code, such as residential, industrial, or animal husbandry uses (such as a feed lot).

This scenario would require the following to take place before it could occur:

- ACT Government development approval(s) as required by the lease that permit the removal of vegetation.
- Variations to the Land Management Agreements across the eight sites to permit clearing.
- Environmental Significance Opinions or further EIS processes on each of the sites that determine that there are no significant impacts from clearing more than 0.5ha of native vegetation.

Figure 11: Olive Grove Agriculture – Symonston ACT



Source: Nearmap (2019)



#### 5.4.1 Risk Assessment Summary

This section provides the outcomes of an assessment of likelihood, consequence and risk associated with the cumulative impacts on ecology and other environmental factors for the subject site, where native vegetation is cleared. This assessment uses the model identified from *Preparation of an Application for Scoping - Preparation of an Application for an Environmental Significance Opinion*.

Table 11 summarises the risk assessment for impacts identified with the cumulative scenario.

The risk assessment draws on third party reports, studies and assessments that have been commissioned by the Proponent in relation to the proposed development and are attached to this submission. The cumulative scenario is specifically addressed in an addendum provided by Capital Ecology (see *Addendum to EIA* attached).

This assessment concluded that this development could result in substantially higher risk impacts than under the proposed development scenario. As such this risk assessment identifies a range of **mitigation measures** that would further minimise impact of the proposed and possible actions on the site. These are described in detail in section 6.0 of this report.

This assessment is taken prior to the implementation of mitigation measures, Section 7.0 revisits the risk assessment after mitigation measures have been implemented.

Table 10: Cumulative summary Risk Assessment

No.	Potential Impact	Risk Assessment		
		Likelihood	Consequence	Risk prior to mitigation
1	Loss of threatened ecological community	Remote	Major	Low
2	Loss of habitat of threatened species	Likely	Major	Very High
3	Loss of fauna	Likely	Moderate	High
4	Impacts on Migratory Fauna	Unlikely	Minimal	Negligible
5	Loss of Rare and Uncommon Flora	Unlikely	Moderate	Low
6	Loss of 'Native Vegetation'	Almost Certain	Major	Significant
7	Weed invasion	Likely	Minor	Medium
8	Loss of Aboriginal Cultural Heritage Items	Almost Certain	Moderate	Very High
9	Loss/Damage to Historical Item	Remote	Minimal	Negligible
10	Traffic / Access Impacts	Unlikely	Minor	Very Low
11	Water contamination	Possible	Minor	Low
12	Erosion and Sedimentation	Almost Certain	Moderate	Very High
13	Impact on Waterways	Almost Certain	Minor	High
14	Bushfire	Unlikely	Moderate	Low
15	Air quality	Almost Certain	Moderate	Very High
16	Noise	Likely	Minimal	Low
17	Visual Impact	Almost Certain	Minimal	Medium
18	Soil contamination	Possible	Minor	Low

Source: Purdon Planning

#### 5.4.2 *Loss of threatened ecological community*

Likelihood: Remote	The only threatened community is a small patch of EPBC Act listed woodland in south east corner of the site, occupying an area of approximately 2ha (5% of total site). The woodland is contained within one proposed block and would require an EPBC referral before any action was taken to remove the woodland. The subdivision and internal access road has been designed to avoid any direct impact on this woodland.
Consequence: Major	The patch is listed as critically endangered pursuant to the EPBC Act. Clearance of 2.08 ha of this Threatened Ecological Community would constitute a significant impact on the listed community.
Risk: Low	
Mitigation	Mitigation could include provisions in the Land Management Agreement (LMA) and Crown Lease to protect the woodland. EPBC referral would be required before any impacting action could take place.

#### 5.4.3 *Loss of threatened species habitat*

Likelihood: Likely	<p>The cumulative scenario includes the removal of all native vegetation.</p> <p>No threatened animal species were found directly inhabiting the site, however several remnant trees may provide habitat for birds moving through the area.</p> <p>No threatened plants were found on site.</p>
Consequences: Major	<p>The remnant trees are scattered with little to no mid storey or native understorey, meaning the habitat is of limited potential value to threatened fauna species (for more detail, see Section 3.2.2).</p> <p>However, clearance of a few of the remnant eucalypt trees would be of consequence to the ecological values of the site and locality.</p>
Risk: Very High	
Mitigation	Mitigation could include provisions in the Land Management Agreement (LMA) and Crown Lease to prohibit any tree removal without permission.

#### 5.4.4 *Loss of fauna*

Likelihood: Likely	Very little native fauna was found inhabiting the site, and fauna on site was highly mobile (birds) and would be able to relocate. Removal of all native vegetation would likely result in some loss of less mobile species such as insects.
Consequences: Moderate	No threatened fauna was found on site. Species that are present are reasonably common and their loss would not have a significant ecosystem impact. The site is surrounded on two sides by very large areas of bushland of higher quality, removing this patch is unlikely to diminish the population viability of the whole (for more detail, see Section 3.2.2).
Risk: High	
Mitigation	Mitigation includes retention of existing trees as a condition in the Crown Lease and LMA.

#### 5.4.5 *Impacts on Migratory Fauna*

Likelihood: Unlikely	No migratory fauna is known to reside on site.
Consequence: Minimal	No migratory fauna species are likely to utilise the site, thus impacts within the site would be of little or no consequence to migratory species.
Risk: Negligible	
Mitigation	Mitigation includes retention of existing trees as a condition in the Crown Lease and LMA.

#### 5.4.6 *Loss of Rare and Uncommon Flora*

Likelihood: Unlikely	No rare or uncommon flora species were recorded in the site, and none are considered likely to occur in the site. The understorey is heavily modified in all but the small EPBC Act Box-Gum Woodland patch in the south east corner of the site. As such it is unlikely any rare or uncommon flora is present, however if it is, it would be impacted by a scenario where all vegetation is removed.
Consequence: Moderate	In the unlikely event that rare or uncommon flora species occur in the site then the removal of all vegetation would impact these species. However, given the highly modified condition of the ground storey throughout the site, removal of all vegetation could not impact habitat of significance to any rare or uncommon flora species. If such a species is present in the site then it has persisted despite long-term high intensity stocking and other disturbances, and thus is likely to be resilient to future disturbance (for more detail, see Section 3.2.2).
Risk: Low	
Mitigation	Mitigation includes retention of existing trees as a condition in the Crown Lease and LMA. EPBC Woodland area is protected by the requirement for impact track referral as a precursor to any clearing.

#### 5.4.7 *Loss of Native Vegetation*

Likelihood: Almost Certain	<p>The cumulative scenario includes the removal of all native vegetation on the site.</p> <p>However, there are significant legislative obstacles for a lease holder wishing to undertake these actions.</p> <p>Some of the ground storey in parts of the site comprises native vegetation that would be disturbed as part of possible future agricultural uses. This scenario also includes the removal of all eucalyptus to make way for future agricultural uses.</p>
Consequence: Major	<p>Site is not known to contain rare or uncommon vegetation species, in most parts of the site native vegetation is not common or diverse enough to constitute a native dominant ecological community at the ground story level. Existing native vegetation is the result of and has been resistant to disturbance in the past. Site is adjacent to larger patches of higher quality native vegetation and site loss is unlikely to detract from the whole (for more detail, see Section 3.2.2).</p> <p>However, clearance of the remnant eucalypt trees would be of consequence to the ecological values of the site and locality.</p>
<b>Risk: Significant</b>	
Mitigation	Mitigation includes retention of existing trees as a condition in the Crown Lease and LMA. A DA assessment, and EPBC referral would be required before action could take place.

#### 5.4.8 *Weed Invasion*

Likelihood: Likely	<p>Some weeds are already present on site (e.g. <i>Pinus radiata</i>)</p> <p>Intensive land management has been a long-term practice and is likely to continue, providing resources and impetus for weed control. Future land holders will be bound by a LMA requiring attention to weed control and management.</p> <p>Removal of native vegetation across the site and disturbances such as earthworks or fertiliser application can remove competing vegetation, allowing weeds to colonise the site. Weeds also have the potential to be imported to the site on the treads of farming and earth moving equipment.</p>
Consequence: Minor	<p>Environment on the site is already highly disturbed and modified, and therefore any weed invasion is unlikely to do significant further damage. Possibility of site seeding weeds onto nature reserve (for more detail, see Section 3.2.2).</p>
<b>Risk: Medium</b>	
Mitigation	Mitigation could include provisions in the LMA about weed control.



#### 5.4.9 *Loss of Aboriginal Heritage*

The mapping of Aboriginal heritage sites shown by PastTraces (2018) shows three possible low order locations on site, none of which are impacted by proposed development

Likelihood: Almost certain	<p>The site is not known to contain any Aboriginal heritage artefacts. The highly modified status of the site makes future discovery less likely.</p> <p>The site does contain a possible scar tree. A worst-case scenario which resulted in clearing of all vegetation could result in its removal, posing a heritage risk. (for more detail, see Section 3.2.3)</p>
Consequence: Moderate	Destruction of artefact may cause concern to the community
<b>Risk: Very High</b>	
Mitigation	Mitigation could include retention of items of heritage as a condition in the Crown Lease and LMA.

#### 5.4.10 *Loss / Damage to Non-indigenous Heritage*

Likelihood: Remote	Site is not known to contain any historical items. (for more detail, see Section 3.2.3)
Consequence: Minimal	Destruction of artefact could cause significant distress
<b>Risk: Negligible</b>	
Mitigation	No mitigation required

#### 5.4.11 *Traffic*

Likelihood: Unlikely	Traffic impacts unlikely from addition of 4 dwellings and continuation of same land use
Consequence: Minor	Traffic impacts from site are dispersed around the site perimeter and enter an area with low congestion. Location of site close to urban area means distances are low so slow speeds have a low impact on travel time. (for more detail, see Section 3.2.4)
<b>Risk: Very Low</b>	
Mitigation	Mitigation will include upgrade of some driveways, and removal of others including a reduction in number along Mugga Lane.

#### 5.4.12 Water Contamination

Likelihood: Possible	Additional dwellings with septic systems and future agricultural uses could impact water quality of site runoff. The site does not contain permanent creeks or waterways reducing the likelihood of water pollution escaping the site. Use of dangerous chemicals on the site (different to what is currently used to manage agriculture) is unlikely
Consequence: Minor	Site is small with only a few additional future dwellings possible. Catchment does not contain sensitive uses (e.g. drinking water extraction) immediately downstream. (for more detail, see Section 3.2.1)
Risk: Low	
Mitigation	Mitigation could include conditions in LMA to reduce stormwater flow and restrict use of harmful chemicals.

#### 5.4.13 Erosion and Sedimentation

Likelihood: Almost Certain	<p>Agriculture and 4 additional residential dwellings as explored in Section 5.0 are unlikely to result in large scale earthworks although some may be required. All major works will be required to consider erosion and sediment as part of a regular DA process.</p> <p>A scenario which results in the clearing of all vegetation from the site poses risks of gully erosion and dust movement in dry conditions. Agricultural uses that require green houses, terraces or other large-scale infrastructure may require large scale earthworks.</p>
Consequence: Moderate	Parts of site are already eroded. Most runoff from the site enters an enclosed stormwater drain once it is off the site. While this prevents sedimentation impacting neighbouring blocks, large amounts of sediment could block this drain, impacting the lower parts of the site. (for more detail, see Section 3.2.1)
Risk: Very High	
Mitigation	Mitigation could include conditions in the Crown Lease and LMA to reduce stormwater flow off site and clearing. All major works will be required to consider erosion and sediment as part of a regular DA process.

#### 5.4.14 *Impact on Waterways*

Likelihood: Almost Certain	<p>Dwellings and continuation of agricultural use (as already permitted) unlikely to result in waterway impacts.</p> <p>A scenario which results in the clearing of all vegetation from the site poses risks of gullyng and salinity issues. Intensive agriculture on the site could also result in additional use of chemicals.</p>
Consequence: Minor	No major waterways cross the site. A small ephemeral creek that crosses the site drains into Jerrabomberra creek. Most runoff from the site enters an enclosed stormwater drain once it is off the site. (for more detail, see Section 3.2.1)
<b>Risk: High</b>	
Mitigation	Mitigation could include conditions in LMA to reduce stormwater flow and restrict use of harmful chemicals.

#### 5.4.15 *Bushfire*

Likelihood: Unlikely	<p>The site is mostly cleared, much of the understory is removed, there is good road access to the site, and the site has access to town water supply. However, the site is within a bushfire prone area.</p> <p>A scenario which results in the clearing of all vegetation (fuel) from the site will significantly reduce the bushfire risk.</p>
Consequence: Moderate	A bushfire could cause loss of life and or significant property damage to the site and surrounds (for more detail, see Section 3.2.8).
<b>Risk: Low</b>	
Mitigation	Prepare and implement bushfire management plan as per the LMA and the Blackash report (2018) (separate report).

#### 5.4.16 *Air Quality*

Likelihood: Almost Certain	Proposed dwellings will have very low impacts on air quality. Clearing of vegetation from the site could result in localised dust impacts during the clearing process. Elevated site could result in agricultural chemicals and dust to escaping the site, although prevailing winds would minimise any impact on main residential areas. Some agricultural activities (e.g. cropping, orchards) could employ chemical spraying for pest control and or fertilisation.
Consequence: Moderate	Any air quality impacts from a small site with agricultural use are likely to be limited and localised. However, dust or over spray could reach residential areas in the wrong wind conditions.
<b>Risk: Very High</b>	
Mitigation	Mitigation could include conditions in the Crown Lease and LMA to control vegetation clearing and restrict use of harmful chemicals. All major works will be required to consider erosion and sediment as part of a regular DA process.

#### 5.4.17 Noise

Likelihood: Likely	Clearing of vegetation from the site could require the use of heavy machinery and may result in localised noise generation. Ongoing agricultural activities permitted under the proposed crown lease would be unlikely to generate excessive noise.
Consequence: Minimal	Neighbours and individuals living on site may be affected. Site is very large and is in a thinly populated area. Activities are likely to be temporary.
Risk: Low	
Mitigation	Any development would be required to comply with existing ACT Noise Standards.

#### 5.4.18 Visual

The topography of the block means external views of the site are from Hindmarsh Drive, and other adjacent minor roads are screened by vegetation and small ridges. The proposed blocks 1 and 2 will be the most visible from Hindmarsh Drive but contain existing dwellings and will not have additional dwellings allowed in the lease, meaning there will be no significant visual changes resulting from this lease variation or future DAs.

Blocks where new dwellings will be permitted under the proposed subdivision are located on the southern side of the site furthest from Hindmarsh Drive and screened from Mugga Homestead by a small ridge.

Conversion of the site to cropping (e.g. olive groves) will introduce a new visual character to the site as seen from a short section of Hindmarsh Drive. But this type of agricultural enterprise is consistent with nearby land uses and the character of Symonston.

Likelihood: Almost Certain	A scenario which removes all native vegetation from the site would result in significant visual changes to the site. This changes might constitute an impact to the rural character of the area if a significant number of structures, such as greenhouses or agricultural sheds, were developed.
Consequence: Minimal	<p>Site is visible from a short section of Hindmarsh Drive, and from local roads such as Mugga Lane and Narrabundah Lane. All three roads contain verge plantings which will continue to screen the site visually.</p> <p>Possible agricultural use is unlikely to be out of character with the precinct, which also contains an olive grove and other unsightly uses (not permitted on this site) such as a bus depot and a mobile home park.</p> <p>The site is not in the vicinity of a Main Avenue or other feature of national significance. It is near a variety of other unsightly uses, including Mobile Home Parks and Offices with large areas of car parking.</p>
Risk: Medium	
Mitigation	No mitigation required because of existing verge trees, and, existing tree cover and other development.

#### 5.4.19 Soil Contamination

Likelihood: Possible	Existing agricultural use has not resulted in contamination. Further agricultural use and dwelling houses do not pose a high contamination risk.
Consequence: Minor	Site is not densely inhabited. Site is separated from densely populated areas.
Risk: Low	
Mitigation	Mitigation could include restrictions in the LMA on use of dangerous chemicals.



## **6.0 Summary of Proposed Risk Mitigation Measures**

This section identifies a range of mitigation measures and implementation methods that would address risks listed in Sections 5.3 and 5.4.

As previously discussed, the proposed development (subdivision without change of lease purpose) does not cause any direct environmental impacts, however, for completeness the cumulative scenario has been assessed in this report. It is also considered that existing statutory provisions, such as the Crown Lease, the LMA, etc, provide strong, enforceable and legally binding regulatory controls that protect against cumulative impacts of future development on the site.

Should future development activities requiring an DA assessment be attempted on the sites, it is considered that they will be subject to appropriate scrutiny in order to prevent inappropriate or cumulative impacts of development.

### **6.1 Avoidance of the EPBC Act / NC Act Box-Gum Woodland**

As shown in Figure 5, the new block boundaries have been located to avoid interference with the small area of EPBC Act/NC Act Box-Gum Woodland in the south east corner of Block 5. The area will not be divided in order to keep management across the patch consistent. The proposed right-of-way has similarly been located so as to avoid this area. The two existing driveway access points off Narrabundah Lane which currently bisect the Box-Gum Woodland will also be removed to reduce potential impact on this patch of woodland.

For clarification, this s211 only relates the clearing of native vegetation and does not consider impacts on EPBC Box Gum Woodland as the subdivision has been designed to ensure there is no such impact to this EPBC asset. Therefore, as noted previously in this report any future proposal likely to impact on the EPBC Box Gum Woodland will require referral and assessment under the EPBC Act.

### **6.2 Retention of Remnant Trees and Native Vegetation**

The new block boundaries will be fenced with standard rural stock fences. These boundaries have been located in a manner that will not require removal of, or other impacts to, any of the study area's remnant eucalypt trees or native grasses. Similarly, the two rights-of-ways to be established will not impact any remnant vegetation.

It is noted that the remnant trees shown in Figure 7 and Figure 10 were recorded via hand-held GPS which is accurate to +/- 3 m. Accordingly, a detailed survey plan will be required to accurately record the location of the remnant trees. This survey plan will be completed prior to finalisation of the boundary alignments, thereby allowing fine scale adjustment of boundaries to avoid impacts to remnant trees.

The subdivision layout has been designed to ensure there is ample space on each block to site a house, out buildings, driveways and its associated curtilage without impacting any ecological values. It will also not be necessary to clear any canopy trees in order to carry out a commercial agricultural use as stipulated in the lease (Refer Section 3.2.6).

Each Crown Lease will contain a provision (continuing from the existing crown lease) which prohibits any removal of trees or tree like plants on the land without prior written approval from ACT Government. This will ensure effective management of tree loss on site.

The LMA for each Crown Lease (to be prepared and endorsed by the lessee and TCCS) can also contain provisions to prevent loss of regulated trees and or native grasses without agency approval in accordance with legislation. This would be an added protection for native vegetation management post subdivision approval of the land.

Development applications or lease variations that seek to, or make it possible, to remove remnant trees from more than 0.5 ha of area within the future subdivided sites will trigger a further EPBC referral (if impacting the EPBC Act Box-Gum Woodland) and Impact Track assessment, resulting in the same considerations taken in this report being considered in context of the specific proposal. Future Impact Track Assessments will be required to consider the individual site in the context of its surrounds, preventing the risk of cumulative impacts across the eight subdivided sites proceeding unconsidered.

### **6.3 Protection of Aboriginal Cultural Heritage**

None of the 3 Aboriginal heritage sites identified on Block 5 meet any of the criteria for listing to the ACT Heritage Register.

These heritage sites are not impacted by the proposed development.

However, the recommendations of the Cultural Heritage Assessment, including protocols for accidental discovery as outlined in the Past Traces report for the site (November 2018) will be implemented where relevant. These provisions can be included in the LMA for each of the new blocks in the approved subdivision.

### **6.4 Traffic management & Site access**

The DA will require assessment by TCCS of new access/egress arrangements for the subdivision.

The current DA plans reduce the number of existing crossovers to Mugga Lane in line with existing and projected traffic volumes. Proposed internal private access roads have been shown on the DA plans and do not impact on native vegetation.

### **6.5 WSUD**

Sellick Consultants have assessed that the proposed subdivision or development resulting from the proposed subdivision will not have a significant impact on the quantity or quality of water use on site and runoff.

### **6.6 Erosion and Sediment Control Plan**

Although the risk of erosion and sedimentation is minimal, where required, erosion and sediment controls can be established in accordance with the Environment Protection Guidelines for Construction and Land Development in the ACT (ACT Government 2011) and incorporated into the LMAs for each of the blocks in the approved subdivision. Refer Sellick report 2018.

### **6.7 Bushfire risk management**

Adoption of the Bushfire Risk Management Plan provided by Blackash for the site will minimise future fire risk for the site. This plan can be incorporated into LMAs for each Crown Lease in the approved subdivision.

## 6.8 Crown lease provisions

The new Crown Leases will include a clause, continuing from the existing lease, as follows:

*“TREES (d) That the Lessee shall not cut down, fell, ringbark or otherwise injure or destroy (or suffer to permit the same) any live tree or tree-like plant on the land without the previous consent in writing of the Territory; “*

An alternative approach that has been used in other rural leases (e.g. Block 2224 Jerrabomberra) included a clause to achieve **“...environmental and heritage conservation outcomes in accordance with approved land management Agreement”**. A clause of this nature could be considered if the existing clause is not considered sufficient to preserve conservation values.

## 6.9 Land management agreement (LMA)

An LMA will be required for each of the Crown Leases and provides a legally enforceable mechanism for land management.

An LMA gives the Territory the opportunity to enforce the protection of items of environmental and cultural significance in accordance with ACT legislation.

Key elements addressed in the LMA and **managed by TCCS** include weed management; feral pests; bushfire management; tree clearing; carrying capacity; water pollution; erosion protection; protection of native species and other measures.

An LMA requires regular review and is renewed if and when the property changes ownership.

## 6.10 Mitigation Summary

The following actions are proposed to mitigate the risks of environment and social damage from the proposed development.

Table 11: Summary of mitigation measures

Mitigation Measure	Action	Implementation
<b>6.1</b>	The patch of EPBC/NC Act Box-Gum Woodland in its entirety is located in one block to avoid the risk of cumulative impacts.	Lease Variation, Subdivision DA
<b>6.2 i)</b>	Refer measure 6.8	Clause in Crown Lease
<b>ii)</b>	The Land Management Agreements (LMAs) for the sites to include protections for trees and native grasses	LMA
<b>6.3 i)</b>	Heritage protection recommendations from the report by Past Traces will be adopted during initial construction and in subsequent LMAs	LMA
<b>ii)</b>	LMAs for the sites to include clauses protecting heritage values	LMA
<b>6.4</b>	Traffic input onto Mugga Lane reduced by reduction and relocation of driveways.	Subdivision DA
<b>6.5</b>	WSUD impacts are not sufficient to warrant action at this stage	LMA
<b>6.6</b>	LMAs for the sites to include clauses covering erosion and sediment control measures	LMA
<b>6.7</b>	Recommendations of the Bushfire management report to be implemented into the LMAs	LMA
<b>6.8</b>	The proposed leases include a clause to require lessees to seek development approval for the removal of trees or tree-like plants	Clause in Crown Lease
<b>6.9</b>	The LMA will also address the following items; weed management; feral pests; bushfire management; tree clearing; carrying capacity; water pollution; erosion protection; and other measures.	LMA

## 6.11 Residual Risk Summary After Mitigation Implementation

Table 13: Summary of Risks upon Mitigation Implementation

No.	Potential Impact	Risk Assessment		
		Likelihood	Consequence	Risk prior to mitigation
1	Loss of threatened ecological community	Remote	Major	Low
2	Loss of habitat of threatened species	Remote	Major	Low
3	Loss of fauna	Remote	Moderate	Very Low
4	Impacts on Migratory Fauna	Unlikely	Minimal	Negligible
5	Loss of Rare and Uncommon Flora	Remote	Moderate	Very Low
6	Loss of 'Native Vegetation'	Remote	Major	Low
7	Weed invasion	Likely	Minor	Medium
8	Loss of Aboriginal Cultural Heritage Items	Remote	Moderate	Very Low
9	Loss/Damage to Historical Item	Remote	Minimal	Negligible
10	Traffic / Access Impacts	Unlikely	Minor	Very Low
11	Water contamination	Unlikely	Minor	Very Low
12	Erosion and Sedimentation	Unlikely	Moderate	Low
13	Impact on Waterways	Unlikely	Minor	Very Low
14	Bushfire	Unlikely	Moderate	Low
15	Air quality	Unlikely	Moderate	Low
16	Noise	Possible	Minimal	Very Low
17	Visual Impact	Almost Certain	Minimal	Medium
18	Soil contamination	Unlikely	Minor	Very Low



## 7.0 Residual Risk Assessment

### 7.1 Proposed Development Risks

Prior to mitigation the risk level of all elements directly included in the Subdivision DA was considered negligible, this continues to be the case after mitigation measures are implemented.

### 7.2 Cumulative Impacts Risk Assessment

The detailed risk assessment in section 5.4 assesses the cumulative impacts where native vegetation is removed. This assessment concluded that this development could result in substantially higher risk impacts than those associated with the direct impacts. The following elements are considered to occupy a medium or higher risk category:

- Loss of threatened ecological community – significant risk
- Loss of habitat of threatened species – very high risk
- Loss of fauna – high risk
- Loss of native vegetation – significant risk
- Weed invasion – medium risk
- Loss of aboriginal cultural heritage items – very high risk
- Erosion and sedimentation – very high risk
- Impact on waterways – high risk
- Air quality – very high risk
- Visual impacts – medium risk

The risks identified in this scenario are primarily mitigated by measures that reduce the likelihood of the scenario as a whole taking place. These include:

- ACT Government development approval is required to permit the removal of native vegetation in accordance with the lease. For clarification, this s211 only relates the clearing of native vegetation and does not consider impacts on EPBC Box Gum Woodland. As noted previously in this report any future proposal likely to impact on the EPBC Box Gum Woodland will require assessment and referral under the EPBC Act.
- Land Management Agreements across the eight sites will protect native vegetation.
- Environmental Significance Opinions or further EIS processes that determine separately that there are not significant impacts from clearing will be required on each of the sites before significant native vegetation removal can take place.
- Future DA processes will consider cumulative impacts across the eight sites even after subdivision.

These existing preventative measures combined with the proposed mitigation measures identified in 6.0 of this report would substantially reduce potential future cumulative impacts associated with future development of the site.

On the basis that the mitigation measures are adopted by EPSDD as “conditions of development” the residual risk of the proposed subdivision and future activity on site is assessed as overall, being **very low**.

## 8.0 Conclusion

This submission has been prepared to support a request for an exemption to prepare an EIS under Section 211 of the ACT *Planning and Development Act 2007* for a development application on the subject site for a proposed 8 block agricultural subdivision with one ancillary dwelling on each block.

The subject site is located at the corner of Narrabundah Lane and Mugga Lane in Symonston and has an area of approximately 36ha. The site is currently used as an agricultural property with four (4) approved and occupied residential dwellings.

The s211 exemption application is based on existing specifically commissioned studies of the site which address all possible future impacts of the proposal. This includes an analysis of the cumulative impact of the proposed development. The report adopts the EPSDD methodology used to establish a risk assessment and identifies a range of mitigation measures that if implemented would significantly reduce any perceived risk of the impacts identified occurring as a result of the possible cumulative impact of the development.

The risk assessment has been addressed at two levels: a proposed development scenario (probable impact); and a cumulative impact (possible cumulative impact) that envisages total clearance of native vegetation (trees and grasses) for use of the land under the land uses permitted in the proposed Crown Leases. It should be noted that the cumulative impact involving a material change of land use, crown lease conditions or substantial land clearance would require separate development approval in order to occur.

The submission seeks exemption from an EIS under s211 of the ACT *Planning and Development Act 2007*, on the basis that the information and assessment presented in this submission is sufficient to determine potential impacts and that a full EIS would not provide additional information for assessment.

It is concluded that the nature of the development and the proposed mitigation measures combine to minimise or offset a number of environmental impacts identified as part of the risk assessment in the study.

It is understood that proposed mitigation measures will form the basis of conditions of development consent.

It is therefore **recommended** that EPSDD and the Minister for Planning endorse the s211 exemption sought by this submission to enable the assessment of the DA.

**Purdon Planning  
October 2019**

### **Attachments (separate reports)**

Attachment A: Ecological Assessment Report (Capital Ecology, 2018)

Attachment B: Addendum to EIA (Capital Ecology, 2019)

Attachment C: Aboriginal and Historical Cultural Heritage Assessment (Past Traces, 2018)

Attachment D: Traffic Assessment (Sellick, 2018)

Attachment E: Water Quality (Sellick, 2018)

Attachment F: Bushfire Risk Assessment (Blackash, 2018)

